

Committee on Licenses and Inspections
February 21, 2020

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LICENSES AND INSPECTIONS

Room 400, City Hall
1400 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19107
Friday, February 21, 2020
10:20 a.m.

PRESENT:

COUNCILMAN BOBBY HENON, CHAIR
COUNCILMAN ALLAN DOMB, VICE-CHAIR
COUNCILMAN DEREK S. GREEN
COUNCILMAN CURTIS JONES, JR.
COUNCILWOMAN KATHERINE GILLMORE RICHARDSON
COUNCILMAN MARK SQUILLA
COUNCILWOMAN KENDRA BROOKS

RESOLUTION: 200043

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2 COUNCILMAN HENON: Well, good
3 morning, everybody. Finally here. I
4 just want to say thank you for your
5 patience and this is a public hearing
6 for the Committee of Licenses and
7 Inspections which is now called to
8 order. The purpose of the meeting is
9 to hear testimony on Resolution 200043.

10 I want to note for the record
11 that a quorum is present. To my left,
12 Vice-chair of L&I Committee, Councilman
13 Domb, Councilman Green. To my right,
14 Councilman Jones. First, I want to
15 explain a few things about what the
16 purpose of the meeting here today is,
17 and it is to hear testimony on the
18 resolution.

19 But I need a little
20 clarification. And the underground
21 economy of the City of Philadelphia in
22 the construction industry is an
23 umbrella term that refers to unlicensed
24 contractors and developers who work
25 without permits, operate unsafe job

1 sites and routinely misclassify
2 workers.

3 The underground economy is
4 defined by illegal activities that
5 result in tax evasion, injury and in
6 some cases even death. It does not
7 matter what neighborhood you live in.
8 It does not matter if you carry a union
9 card or not. It does not matter if you
10 were born here or not.

11 The City of Philadelphia has
12 a responsibility to protect and serve
13 all residents and workers of
14 Philadelphia. The Department of L&I
15 has a responsibility to ensure that
16 construction work is performed with
17 permits, licenses and all required
18 safety standards.

19 When safety standards are
20 violated, L&I is supposed to ensure
21 that the work on dangerous sites is
22 stopped before people and property are
23 injured. The Department of Licenses
24 and Inspections has a responsibility to
25 its own workforce or L&I inspectors

1 have an impossible task.

2 They are overworked. The
3 Department is clearly understaffed.
4 The Department of Revenue has a
5 responsibility to hold companies
6 accountable for failing to pay taxes,
7 and the Office of Labor has a
8 responsibility to make sure that
9 workers regardless of their immigration
10 status or status with a union are safe
11 and treated with dignity and respect.

12 There is something with the
13 process if any resident of this city
14 can submit 311 complaint after 311
15 complaint and see no results. There is
16 something wrong with the process if any
17 building in this city can get to the
18 point that it collapses or destroys a
19 neighboring property.

20 There is something with the
21 process if a business can open its
22 doors and start operating without
23 permits and licenses and plans despite
24 multiple complaints to the Department
25 of L&I. There is something wrong with

1 our priorities if knowingly allowing
2 contractors to misclassify working
3 people by inappropriately issuing 1099s
4 or paying cash under the table.

5 Our Mayor Jim Kenney said in
6 2012 that too many businesses have
7 found ways to skirt paying their fair
8 share of City taxes and advocated that
9 the City hire a forensic auditing team
10 to recover millions of dollars owed.
11 The City is missing out on tens of
12 millions of dollars of revenue a year
13 as a result of the underground economy.
14 But this misclassification is not just
15 a tax issue. It's a worker's right
16 issue. It's a safety issue. It's a
17 quality of life issue.

18 L&I spokesman said that no
19 job site is going to be 100 percent
20 safe. That is absolutely true, and
21 that is why it is so critical that
22 workers are appropriately classified.
23 Enough is enough. The purpose of
24 today's hearing is to explore what is
25 working and what is not working.

1 There are a few things that I
2 know that we need to prioritize. One,
3 we need more inspectors. We need to
4 help out the Department. We need a lot
5 more. We need to fix the City's hiring
6 process so that new inspectors are
7 onboarded in a reasonable amount of
8 time. We need to do a better job
9 retaining the inspectors that we do
10 have. And four, we need to implement
11 reforms to address the
12 misclassification of workers,
13 especially in the construction
14 industry.

15 But I also know that we don't
16 have all the solutions, so we want to
17 hear from you. We want to hear
18 directly from you. We want to hear
19 directly from the residents, and we
20 want to hear from the experts. And we
21 want to walk out of here today, we want
22 to walk out of this door with
23 confidence that we can make some
24 positive change in the future.

25 With that, I want to ask our

1 clerk Ms. Lauren Atwell to please read
2 the title of the resolution.

3 THE CLERK: Resolution
4 200043, authorizing the Committee on
5 Licenses and Inspections to conduct
6 hearings to investigate the underground
7 economy.

8 COUNCILMAN HENON: Thank you.
9 Chair recognizes Councilman Green.

10 COUNCILMAN GREEN: Thank you,
11 Mr. Chair. Although I'm not a member
12 of this Committee, I want to thank you
13 for all the reasons that you stated in
14 your opening statement as to the reason
15 why this hearing is so important. I
16 have a prior commitment. So although
17 I'm not a member of this Committee,
18 these issues are very important. I
19 look forward to working with you on
20 these issues, to address these issues,
21 especially as we go through our budget
22 process, so thank you for the hearing.

23 COUNCILMAN HENON: Thank you
24 so much, Councilman. Thank you for
25 your attention to this. Thank you for

1 showing up and letting the general
2 public know that you represent all
3 neighborhoods across the City and know
4 that this issue is important in many,
5 many different ways in a multitude of
6 levels, so thank you so much.

7 Any other members on the
8 Committee wish to speak anything?

9 (No response.)

10 COUNCILMAN HENON: All right.
11 Ms. Atwell, would you please call the
12 first panel please?

13 THE CLERK: Steven Herzenberg
14 and Rebecca Rhynhart.

15 (Panel approached
16 Witness Table.)

17 COUNCILMAN HENON: Good
18 morning.

19 MS. RHYNHART: Good morning,
20 Councilman Henon and members of the
21 Committee.

22 COUNCILMAN HENON: State your
23 name for the record and proceed. Thank
24 you.

25 MS. RHYNHART: I'm Rebecca

1 Rhynhart, City Controller, and I'm here
2 to provide testimony on Resolution
3 200043 regarding the underground
4 construction economy in Philadelphia.
5 For years, Philadelphia has been
6 experiencing a development boom.

7 More than 15,000 properties
8 were added to Philadelphia's
9 residential property rolls over the
10 last 15 years and tens of thousands
11 more properties have been renovated.
12 With this housing boom comes businesses
13 and individuals willing to operate
14 without obtaining the necessary and
15 appropriate licenses and permits.

16 According to an April 2019
17 Plan Philly article, the Department of
18 L&I stated that more than 6,100
19 properties received violations for
20 exceeding a permit or working without a
21 permit since January 2017. The
22 underground construction economy raises
23 serious concerns about safety, concerns
24 that are amplified by Philadelphia's
25 older housing stock and the fact that

1 many properties are rowhomes and
2 therefore connect to other properties.
3 This puts Philadelphia residents and
4 construction workers at risk.

5 As City Controller I would be
6 remiss not to mention another important
7 aspect of the underground economy, the
8 loss of revenue to the City of
9 Philadelphia. The underground
10 construction economy often results in
11 the misclassification of workers,
12 unpaid or underpaid wage taxes and
13 unpaid fees related to permits and
14 licenses.

15 The financial issues pale in
16 comparison to the health and safety
17 issues and risks to Philadelphians and
18 construction workers, but it is
19 important to highlight that this could
20 represent a significant amount of lost
21 revenue.

22 Studies on the underground
23 construction economy have been
24 conducted in other cities and states.
25 Commonly, the studies recommended a

1 two-prong strategy to address the
2 underground construction economy,
3 regulation and enforcement.

4 In 2013, the City of
5 Philadelphia took considerable steps to
6 address regulatory shortcomings
7 regarding the underground construction
8 economy. Namely, City Council passed
9 two bills, I think one was written by
10 Councilman Henon and our Mayor, Mayor
11 Kenney, that established appropriate
12 licensing requirements, required
13 conduct, prohibited conduct and rights
14 of enforcement.

15 While progress was made
16 through those bills on the regulatory
17 side, enforcement has remained an
18 issue. As noted in the bills,
19 qualified L&I inspectors are necessary
20 and needed to address this issue. Over
21 the last two years, inspectors have
22 been added to L&I's Audit and
23 Investigations Unit.

24 This unit conducts site
25 audits for permanent construction sites

1 and follows up on complaints made
2 through the L&I hotline, and they do
3 this with support from the Revenue
4 Department. However, this unit is not
5 responsible for ongoing patrol
6 inspections. And ongoing patrol
7 inspections are when inspectors would
8 proactively go out to high construction
9 areas to locate unpermitted work.

10 And given the public safety
11 issue as well as the lost revenue to
12 the City, it would be a prudent step
13 for the City to fund an L&I patrol
14 inspection unit to ensure that
15 unpermitted and unlicensed work is
16 found and stopped.

17 Before I conclude, I would
18 like to mention that my office has a
19 skilled investigations division that is
20 available and has been available since
21 I took office to support the City's
22 efforts to address the underground
23 construction economy.

24 Complaints about tax fraud or
25 other related underground economy

1 issues can be made on our websites or
2 by calling our fraud hotline,
3 215-686-3804. This concludes my
4 testimony and I would be happy to
5 answer any questions you have at this
6 time.

7 COUNCILMAN HENON: Thank you.
8 Mr. Herzenberg, state your name for the
9 record and proceed with your executive
10 summary report.

11 MR. HERZENBERG: Sure.
12 Great. My name is Steven Herzenberg.
13 I'm an economist and the Executive
14 Director of the Keystone Research
15 Center. Councilman Henon and other
16 members of the Philadelphia City
17 Council, thank you for the opportunity
18 to testify today on the issue of the
19 underground construction economy,
20 worker misclassification and other
21 labor standards violations.

22 The first part of my remarks
23 today are based on a Keystone Research
24 Center report about a year old, illegal
25 labor practices in the Philadelphia

1 regional construction industry, and
2 that's available on our website. And
3 the link to that is in my testimony and
4 supplemented by data made public since
5 we published that report.

6 The last part of my testimony
7 argues that the time is ripe, building
8 on whatever's going on for Philadelphia
9 to implement a systematic coordinated
10 strategy to rid the City and region and
11 to work with the state to rid the state
12 construction industry of illegal labor
13 practices.

14 The main findings of our
15 research is straightforward. Labor law
16 and labor standards are routinely
17 violated by many construction
18 contractors in the City of Philadelphia
19 and in Southeast Pennsylvania.

20 These violations victimize
21 workers and their families, taxpayers,
22 law-abiding contractors and
23 construction customers, including
24 state, local government. They have
25 brought destructive competition to the

1 Philadelphia area construction
2 industry, competition based on stealing
3 a portion of workers' wages, investing
4 little in worker skills and in some
5 cases operating unsafely.

6 Our report and this testimony
7 triangulate multiple sorts of data,
8 that is, they use many different
9 sources of information to explore the
10 issue of labor standards violations.

11 The commonsense idea behind
12 triangulation is that if different
13 kinds of datapoints in the same
14 direction, we can have greater
15 confidence in the findings. And in
16 this case, our different sources of
17 information all point to a significant
18 growing problem of construction worker
19 misclassification and labor standards
20 violations in the construction
21 industry.

22 One piece of information
23 comes from the Commonwealth of
24 Pennsylvania and its enforcement of Act
25 72, the Construction Worker

1 Misclassification Act passed a little
2 less than a decade ago. The
3 enforcement of that Act shows a growing
4 incidence of misclassification. For
5 example, 79 cases of potential
6 construction worker misclassification
7 as independent contractors were
8 investigated in the Philadelphia
9 five-county area in 2017 and 2018
10 combined. That was up from 50 cases
11 statewide in 2014.

12 There's a chart in my
13 testimony that documents the fines
14 under that state law and those fines
15 have gone from being di minimus in 2014
16 to a couple hundred thousand in 2015
17 and then in the last two years, over
18 half a million dollars. And again, I
19 think because of the complement of
20 investigators that the state has,
21 because it doesn't have enough folks to
22 do proactive investigations and sweeps,
23 I think that those levels of fines kind
24 of scratch the surface.

25 Another piece of evidence

1 comes from settled wage theft cases.

2 In this region, which over the last
3 decade, document widespread
4 underpayment of overtime hours and in
5 some cases, failure to pay prevailing
6 wages on public construction work.

7 Again, the details of those
8 cases are in the report that we
9 released about a year ago. Another
10 source of information is interviews
11 with a dozen electricians which
12 corroborate the existence of widespread
13 violations of labor standards,
14 including wage theft due to
15 underpayment of overtime pay and again,
16 worker underpayment on prevailing
17 wages. It was actually these
18 interviews that led us to the settled
19 wage theft cases, because even in that
20 dozen interviews, you had several
21 people who had personal experience with
22 being underpaid in overtime. And one
23 of them led us to a particular class
24 action lawsuit and then to the fact
25 that there were these kinds of

1 lawsuits, settled lawsuits, are quite
2 common in the region.

3 The fact that just a few
4 interviews with electricians where you
5 wouldn't expect as many violations as,
6 say, with drywallers, kind of point to
7 those pervasive violations is really
8 powerful corroboration of how endemic
9 these kinds of problems are.

10 Interviews by two academic
11 researchers of 96 workers in the
12 regional construction industry in the
13 City of small scale contractors or
14 freelance flippers, the folks who
15 dominate the residential housing
16 construction and renovation in the City
17 of Philadelphia, basically these
18 academics found that that part of the
19 construction history in the City
20 operates outside the boundaries of U.S.
21 labor law.

22 For example, workers in crews
23 two to six may receive materials at the
24 beginning of the day and get told I'll
25 be back in six hours and give you X

1 dollars. Some workers live in
2 unfinished buildings in exchange for
3 rehabbing them. That group of workers,
4 these academics also found some were
5 very high rates of injury on the job.
6 So one-third of workers interviewed
7 suffered injuries that took them out of
8 work for a week or more. That's a
9 pretty serious injury.

10 The injuries that resulted
11 were partly from the use of unfamiliar
12 powered tools, nobody had trained folks
13 how to use those tools and partly from
14 inadequately designed scaffolding. So
15 again, so far I've talked about four
16 different kinds of data that comes
17 specifically from this region, this
18 city and this state.

19 There is a larger body of
20 literature on misclassification and
21 labor standards violation in the
22 construction industry. And what that
23 again corroborates is that the
24 misclassification and violations are
25 kind of built into the structure of the

1 industry. They're particularly built
2 in many cases into the subcontracting
3 structure of the industry.

4 So, for example, a study of
5 71 residential construction drywall
6 contractors in Southwest Michigan found
7 that nearly three-quarters of workers
8 were misclassified as independent
9 contractors. Other studies, large
10 sample interviews with workers in big
11 cities, Chicago, Los Angeles, New York,
12 also have found that about 70 percent
13 of workers experience nonpayment of
14 overtime, off-the-clock violations,
15 working without getting paid and
16 there's another couple of studies
17 referenced in my testimony in a larger
18 body of literature referenced in our
19 report.

20 I mean, the misclassification
21 of workers is driven by economic
22 incentives. A September 2019 report by
23 the Attorney General of the District of
24 Columbia is just the most recent effort
25 to gauge the size of these incentives.

1 That report estimates that operating
2 legally and again, this is in a city
3 that's different, not as unionized as
4 Philadelphia but not that far away and
5 enjoying a rebound like Philadelphia
6 is, anyway that study estimated that
7 operating legally cost 17 percent more
8 than misclassifying workers because of
9 savings on wages and taxes and social
10 insurance.

11 It cost 27 percent more when
12 you add in a modest and reasonable
13 estimate of wage theft, common in
14 conjunction with misclassification.
15 And it cost 48 percent more when you
16 add in the cost of employee benefits,
17 like health care and pensions which are
18 often avoided by misclassifying
19 workers.

20 So based on three state level
21 studies summarized in a table in our
22 report, misclassifying construction
23 workers in Pennsylvania saves annually
24 as much as \$200 million in federal
25 taxes, \$83 million in Workers'

1 Compensation premiums, \$47 million in
2 state income taxes and \$11 million in
3 unemployment compensation taxes. Of
4 course, those savings for irresponsible
5 contractors are costs to taxpayers and
6 the industry.

7 It's also true that those
8 studies were done 15 to 20 years ago at
9 a time when misclassification and labor
10 standards violations were probably less
11 than today, so those estimates are very
12 likely on the low side of the real cost
13 of these kinds of underground
14 practices.

15 Here's the good news which is
16 these problems can be fixed, and I
17 think this City has begun to do that as
18 we've already heard about, and these
19 hearings are a great platform for
20 taking further steps forward. In terms
21 of how states and cities that are
22 reining in violations accomplish their
23 work, there are a couple of basic
24 approaches and we've actually heard
25 about them already.

1 One of them is kind of
2 regulation. Think of this as an ounce
3 of prevention. So we need licensing or
4 registration of contractors,
5 particularly on public work. You need
6 to restrict bidding to contractors that
7 can demonstrate that they haven't got a
8 track record of violating the full
9 range of labor laws.

10 The best way to make sure
11 that this industry operates legally and
12 doesn't misclassify any workers and
13 doesn't cheat taxpayers and doesn't
14 cheat workers is by restricting
15 operation in the industry to
16 law-abiding companies, so there's
17 specific examples in my testimony.

18 Delaware last year passed a
19 new registration law. Alaska has
20 licensing, so there are other places
21 that Philadelphia can look at to
22 compare its licensing requirements and
23 explore whether there are ways to
24 strengthen those so that more of the
25 industry from day one operates above

1 ground and abiding by the law.

2 And then the second approach
3 is enforcement. And again, enforcement
4 in general in the labor area in the
5 U.S. is now better and more
6 sophisticated than 15, 20 years.

7 Basically, what's now called strategic
8 industry specific enforcement has moved
9 across the industry, moved across
10 enforcement agencies, becomes sort of a
11 standard best practice. And these
12 kinds of strategic enforcement partly
13 emerge out of a recognition that nobody
14 has enough inspectors. So if you do
15 calculations that -- if you went to go
16 to every single work site with the
17 complement of inspectors that states
18 and cities typically have, it would
19 take you 100 years, 150 years. If
20 you're just sitting there waiting for
21 complaints, you're not going to get
22 compliance. You might get back-pay for
23 a few folks, but you're not going to
24 get the industry in general to enforce.

25 So what strategic industry

1 specific enforcement does is it gathers
2 data, it understands how an industry
3 such as this one operates. You have
4 agencies operating in intragency task
5 forces because the same companies that
6 violate over time or violate minimum
7 wage, violate unemployment, don't pay
8 their taxes, so you bring together
9 agencies, Workers' Comp. as well. Same
10 companies that violate Workers' Comp.
11 will violate the others. So you create
12 intragency task forces.

13 You do data-sharing across
14 agencies and state government --
15 between city and state government,
16 between state and federal government.
17 And then at last now, widely accepted
18 best practices co-enforcement. So we
19 know from a lot of experience that
20 unions in this industry can often be
21 helpful to enforcement, highlighting
22 where problems exist, bringing
23 information to the city or to state,
24 but it's a broader point.

25 Worker centers, law-abiding

1 employers and their associations, those
2 stakeholders also have an interest
3 enforcing the law. So again, basically
4 the end of my testimony building on the
5 report we did has a series of examples
6 of states using these kinds of
7 approaches in the construction
8 industry.

9 To just take the example of
10 the New York state's joint enforcement
11 task force on employee
12 misclassification in it's first seven
13 or eight years of operation focus on
14 some construction, also on some other
15 industries, but that task force
16 documented nearly 140,000 instances of
17 employee misclassification and
18 discovered nearly \$2.1 billion in
19 unreported wages. That's a large
20 underground economy.

21 And there are a couple of
22 other much more recent examples, one
23 from a settlement of \$2.75 million
24 actually in January of this year in the
25 District of Columbia. Another one from

1 Minnesota which involved a cooperation
2 between a union, a worker center and
3 the state. So again, the good news
4 message here is these laws can be
5 enforced.

6 So the very final point I
7 will make is that we're a statewide
8 nonprofit economic think-tank. And so,
9 we work with the state as well as with
10 on occasion the City, so we know that
11 right now at the state level you have a
12 Department of Labor and Industry that
13 wants to enforce the law.

14 We know you have an Attorney
15 General, Shapiro who's established in
16 the last several years a new Office of
17 Labor Law Enforcement. We know that in
18 Philadelphia the District Attorney
19 established a new Bureau of Labor Law
20 or Labor Law Compliance Unit and had
21 the wisdom to hire somebody who was
22 very briefly an intern at the Keystone
23 Research Center long ago.

24 And again, the City has both
25 with the help of Council strengthened

1 its statutes in this area and is
2 absolutely committed to enforcement.
3 So the bottom line is we think it
4 really is time for the City and state
5 and for the public sector and the
6 private stakeholders in this industry
7 to sort of come together, build on the
8 work that's already been done.

9 It's definitely a
10 philanthropic interest locally and
11 nationally in actually enforcing the
12 law, so I think this hearing has a
13 chance to be a take-off point by let's
14 say the end of '22 or '23 really making
15 compliance with the law in the
16 Philadelphia construction industry, all
17 of it, the rule and not the exception.
18 Thank you.

19 COUNCILMAN HENON: Thank you
20 for your testimony. I appreciate all
21 of it and it is going to be duly
22 reflected in our record here today. I
23 have a few questions and I'm sure some
24 of the panels do. We're going to start
25 with our City Controller, and thank you

1 for taking a look at this.

2 I'm sure as you have prepared
3 for your testimony, some of the things
4 were a little -- I guess things have
5 been brought to light. I'll just say
6 that. So a couple of questions: Do
7 you think we have enough regulations
8 and laws on the books when it comes to
9 the construction industry right now
10 dealing with the underground economy?

11 I'm not saying expert opinion
12 on, you know, do we need more. But do
13 we have laws on the books, as you noted
14 that our Mayor Jim Kenney and myself,
15 when he was a Councilman, had passed
16 legislation several years ago back in
17 early 2013, we worked on it for a year
18 and in 2012, so some of these laws have
19 been on the books since then and prior.
20 How do you think we should address
21 that?

22 MS. RHYNHART: So I'll
23 preface it by saying I'm not a
24 construction expert obviously.

25 COUNCILMAN HENON: Correct.

1 MS. RHYNHART: But I can tell
2 from reading the 2013 ordinances that
3 were passed that regulations were
4 enacted through that legislation and
5 those regulations or requirements are
6 not to my knowledge from what I've seen
7 looking into this. Those ordinances
8 are not being followed currently.

9 So I think that the issue is
10 more on the enforcement side, the
11 administrative side of actually
12 adhering to those ordinances and then
13 enforcing rather than additional laws
14 at this time.

15 COUNCILMAN HENON: All right.
16 I think it's been noted and has been
17 stated abundantly clear over the past
18 several years, even in my opening
19 statement, I don't know how inspectors
20 do the jobs that they have. I give
21 them all the credit in the world, the
22 amount of pressure and stress that they
23 have with this increased volume of
24 work, fly-by-nights, people coming in
25 from out of town, just catch me if you

1 can, catch me if I have a permit, catch
2 me if I have a license, catch me if I
3 paid cash, over and over again.

4 Do you think that we as a
5 legislative body should consider an
6 increase in L&I's budget for more
7 enforcement as a start?

8 MR. RHYNHART: I do. I
9 think -- and I want to add to my
10 previous comments that I'm not
11 necessarily blaming any one department
12 for the lack of adhering to the
13 ordinances. I think that there needs
14 to be multiple departments under the
15 Mayor's Administration that have a
16 concerted effort to get this done,
17 right, because I'm sure you'll hear
18 from the Commissioner later about some
19 HR issues with hiring inspectors and
20 that slows it down, and then IT issues
21 regarding adhering to the ordinances so
22 this isn't just all on the L&I
23 Commissioner.

24 But with that said, I do
25 think that from my conversations and

1 the research that I've done on this
2 issue that it does seem that there's
3 not enough inspectors. So given the
4 importance of this issue from a public
5 safety standpoint as well as the
6 secondary revenue issue, it seems like
7 there definitely should be more
8 inspectors and they should be out there
9 proactively in high development areas
10 being able to see things that are
11 wrong, and I think that that is
12 necessary. So as a city, we should be
13 doing what we need to do on that front.

14 So, yes, I would support
15 additional inspectors. And I think
16 additional inspectors with the caveat
17 that they specifically be put towards
18 proactively finding those construction
19 sites that are not following any of the
20 rules, any of the permits, they're not
21 even on L&I's radar because they
22 haven't pulled one permit, for example.

23 COUNCILMAN HENON: Right, I
24 totally agree. And I think you
25 eloquently stated that this is a

1 multi-departmental collaboration to try
2 to address this issue because it's a
3 daunting task right now. It's
4 difficult when you're trying to pull
5 in -- you have Department of L&I and
6 you're trying to pull in revenue and
7 then can it be supported by HR and can
8 it be supported by law. That's the
9 right approach with dealing with the
10 underground economy just from this
11 conversation.

12 MS. RHYNHART: Absolutely.

13 COUNCILMAN HENON: Chair
14 recognizes Councilman Jones.

15 COUNCILMAN JONES: Thank you,
16 Mr. Chairman. What size in your
17 estimation, and either of you can
18 answer this question, is the
19 underground economy? And let's limit
20 it just to construction.

21 MR. HERZENBERG: (Inaudible.)

22 COUNCILMAN JONES: Say it
23 again.

24 MR. HERZENBERG: You're
25 talking construction or more generally?

1 COUNCILMAN JONES: Well, you
2 can do both.

3 MR. HERZENBERG: Actually, I
4 can do neither. Again, the numbers
5 that I can give you are these rough
6 gauges based on studies in other states
7 of the cost of violations, including
8 worker misclassification in the
9 Pennsylvania construction industry. So
10 that was the number that was \$200
11 million in federal taxes and \$83
12 million in Workers' Compensation
13 premiums and down the line. So I have
14 not attempted to estimate the size.

15 I mean, I can look and come
16 back to you. So, for example, probably
17 we can estimate -- I mean the
18 residential construction industry in
19 Philadelphia I can't tell you now how
20 big it is, but give me a bit of time
21 and I can come back with a number.

22 We're basically -- I think
23 the way the evidence is, is sort of
24 two-thirds of that industry at least is
25 operating underground. And so, you're

1 talking about --

2 COUNCILMAN JONES: Two-thirds
3 of the --

4 MR. HERZENBERG: Yeah, of
5 that industry are operating
6 underground.

7 COUNCILMAN JONES: All right.

8 MR. HERZENBERG: So it's many
9 millions and it's probably safe to say
10 many tens of millions beyond that. But
11 again, I want to go get my numbers.

12 COUNCILMAN JONES: Do you
13 concur with that, Madam Controller?

14 MS. RHYNHART: Well, I just
15 want to say I think it's a good
16 question and the right question to ask.
17 It's the first question I asked with
18 this issue, is well, what are we
19 talking about, how big is it. And I
20 think that -- there hasn't been a study
21 on Philadelphia specifically.

22 What we did find -- we found
23 numbers that were somewhat lower than
24 75 percent. In other states, it was 10
25 to 15 percent, 16 percent misclassified

1 or in the underground, the work not
2 being done according to the correct
3 permits and taxes. But if you look at
4 10 to 15 percent, that's big enough so
5 that there should be attention focused
6 on it.

7 And I think before L&I gets
8 out there proactively to actually look,
9 there's not a sense of the scale. So I
10 think they need to get out there
11 honestly on a regular ongoing basis to
12 see what they see is going on, if that
13 makes sense.

14 COUNCILMAN JONES: So if we
15 try to estimate somewhere around 75
16 percent underground in the residential
17 only, because those are people who
18 might not be as inclined to do permits,
19 what is the revenue we are missing as a
20 municipality? So we won't know what
21 that is either, I guess. That's a
22 variable -- because I'm going somewhere
23 with this. So that if there is a pool
24 of underground activity that can pay
25 for the investment to L&I, that's the

1 question.

2 MS. RHYNHART: I would just
3 say without -- the estimates that I
4 have seen have always been sort of in
5 the low millions range. I think
6 that -- first and foremost, it's a
7 public safety issue, right. And I
8 think that this is a type of issue that
9 there shouldn't be, and I say this as a
10 financial person, there isn't really a
11 good argument to not fund some more --

12 COUNCILMAN JONES: So you
13 wouldn't have said that when you were
14 on the other side in the budget.
15 You would have --

16 MS. RHYNHART: I would have
17 put it in budget.

18 COUNCILMAN JONES: -- figured
19 out the math.

20 MS. RHYNHART: No, honestly,
21 this issue is interesting because I
22 learned a lot about this issue. But,
23 yes, I had my City Controller hat on as
24 the City Controller. And also I just
25 think from looking at it, there's a

1 very good likelihood they would pull in
2 the money that they would need to pay
3 their salaries.

4 COUNCILMAN JONES: My second
5 question is under our --

6 MR. HERZENBERG: Could I just
7 add a couple of things real quickly?

8 COUNCILMAN JONES: Sure.

9 MR. HERZENBERG: So the first
10 thing is that, a couple of things, in
11 terms of the pervasive violations, I
12 actually don't think -- I think our
13 numbers are compatible. The 70 percent
14 figures I pointed to are with respect
15 to a survey that heavily represents,
16 for example, immigrant workers or in
17 the drywall industry which is where
18 you're going to find these things more
19 endemic or in the Philadelphia
20 residential industry, which again is
21 much more informal, much more prone to
22 violations than other parts of the
23 regional construction industry. So
24 that's the first thing I wanted to say,
25 is that the basic story we're telling

1 about this being pervasive, but
2 particularly pervasive in certain
3 pieces of industry is consistent.

4 The second thing I was going
5 to say is again a more estimate here on
6 the \$47 million in state income taxes
7 in Pennsylvania. So again, if you
8 figure Philadelphia is maybe one-eighth
9 or one-ninth of the economy, but you
10 also figure that these issues may be
11 more of an issue in Philadelphia.

12 You're talking about 5, 6, 7, 8. So
13 again in the ballpark of millions, I
14 might be saying a few more than my
15 colleague. But again, we're talking
16 some number of millions of dollars in
17 lost wage taxes it would be in the case
18 of Philadelphia.

19 COUNCILMAN JONES: Okay.
20 Under your authority, are you allowed
21 to make inspections at all or do you
22 just look at the systems?

23 MS. RHYNHART: Me, my office?

24 COUNCILMAN JONES: Yes.

25 MS. RHYNHART: My office has

1 the fraud investigation unit which
2 fields complaints about any type of
3 fraud. And one of the things that we
4 have handled and continue to handle is
5 if complaints come in about tax fraud
6 or illegal construction sites, we do
7 hand that off and work with L&I and
8 Revenue. L&I inspectors are highly
9 trained in their field and that's a
10 different skill set than just an
11 investigator.

12 COUNCILMAN JONES: So in your
13 examination of this issue, has it ever
14 come across that some of the violations
15 are more frequent on weekends and at
16 night?

17 MS. RHYNHART: I don't know
18 the answer to that question. I think
19 that would be maybe better served to
20 ask to some of the other people
21 testifying. I honestly think that,
22 yeah, we need more information on it,
23 but I think others can possibly testify
24 to that, answer that.

25 COUNCILMAN JONES: Thank you,

1 Mr. Chairman.

2 COUNCILMAN HENON: Thank you.

3 I want the record to reflect that we
4 are joined by Councilwoman Gilmore
5 Richardson. Thank you so much. I
6 appreciate you being here. And as we
7 continue on with this, I am pleased to
8 hear that you are open for any kind of
9 collaboration working with other
10 departments with the City of
11 Philadelphia.

12 MS. RHYNHART: Absolutely.

13 COUNCILMAN HENON: And this
14 isn't about your office being an expert
15 in the construction industry at all.
16 That wasn't an inference. It simply is
17 there is millions of dollars in revenue
18 that's not being collected by the City
19 of Philadelphia in an underground
20 economy that exists within the
21 construction economy.

22 So in some of the reports
23 that I read, it was some of the
24 underground economy revenues that were
25 not being collected or untouched in

1 many facets, it's not just wage, people
2 being paid taxes, it's permits, it's
3 fees, it's ancillary. It's the
4 economic impact that it's having on the
5 community. It's right-of-way permits.

6 It's all this that adds up,
7 and Department of L&I, they do a very
8 good job in making revenue for the City
9 of Philadelphia because they are on the
10 front lines of public safety and that's
11 their correlation with public safety.

12 And your expertise in taking
13 a look at processes and procedures and
14 audits is extremely important moving
15 forward, and I would love for you and
16 your team in the fraud investigations
17 and/or other supporting measures that
18 can help deal, as you said, multi-prong
19 approach in dealing with the
20 underground economy. Because some of
21 these revenues can go to dealing with
22 criminal justice reform, to re-entry
23 programs, can deal with the asbestos in
24 our schools, can deal with a lot of our
25 core priorities and mission of our

1 Mayor in the City is our core function.

2 MS. RHYNHART: Absolutely.

3 COUNCILMAN HENON: So I want
4 to thank you for being here and I want
5 to thank you and look forward to
6 working with you. I'm going to leave
7 you with the question, how can your
8 office help support this with the other
9 departments just being a part of the
10 conversation in trying to find ways to
11 address this and raise to the public?

12 MS. RHYNHART: We're
13 definitely -- my office definitely
14 wants to be helpful on this and be part
15 of the conversation and we do have the
16 investigations unit that can help in
17 terms of fielding calls and even just
18 working with L&I and Revenue.

19 As the independent auditor,
20 there's sort of some distance that from
21 an audit function that my office needs
22 to maintain. But at the same time,
23 this is something that we obviously as
24 a city it needs to be better. And when
25 I look at my mission and my office's

1 mission and what you're trying to do to
2 make an efficient and effective
3 government, here's an area where we
4 need improvement. So I'm here and
5 ready to help and thank you for your
6 leadership on this.

7 COUNCILMAN HENON: Well,
8 thank you for being here. And Chair
9 recognizes Councilman Domb.

10 COUNCILMAN DOMB: Thank you,
11 Chairman Henon, and good morning. I
12 think it's still morning.

13 MS. RYHNHART: Good morning.

14 COUNCILMAN DOMB: I learned
15 three things. One, do we have the
16 right -- these are the questions. Do
17 we have the right legislation? Two,
18 are we funding the legislation
19 correctly? And three, the enforcement,
20 okay -- I'm sorry. Are we funding the
21 enforcement correctly?

22 Legislation, is that correct,
23 do we have the right enforcement and
24 are we funding that enforcement
25 correctly? It sounds like we have the

1 right legislation. Sounds like we have
2 the laws we need for the enforcement,
3 but we're not funding it correctly, and
4 you'll hear from Commission Perri.

5 L&I's revenues are way up in
6 the last four years, way up. But that
7 money is not going back into L&I. It's
8 going into the General Fund, and we
9 need to look at that situation and
10 possibly put it back to L&I and make
11 sure they have the resources. And
12 whether we ask L&I to hire more people,
13 and that's another issue and how long
14 that takes, we have to go outside and
15 give them the tools to hire outside
16 people to make safety the number one
17 issue.

18 It's not so much as the
19 revenue to me. It's hearing about
20 these homes in Fishtown that we saw
21 pictures of, remember, Chairman Henon,
22 where the walls were collapsing. This
23 is life-safety issues and we're almost
24 at an emergency status on some of these
25 things we cannot -- we can only have,

1 what, 55 inspectors. That's a job for
2 a city of this size. We need more
3 people. And if we can't get the people
4 immediately, we have to give L&I the
5 tools to go outside to make it safe,
6 people that are building and making
7 sure as Council Chairmember Henon said,
8 that the laws are being followed, the
9 fees are being paid and everything is
10 being done correctly. Thank you for
11 your testimony today.

12 MS. RHYNHART: Thank you,
13 Councilman, and I agree with what
14 you're saying so I appreciate it.

15 COUNCILMAN HENON: Thank you.
16 Any other questions from members of
17 this Committee for the panel?

18 (No response.)

19 COUNCILMAN HENON: Thank you
20 both so much for being here. We look
21 forward to working with you.

22 MS. RHYNHART: Thanks for
23 having me.

24 COUNCILMAN HENON:
25 Ms. Atwell, can you please call our

1 next panel, please?

2 THE CLERK: Representative
3 Joe Hohenstein, Tara Gontek, Seth Lyons
4 and Omeed Firouzi.

5 (Panel approached
6 Witness Table.)

7 COUNCILMAN HENON: Before you
8 all sit, I just want to make another
9 note. In some of the reports, it's in
10 excess of 25 percent of the underground
11 economy and there has been a market
12 study that has been out there from a
13 research firm that shows just in the
14 region, there is an economic impact in
15 the construction industry near \$15
16 billion. And a part of that, you can
17 separate Philadelphia in many different
18 ways but it's a serious impact.

19 We have to change the Charter
20 to allow resources to go back to L&I,
21 and that's something that we've been
22 talking about for years and maybe it's
23 something that we should continue to
24 discuss moving forward to make sure
25 that them as a department has resources

1 that they are collecting and the
2 policies that they are protecting like
3 people, like property and workers get
4 reinvested right back into the
5 department. You may state your name
6 for the record, Representative, and
7 proceed with your testimony.

8 MR. HOHENSTEIN: Thank you,
9 Councilmember Henon. My name is Joe
10 Hohenstein. I'm the State
11 Representative for the 177th District,
12 a district that actually shares much of
13 my area with Councilmen Henon as well.
14 And I want to thank you for inviting me
15 and I also want to make sure to call
16 out the Philadelphia Building Trades
17 Council for lifting up this issue.

18 This is yet another example
19 of how union members are out there
20 working not only to protect the health
21 and safety of their own members, but
22 also the community at large. A few
23 examples of that in the recent just
24 year here in Philadelphia, PFT members
25 are standing up against toxic schools.

1 We had any number of the
2 Nurses Union 1199c of AFSCME, Health
3 Care PA and PASNAP standing up for safe
4 staffing limits in our hospitals. And
5 finally, one of the most dramatic and
6 heroic example was a steelworker and
7 she saved an imminent environmental
8 disaster down at the PES refinery this
9 past summer. So union workers are at
10 the forefront of the health and safety
11 issues, so I want to make sure that
12 that's one thing that we're recognizing
13 today.

14 This initiative that the
15 Councilmember is putting forward is
16 again first and foremost about our
17 community, health and safety. It's
18 also about making sure that we have
19 economic impacts in a micro level for
20 workers to make sure that people are
21 adequately paid prevailing wages and
22 also that they're properly classified
23 on work sites as well.

24 Also had some macroeconomic
25 impacts we've been talking about just

1 now as well with loss of revenue or the
2 ability actually to get appropriate
3 revenue into the City and the state
4 through what is now a plethora of taxes
5 that are going uncollected, wage taxes,
6 unemployment compensation taxes,
7 Workers' Comp taxes.

8 And that doesn't even reach
9 the surface of the broader economic
10 impact on our communities as well for
11 the loss of economic activity that
12 happens when somebody is home, is
13 affected by shoddy construction either
14 by the home itself or next door or
15 somewhere else in the neighborhood, and
16 the idea that this is something that
17 goes beyond the direct properties on
18 which this type of construction is
19 occurring. So those are three
20 extremely important impacts of this
21 initiative that we're trying to
22 undertake to increase appropriate
23 funding for L&I inspections.

24 One final piece that I want
25 to interject as well. As many of you

1 know, I spent 25 years as an
2 immigration attorney and one segment of
3 what people are calling the underground
4 economy are undocumented noncitizen
5 workers. I believe that there is a
6 proper and appropriate role to ensure
7 protection of the exploited workers in
8 this situation.

9 There are visas called U and
10 T visas which are focused on victims of
11 crime and victims of trafficking,
12 particularly labor trafficking. And
13 the three key requirements for someone
14 to receive those visas is, first of
15 all, that there have been some level of
16 a crime or violation. And then L&I
17 violation, many of these do reach the
18 level of seriousness that they would be
19 recognized under immigration law. Two,
20 that the person has been a victim of
21 that and anybody who has been subjected
22 to unsafe working conditions obviously
23 would be a victim.

24 And then three, and this is
25 one of the most important elements for

1 all of us to recognize because it fits
2 into the ability to have a proper
3 enforcement scheme, and that is an
4 undocumented worker who's seeking the
5 protection of these visas has to
6 cooperate as a witness in the
7 prosecution of the violation or the
8 offense.

9 What that means is situations
10 where we have now where witnesses seem
11 to just scatter to the winds when the
12 more serious violations occur, these
13 will be witnesses that actually have
14 incentive and motivation to participate
15 in the construction of the final case
16 that will allow us to go after the
17 really bad actors in this segment of
18 the economy.

19 So again, I want to commend
20 the Councilmember for bringing this
21 forward. I would like to make three
22 gentle recommendations from my position
23 as an elected official as well. One is
24 review and examine the impact of
25 language in the way in which these

1 issues are put out because that --
2 building a more inclusive language in
3 how we discuss these issues will build
4 a broader base of support for the
5 efforts that we're looking to support
6 here.

7 And second, please look at
8 the secondary levels of impact. We've
9 been only focusing on direct levels of
10 economic impact of lost wages, lost
11 taxes and permitting revenue. All of
12 that is extremely important. But if
13 there is a way to continue to quantify
14 the secondary economic impacts on
15 communities, that might justify
16 increases in budget not only at the
17 city level but also at the state level.

18 And then finally, provide for
19 community and RCO participation into
20 this process as well. Our RCOs are
21 often -- and our economy organizations,
22 you're going to hear from a number of
23 them from my district as well, they are
24 the ones who are the canaries in the
25 coal mine. They're the ones looking at

1 what's happening at their front door
2 and we can engage and empower them to
3 act as much as possible.

4 Now, I know I have other
5 folks up here, but I would like to turn
6 the mic over because I think it's a
7 continuation of my testimony actually,
8 is the testimony of my constituent
9 services representative Tara Gontek and
10 she's been working specifically with
11 one of our constituents in particular,
12 and I actually came with this gentleman
13 to his L&I hearing just last week, and
14 he's been fighting a neighboring
15 illegal construction issue for over
16 nine years.

17 And Tara can, I think, speak
18 pretty eloquently to the impact on him.
19 And so, I will stand down and allow
20 Tara to testify at this point.

21 COUNCILMAN HENON: Great.
22 Chair recognizes Councilwoman Gilmore
23 Richardson.

24 COUNCILWOMAN GILMORE

25 RICHARDSON: Thank you, Mr. Chair. I

1 just wanted to thank our State
2 Representative for your testimony and
3 for your comments relative to Section 3
4 around empowering and engaging our
5 community organizations and RCOs as we
6 work as a committee to work with L&I to
7 empower them with additional tools to
8 be proactive in these inspections.

9 I think it's really important
10 to work with and utilize our community
11 organizations and RCOs as our boots on
12 the ground to give us the information
13 directly to the City, so that we can
14 address the issues that are coming up
15 in their community on a daily basis.

16 And from a point of personal
17 privilege, I have to say that I've been
18 a part of a Wynnefield Residence
19 Association for quite some time and
20 that's in my colleague Councilman
21 Jones' District, and that organization
22 has a very robust zoning department
23 where we are the boots on the ground
24 for our community, so thank you for
25 saying that and we will continue to

1 work with our community-based
2 organizations and RCOs to help further
3 this issue. Thank you.

4 COUNCILMAN HENON: Thank you,
5 Councilmember. And it's absolutely
6 imperative that RCOs continue to be the
7 eyes and ears on the streets. I have a
8 very, very personal relationship with
9 the RCOs in my District. And I want to
10 state for the record Tara Gontek who is
11 here with a dual role and
12 responsibility, one, working directly
13 for the Representative.

14 Representative, thank you for doing the
15 work that you do. But Tara is also a
16 president in Holmesburg Civic
17 Association and many other
18 organizations in my District which does
19 an incredible job.

20 And one of the things that I
21 pride myself with since being elected
22 in the 6th Councilmatic District is
23 encouraging the communities to get
24 involved with your registered community
25 organizations. Encourage people to get

1 involved at your places of worship,
2 encourage people to get involved in
3 your boys and your girls clubs because
4 you truly are the ones walking the
5 streets and some of them aren't safe
6 these days when it comes to property
7 and the workmanship and the congestion
8 of the kinds of underground economy
9 that's taking place throughout every
10 neighborhood in our city.

11 So, Tara, for the record I
12 want to say thank you for being here
13 and you may state your name for the
14 record and proceed with your testimony.

15 MS. GONTEK: Thank you,
16 Councilmember Henon, members of the
17 Committee. My name is Tara Gontek. I
18 am the Constituent Services
19 Representative in the Office of State
20 Representative Joseph Hohenstein. We
21 serve the 177th District which includes
22 a large portion of the Riverwards,
23 which as we all know is an area that
24 has been inundated with construction to
25 say the least.

1 The lack of L&I's resources
2 makes its very difficult to serve our
3 constituency. Response times are
4 unreasonably high. Follow-up is often
5 nonexistent, and we often have to
6 submit several service requests to get
7 attention to a singular issue.

8 And I'd like to speak today
9 about one case in particular. Our
10 constituent whose name is Tommy Munzo,
11 he's a resident of 2040 East Glenwood
12 Avenue. He purchased his home back in
13 1997 so that he could have something to
14 leave to his children.

15 He made a lovely home for his
16 family and in it they spent many happy
17 years. That is until 2014 when the
18 property next door at 2038 East
19 Glenwood Avenue was purchased. The new
20 property owners built an unpermitted
21 addition on the back of the house and
22 actually built the roof of the addition
23 on Mr. Munzo's roof, which infringed on
24 his property and where still caused
25 extensive damage from the extra load.

1 They proceeded to demolish
2 the inside of the house down to a shell
3 and still no improvements have been
4 done. Due to the illegal addition and
5 the damage that it's caused,
6 Mr. Munzo's basement floods with
7 multiple feet of water every time it
8 rains.

9 Tommy and his family can
10 smell the mold coming from next door
11 through their walls. And they're very
12 concerned about their own health. The
13 condition of the inside of the
14 structure have invited rodents of all
15 kinds. And the only thing that these
16 property owners have done was put out
17 poison which tragically resulted in the
18 untimely death of their beloved cat
19 Marley on July 5, 2019.

20 The horrors that this family
21 has to endure is largely attributed to
22 the lack of resources within L&I.
23 Tommy has been through eight different
24 inspectors, has gone to court multiple
25 times where a judge has specifically

1 ordered the property owner to remove
2 the illegal addition, and nothing has
3 improved.

4 When we were finally able to
5 get a stop work order placed on the
6 property in 2019, the property owner
7 simply ripped it down and continued
8 whatever it is that he's doing inside
9 of the home. Mr. Munzo unfortunately
10 was unable to be here today to deliver
11 his testimony in person because of a
12 conflicting cardiologist appointment.
13 He has actually developed AFib which
14 his doctor believes is largely
15 attributed to the stress of his life
16 being completely taken over by this
17 issue.

18 We have a crisis in
19 Philadelphia. What happened to Tommy
20 Munzo should never happen to anyone.
21 Our city where he chose to make his
22 home has failed him. We need more L&I
23 inspectors. They need to be better
24 trained and better paid. Otherwise,
25 we're giving up on the Tommy Munzos all

1 over our city. Thank you very much.

2 COUNCILMAN HENON: Thank you
3 for your testimony. Chair recognizes
4 Councilmember Gilmore Richardson.

5 COUNCILWOMAN GILMORE

6 RICHARDSON: Thank you, Mr. Chair. I
7 wanted to thank you also for your
8 testimony. And in your testimony, I
9 heard you talk about submitting various
10 service requests to the City. So I
11 think, Mr. Chair, this is another
12 opportunity for us to talk about 311.
13 I was here when 311 started and they
14 were trying to get it off the ground
15 and researching and working with the
16 Constituent Service Representatives,
17 which I was one of the Constituent
18 Service Representatives at this time.

19 And I think what typically
20 happens is a service request is
21 inputted to 311 and then submitted to
22 the Department. In 311's system, the
23 service request is complete once it
24 reaches the Service department but not
25 when the case is actually completed, so

1 I think there's an opportunity for us
2 to ensure that we are updating and
3 upgrading the 311 system to better
4 respond to the needs of constituents in
5 our community groups. Thank you.

6 COUNCILMAN HENON: You may
7 state your name for the record and
8 proceed with your testimony, please.

9 MR. LYONS: Thank you. Good
10 morning. My name is Seth Lyons and I'm
11 a staff attorney in the Employment Unit
12 at Community Legal Services. CLS's
13 employment unit represents hundreds of
14 low-wage workers each year who face
15 discrimination, rampant wage theft,
16 retaliation and intimidation from
17 abusive employers.

18 Many of these problems are
19 exacerbated by misclassification which
20 deprives workers of the employment
21 protections that are already in place,
22 including those which City Council has
23 worked so hard to expand in recent
24 years. Misclassification occurs when
25 an employer incorrectly treats its

1 workers as independent contractors,
2 individuals or entities with their own
3 businesses instead of as employees.

4 This distinction affects
5 numerous substantive rights of workers
6 from protection against wage theft and
7 discrimination to income tax rates and
8 eligibility for Workers' Compensation.

9 We represent workers who are
10 misclassified as independent
11 contractors in various industries,
12 including restaurants, residential and
13 commercial cleaning and transportation.
14 But the construction industry is where
15 misclassification is likely most
16 pervasive.

17 Most of these clients are
18 immigrant workers, many undocumented
19 and their fear of retaliation for
20 reporting workplace abuses makes it
21 easier for employers to misclassify
22 them and violate their employment
23 rights. Most often the construction
24 workers we represent are treated as
25 contractors and paid flat daily or

1 weekly rates regardless of how many
2 hours they work and are never paid
3 overtime for the hours over 40 they
4 work in a week.

5 For example, we currently
6 have a case on behalf of dozens of
7 construction workers at a massive
8 multi-unit apartment renovation who are
9 only paid \$100 per day, even though
10 they were routinely required to work
11 significantly more hours than
12 originally planned. Most worked 60 to
13 70 hours per week but not one worker
14 was paid overtime.

15 This practice is the norm,
16 not the exception for the workers that
17 I represent, especially the
18 construction workers, whether they're
19 working on smaller residential projects
20 or larger commercial jobs. But these
21 workers are not independent
22 contractors.

23 They do not own their own
24 businesses. They do not provide the
25 materials or the majority of the tools.

1 They have little to no control over
2 their hours and job duties and their
3 work is closely supervised. In other
4 words, their employers control almost
5 every aspect of their work, the
6 hallmark of an employer-employee
7 relationship but often violate the
8 legal rights that come with that
9 relationship.

10 Employers use
11 misclassification to subvert labor
12 standards beyond just overtime
13 protections. They pay flat rates to
14 avoid paying for time spent traveling
15 between work sites or purchasing
16 supplies for the employer. They issue
17 1099s instead of W2s so they don't have
18 to pay the employer share of income
19 tax, which means higher tax rates for
20 low-wage workers and less money in
21 their pockets.

22 Similarly, employers who
23 misclassify their workers don't pay
24 into the unemployment compensation
25 system thereby depriving their

1 employees of a crucial safety net and
2 making it even harder for workers to
3 risk losing their jobs if they stand up
4 for their rights.

5 Of course, there are also
6 revenue impacts on the City and state
7 due to these practices, some of which
8 have been discussed and I'm sure others
9 will address this issue. Perhaps most
10 importantly, employers know that
11 independent contractors are not covered
12 by the majority of employment
13 protection such as wage laws and
14 discrimination statutes and protections
15 against retaliation. And the
16 misclassified workers often think they
17 do not have the same rights as
18 employees.

19 In short, employers use
20 misclassification as a tool to control
21 and exploit the workforce, but there's
22 not a quick fix to these problems. We
23 must make sure that any proposed
24 solutions do not hurt those who are
25 being exploited but instead, protect

1 the City's most vulnerable workers.

2 In particular, CLS would
3 strongly oppose any solution that
4 specifically targets employers who hire
5 undocumented workers, such as the
6 Construction E-verify bill that passed
7 in Harrisburg last fall, as these
8 policies only push immigrant workers
9 further into the shadows where they are
10 more likely to be misclassified and
11 suffer workplace abuses.

12 The most effective way to
13 fight misclassification is to take away
14 the incentive for employers to
15 misclassify their workers. For
16 example, if employers can't get away
17 with not paying overtime by classifying
18 workers as contractors and face stiff
19 penalties for violating overtime laws,
20 they are more likely to treat their
21 workers as hourly employees and pay
22 overtime in the first place.

23 Luckily, City Council has
24 already made great strides in
25 protecting low-wage workers in

1 Philadelphia through laws like the wage
2 theft ordinance and paid sick leave.
3 However, increased enforcement of these
4 laws with more investigators and
5 creative comprehensive outreach
6 strategies to vulnerable workers will
7 be crucial for removing the incentives
8 to misclassify.

9 In other words, not just more
10 investigators from L&I, but also
11 investigators from the Mayor's Office
12 of Labor and hopefully soon to be the
13 Department of Labor, to actually try to
14 crack down on the ways that
15 misclassification affects workers
16 beyond pulling permits and things like
17 that. Likewise, increased penalties
18 for violations and ensuring that those
19 penalties go to affected workers to
20 encourage them to come forward are also
21 essential.

22 Finally, because
23 misclassification disadvantages workers
24 in a variety of different context, it's
25 important to explore ways that

1 enforcement agencies can work together
2 to protect and deter misclassification.
3 Currently, there is no strong
4 coordinated effort among impacted
5 governmental entities and workers in
6 Philadelphia to address the issue using
7 laws currently on the books. We should
8 take time to learn from successful
9 efforts in this regard elsewhere.

10 Thank you to Councilman Henon
11 for bringing this issue to the
12 forefront and the rest of City Council
13 for continuing to support workers in
14 Philadelphia. I'm grateful for the
15 opportunity to speak today and look
16 forward to working on solutions for
17 worker misclassification going forward.
18 Thank you.

19 COUNCILMAN HENON: Thank you
20 for your testimony. You may state your
21 name for the record and proceed with
22 your testimony.

23 MR. FIROUZI: Good morning,
24 my name is Omeed Firouzi. I'm an
25 attorney at Philadelphia Legal

1 Assistance in our Low Income Taxpayer
2 Clinic where I represent workers who
3 are misclassified as independent
4 contractors.

5 When workers are
6 misclassified as independent
7 contractors, they are denied vital
8 benefits that employees are entitled to
9 under various laws, and they incur
10 significant tax burdens through no
11 fault of their own.

12 We know that here in
13 Pennsylvania specifically
14 misclassification is rampant. The
15 National Employment Law Project found
16 that over a half a million workers in
17 Pennsylvania are misclassified in any
18 given year. Just several years ago in
19 2015, the Temple University Law School
20 Sheller Center did a comprehensive
21 report on wage theft that found that up
22 to 9 percent of workers are
23 misclassified in Pennsylvania.

24 In our office -- thank you.
25 In our office at Philadelphia Legal

1 Assistance Low Income Taxpayer Clinic,
2 we assist taxpayers in challenging
3 their misclassification before the IRS.

4 We see firsthand the onerous impact
5 that misclassification can have on an
6 individual's tax liability.

7 When workers are paid on a
8 Form 1099-MISC with no withholding
9 rather than on a form W2 with
10 withholding, they are ultimately on the
11 hook for both the employer and employee
12 share of Social Security and Medicare
13 taxes, the 15.3 percent self-employment
14 tax.

15 Further, because employers
16 fail to withhold any taxes on a 1099,
17 these workers end up fully owing
18 federal, state and city income taxes
19 that should have been withheld from
20 their paychecks. If workers are paid
21 in cash, off the books without
22 withholding, another common form of
23 misclassification, they may not realize
24 that they still have an obligation to
25 file a tax return.

1 If they do not file a return
2 generally within three years of
3 receiving this cash income, they risk
4 not receiving Social Security credit
5 for these earnings. And even if a
6 taxpayer is successful in challenging
7 their misclassification, they still owe
8 their employee's share of Social
9 Security and Medicare taxes, the state
10 income tax and the city wage tax.

11 It can be difficult for
12 taxpayers to afford to pay these taxes,
13 especially if they are low income and
14 struggling to make ends meet. But it
15 should be noted that federal, state and
16 city statutes and regulations state
17 that employers potentially can be held
18 liable.

19 In fact, Section 407 of the
20 city income tax regulations in
21 Philadelphia state that any employer
22 required to withhold the wage tax shall
23 be personally liable for payment of tax
24 in the event he fails, refuses or
25 neglects to withhold. And furthermore,

1 the failure of any employer to deduct
2 the tax and to make a return shall not
3 relieve the employee from payment of
4 such tax where payment cannot for some
5 reason be obtained from such employer.

6 The language of this
7 regulation appears to suggest the City
8 of Philadelphia has the authority to
9 collect wrongfully withheld wage tax
10 from employers. We have not
11 established whether such collection
12 efforts have been made on the part of
13 the Revenue Department, but it does
14 provide the potential avenue of relief
15 for misclassified workers.

16 At Philadelphia Legal
17 Assistance, we can provide relief for
18 workers through IRS procedures. We
19 assist workers in filing Forms SS-8
20 before the IRS so they can challenge
21 their misclassification for federal tax
22 purposes.

23 The form SS-8 is a four-page
24 packet that asks questions about
25 financial control, behavioral control

1 and the relationship between the
2 parties. When taxpayers file an SS-8,
3 this filing gives them the ability to
4 list their 1099 income as wages so they
5 only have to pay their employee's share
6 of Social Security and Medicare taxes.

7 We note too that as my
8 colleague Seth just mentioned, this
9 kind of federal tax burden is not the
10 only problem that maybe follow a
11 taxpayer. In fact, employers fail to
12 withhold unemployment taxes often. And
13 so, what happens when they get 1099s
14 and there's no unemployment
15 compensation tax taken out, if that
16 worker goes to apply for unemployment
17 compensation, then the 1099 income will
18 not show up on the notice of financial
19 determination because it is not
20 considered wages.

21 Thankfully, PLA has an
22 excellent unemployment compensation
23 unit that can assist taxpayers in
24 appealing these determinations and in
25 assuring that their eligible income

1 rightfully counts towards their
2 benefits.

3 With regard to the cases that
4 we have seen in our office, we have
5 seen clear trends and patterns in
6 misclassification. Often employers
7 compel our clients to sign independent
8 contractor agreements. Despite their
9 titles, these agreements usually
10 include detailed terms and conditions
11 that impose various expectations,
12 standards and requirements that these
13 workers must abide by, all signs of an
14 employer-employee relationship.

15 We've also seen employers
16 fail to provide proper overtime
17 compensation to misclassified workers,
18 as these employers claim that their
19 workers are contractors not subject to
20 the Fair Labor Standards Act.

21 In particular, we have seen
22 frequent misclassification in the home
23 healthcare industry, among staffing
24 agency workers and among clerical
25 workers. Thankfully, PLA has been a

1 critical resource for these workers.
2 We've represented dozens of
3 misclassified taxpayers and in the
4 process, we've achieved scores of
5 favorable determinations from the SSA
6 Unit.

7 I want to highlight one story
8 in particular that involves a taxpayer
9 who was a home healthcare worker for
10 several years. Our Consumer Housing
11 Unit assisted her in a bankruptcy to
12 save her home. And as part of this
13 bankruptcy, she had to make sure that
14 her tax returns were filed for all past
15 years.

16 We realized that she had been
17 misclassified as an independent
18 contractor through investigation and
19 analysis of her tax records. We helped
20 her in filing SS-8s, so that she would
21 only have to pay her employee's share
22 of taxes. All tolled now, she has
23 saved tens of thousands of dollars in
24 tax debt because of the assistance that
25 she sought.

1 I share this story and
2 provide these remarks because I want to
3 highlight how misclassification can
4 have a harmful impact for low-income
5 Philadelphians, but that there are
6 resources that help workers who need
7 assistance. And I want to thank
8 Council for giving me the opportunity
9 to speak today.

10 COUNCILMAN HENON: We thank
11 you all for your testimony. Does the
12 Committee have any questions for this
13 panel?

14 (No response.)

15 COUNCILMAN HENON: Well,
16 thank you so much for being here and
17 thank you for what you do for workers.
18 Ms. Atwell, would you please read the
19 names of our next panel, please?

20 THE CLERK: Joseph Blake,
21 Mark Swisher, Brian Eddis and Mark
22 Lynch.

23 (Panel approached
24 Witness Table.)

25 COUNCILMAN HENON: You may

1 state your name and proceed with your
2 testimony. Thank you.

3 MR. EDDIS: Just checking the
4 time to see if I'm saying good morning
5 or good afternoon. Good morning,
6 Councilmembers. My name is Brian
7 Eddis, business agent for the
8 International Brotherhood for
9 Electrical Workers Union 98, where I've
10 been employed for the past six years.

11 I've been a card-carrying
12 union member in several other unions
13 across the City in 22 years. I have
14 extensive OSHA training. I also have
15 significant political experience,
16 having worked as Chief of Staff for a
17 State Representative and a Philadelphia
18 City Councilmember. Thank you for
19 inviting me to testify today on this
20 important Philadelphia's dangerous
21 underground economy.

22 I believe it's necessary to
23 define the underground economy so the
24 members of this economy, the press and
25 the public are fully informed.

1 Philadelphia's permanent process for
2 building construction is both fast and
3 cheap. Combine that with our extremely
4 affordable land parcels and the result
5 has been a huge influx of out-of-state
6 residential and commercial developers
7 dating back for at least the last seven
8 years.

9 Not only are these developers
10 and contractors taking advantage of our
11 affordable real estate, they also show
12 flagrant disregard of the rules and
13 regulation of our construction industry
14 for two primary reasons. There's not
15 enough Department of Licenses and
16 Inspections oversight to keep up with
17 all the construction projects and they
18 know that. Even if they're caught
19 cheating the system, the fines and
20 penalties they'll draw amount to a slap
21 on the wrist.

22 Despite the Kenney's
23 Administration formation of the
24 Underground Task Force in 2018 and
25 L&I's pledge to strengthen oversight in

1 the aftermath of recent building
2 collapses, we in Philadelphia's labor
3 community remain highly skeptical that
4 the enforcement measures will improve.

5 L&I simply doesn't have the
6 inspectors to keep tabs on this army of
7 rogue developers and contractors who
8 are buying up Philly's affordable land
9 parcels. And throwing that up with
10 dangerously inferior commercial and
11 residential building at a record pace,
12 these unscrupulous developers in their
13 haste to build quickly, cheaply and
14 very profitably are taking outrageous
15 safety shortcuts, they're endangering
16 the lives of workers and nearby
17 residents alike.

18 We pray to God that it won't
19 take another tragedy like the Salvation
20 Army collapse to galvanize elected
21 officials to take this significant
22 action. The latest rash of building
23 collapses have been the worst in recent
24 cities history.

25 In addition to the physical

1 harm these bad actors in the
2 underground economy are causing,
3 they're also causing economic harm by
4 robbing the City of significant
5 revenue. Many of these developers are
6 profiting handsomely by taking
7 advantage of the 10-year tax abatement,
8 but also refusing to compensate their
9 construction workers according to
10 established area wages standards.

11 They're also cheating the
12 City by deliberating failing to pay for
13 permits and licenses, misclassifying
14 workers as 1099 independent contractors
15 to avoid paying payroll taxes,
16 restoring to pay workers cash under the
17 table, to avoid employer tax
18 implications and failing to provide
19 proper insurance like Workers' Comp.
20 and basic health care for these
21 employees.

22 I'd like to give a few brief
23 examples of my frustration dealing with
24 overwhelmed and understaffed or
25 possibly undertrained construction

1 inspectors. I submitted a 301 request
2 of photos of a work site on the 1700
3 block of Ridge on November 16, 2018,
4 and just over a month later on December
5 21st, two men became pinned and trapped
6 when a three-story vacant storefront
7 collapsed.

8 I've submitted right-to-know
9 requests in July on these findings,
10 through 311 requests and have not been
11 provided with those details or findings
12 to date. On August 7, 2019 there was a
13 collapse where bricks fell over three
14 stories onto a pavement open to the
15 public footsteps away from a busy
16 7-Eleven.

17 Just 12 days prior to that,
18 business manager John J. Dougherty
19 walked on to that very site and
20 witnessed these workers being
21 exploited. Enforcing the working
22 conditions that are beyond inhumane,
23 Mr. Dougherty stated that I go with
24 Local 98 Safety Director Mark Lynch to
25 take photos of the site and talk to the

1 workers.

2 After expressing our concern
3 and fear of the workers' safety due to
4 these conditions, we made numerous
5 phone calls to L&I and Department
6 heads. Yet they were allowed to
7 continue construction. This developer
8 streamline continues to do projects
9 across the City today.

10 We had nonunion employees
11 approach us that were working on a
12 project at 4th and Race Streets that
13 took photos and videos of foundation
14 cracking stretching from 50 feet in one
15 direction and 20 feet in another. I
16 followed the protocol established by
17 the Task Force and submitted the 311
18 request of follow-up emails. However,
19 I received no cooperation from their
20 department.

21 After pleading with
22 Construction Inspector Supervisor Perry
23 Cocco to meet me at the job site so I
24 can show him exactly where the crack
25 was located, he refused, also refused

1 to send another inspector and
2 maintained his position that he would
3 not waste taxpayer dollars for
4 unfounded complaints.

5 And this isn't in my written
6 testimony, but we also had sources
7 inside City Hall that told us that part
8 of this Task Force, that they were
9 stripped of their duties to shut down
10 job sites from February of 2019 through
11 April of 2019.

12 Recently there's been a focus
13 on protecting our children and teachers
14 from being exposed to asbestos in
15 schools, a situation I sincerely
16 implore Council to address immediately.
17 We have developers like the Post
18 Brothers who have been cited numerous
19 times at multiple large construction
20 sites for not following proper
21 procedures for the remediation of
22 asbestos.

23 We also have a out-of-town
24 developer, Heights Advisors, who is
25 exposing people to this dangerous

1 hazard at the Public Ledger Building.
2 Most of these buildings are occupied
3 and place unknown Philadelphians at
4 risk, not to mention the untrained
5 workers who are being exposed to
6 asbestos at its core.

7 In 2013, Mayor Kenney and
8 Councilman Henon co-authored and passed
9 legislation to help address the
10 underground economy on their Section 8
11 in the L&I code. Prime contracts must
12 post the subcontractor list at each job
13 site in a conspicuous space clearly
14 visible to the public view.

15 Also, contractor vehicles on
16 construction sites must display their
17 license number at least 2 inches in
18 height clearly visible. In a 10-month
19 period, there was 150 cases submitted
20 to 311 and L&I's construction task
21 force to both address the subcontractor
22 list and unmarked vehicles. They found
23 every case submitted unsubstantiated.
24 It became so frustrating. I was told
25 by L&I inspectors that they were not

1 enforcing this law or to call 911 for
2 those complaints.

3 It is impossible to tackle
4 the underground economy if the
5 Department refuses to enforce the laws
6 in their own Code book. We respect
7 your calling for this public hearing on
8 the pervasive and destructive
9 underground economy in Philadelphia's
10 construction industry.

11 This hearing can create
12 additional legislative safeguards and
13 will write in these bad actors before
14 they injure one more person or cheat
15 the City of Philadelphia out of one
16 more tax dollar. Given the intense
17 interest in the City's 10-year tax
18 abatement at present, City Council
19 should undertake a serious review of
20 all tax-abated properties to determine
21 what, if any, City taxes these
22 developers paid.

23 Also, Council should
24 determine what documents exist on any
25 construction site accidents. And if

1 so, were any Worker Comp. claims filed.
2 Other states around the country are
3 ahead of the pack and effectively
4 combating the underground economy in
5 their construction industries.

6 California, for example,
7 created an employment enforcement tax
8 force which works with the Contractor
9 State License Board to regulate the
10 state's construction industry. In
11 2014, California's governor signed to
12 aid the victims of underground economy
13 by expediting hearings for injured
14 workers or employers that are illegally
15 operating without Workers' Comp.
16 insurance.

17 Other solutions are needed.
18 One idea that has worked elsewhere is
19 increased publicity to shed light on
20 the illegal economic activities in the
21 construction industry such as employers
22 neglect and reporting their workers
23 injuries.

24 Another proposed solution is
25 economic in nature, raising wages to

1 ensure that all workers are paid a fair
2 wage. This would help reduce abuses by
3 employers and would, to an extent,
4 mitigate poverty levels among
5 underground construction workers. I
6 thank all the Committee members for
7 your time, interest and responsiveness.
8 I'm now happy to answer any questions.

9 COUNCILMAN HENON: Thank you.
10 Would you please state your name for
11 the record and you can proceed with
12 your testimony? Thank you.

13 MR. LYNCH: My name is Mark
14 Lynch. I'm going to give you a little
15 bit of a different idea or approach to
16 this. I'm a safety professional in
17 construction in the City. And I just
18 want to get something straight. This
19 is not a union, nonunion issue. It's
20 is a human, nonhuman issue.

21 What we're seeing throughout
22 the City, the workers are much lower
23 wages than the industry standard, no
24 health care. There's no Workmen's
25 Comp. insurance. I don't know if

1 anyone's heard this on a job site, but
2 there's literally workers stating if
3 they were to be injured on a job site,
4 they're fired before they hit the
5 ground. That's what they're being
6 told. They don't have Workmen's Comp.
7 so if they do get hurt, no one's
8 reporting these injuries.

9 To touch on what Brian was
10 saying, the job that we walked on, on
11 Columbus Boulevard, when you walk on
12 this site, it's terrifying to see that
13 in the year 2020 that we still have
14 workers in these conditions. Sneakers,
15 shorts, the same T-shirts that they've
16 been wearing for two, three, four days
17 now, being packed in a van and taken
18 out. I mean, there's no proper PP on
19 any of them, no hard hats, no
20 respirators and they're working these
21 conditions.

22 We look at the schools and
23 there's kids being exposed to asbestos
24 every day. It's not just the schools.
25 It's all these construction sites

1 throughout the City that are not being
2 done the proper way.

3 I want to put a statistic out
4 there. So there's developers coming in
5 from New York City. It's blatantly
6 obvious. New York City from 2015 until
7 2019, their Workmen's Comp. went up 221
8 percent for workers injuries on
9 construction sites. Not 21, 221. This
10 is what we're dealing with here in the
11 City.

12 Their death, fatality rate
13 went up 33 percent. Like Brian touched
14 on, we don't need another Salvation
15 Army, right. We're touching on
16 accountability. Until there's
17 accountability for these contractors,
18 nothing is going to change.

19 They get a slap on the wrist
20 and they come back and do the same
21 thing on the next job. So you're
22 talking no hard hats, no boots, no
23 PPEs. These are basic things that
24 every worker in this area should be
25 given and they fear.

1 You drive down certain areas
2 and you drive down streets, there's
3 scaffolding being built next to PECO
4 transformers. Literally, we stopped on
5 Girard Avenue driving by and PECO
6 showed up and had to shut the job down
7 with no permits, no insurance, nothing.

8 We talked about the Public
9 Ledger Building. There was a rally
10 held out there last week for Public
11 Ledger, 500 construction workers. Two
12 days ago on Wednesday, a tax -- a woman
13 that works for the Tax Department
14 through the state showed up to the job.
15 She walked onto the floor where the
16 workers were working. Do you know what
17 happened? They left. They walked off
18 the job and ran. There's videos
19 everywhere showing it. So until these
20 rules and regulations are enforced,
21 nothing's going to be changed. We need
22 accountability. Thank you.

23 COUNCILMAN HENON: Thank you.
24 Chair recognizes Councilmember Gilmore
25 Richardson.

1 COUNCILWOMAN GILMORE

2 RICHARDSON: Thank you, Mr. Chair, and
3 thank you both for your testimony. I
4 just wanted to mention for the record
5 again for the last two panels, I really
6 heard a common theme around reporting
7 issues to 311 and not receiving
8 accurate information relative to the
9 status and/or the progress of the
10 issue.

11 Mr. Chair, I really think
12 that's something that we need to focus
13 on as we follow up on this issue
14 because I think that will help to
15 increase the accountability from a City
16 perspective for the people that we
17 serve, but also it will help us to
18 improve the system where we're always
19 asking people if you see something, say
20 something.

21 People are saying something,
22 they're taking pictures, they're giving
23 the information to the City and we're
24 not doing the appropriate thing with
25 it. And I think we need to change that

1 in order to help this process. So
2 thank you very much for your testimony
3 and for your advocacy on this issue,
4 and we will follow up relative to the
5 work we need to do around 311. Thank
6 you so much.

7 MR. LYNCH: Thank you.

8 COUNCILMAN HENON: Thank you,
9 Councilmember. Mr. Eddis, you stated
10 in your -- just to follow up on your
11 statement and to follow on the lead of
12 the Councilmember who just spoke, that
13 you submitted 150 complaints about
14 failure of contractors to report and
15 post certain subcontractor lists and
16 vehicles.

17 How many of those came
18 back -- I'm not sure with the system
19 that we have, how many came back
20 founded, unfounded. And to your
21 knowledge, was there any kind of
22 follow-up with the Department? Was
23 there another inspection? Was there
24 any other 311 response to any of those?

25 MR. EDDIS: So to the 150

1 that I had stated, 0, they all came
2 back unsubstantiated was the term used
3 by L&I. And as far as a follow-up, I'm
4 not aware.

5 COUNCILMAN HENON: You also
6 stated that a supervisor came down to
7 meet you at some property and I'm
8 trying to read my own little
9 handwriting here. There was a
10 foundation crack; is that correct?

11 MR. EDDIS: That's correct.

12 COUNCILMAN HENON: Was this
13 an unfounded complaint?

14 MR. EDDIS: So I had
15 submitted the 311 request and did the
16 follow-up email to the Construction
17 Task Force about the foundation crack
18 and the supervisor refused to meet me
19 out there. After going back and forth
20 in emails with video, he had suggested
21 that the video and the photos that I
22 had submitted were from another job.
23 And I had asked him to meet me at the
24 particular job site, and he refused to
25 do so. And I also had requested to

1 send another inspector of his if he
2 didn't have the time to do it, and he
3 also refused to do that as well.

4 COUNCILMAN HENON: To your
5 knowledge, was an inspection on that
6 property ever completed?

7 MR. EDDIS: I'm not aware of
8 any other follow-up or other
9 inspection.

10 COUNCILMAN HENON: We talk
11 about defining what the underground
12 economy is here in the City of
13 Philadelphia, somebody who was supposed
14 to be here and was mentioned in
15 somebody's testimony about streamline
16 construction, they're not just in one
17 neighborhood. These bad actors are all
18 over the City affecting every
19 neighborhood and here we have a crack
20 that cannot only affect that property
21 but the adjacent property; is that
22 correct?

23 MR. EDDIS: That's correct.

24 COUNCILMAN HENON: Okay.

25 Does anyone else have any questions for

1 this panel?

2 (No response.)

3 COUNCILMAN HENON: Well,
4 thank you for your testimony.

5 MR. EDDIS: Thank you.

6 COUNCILMAN HENON:

7 Ms. Atwell, we had two more people on
8 the panel. Can you call their names
9 out again please to see if they're
10 here?

11 THE CLERK: Joseph Blake and
12 Mark Swisher.

13 (No response.)

14 COUNCILMAN HENON: Okay. Can
15 we move to our next panel, please?

16 THE CLERK: David Perri,
17 Frank Breslin and Rich Lazer.

18 (Panel approached
19 Witness Table.)

20 COUNCILMAN HENON: Before we
21 start with this panel, I want to note
22 for the record and I want to submit in,
23 they can't be here for testimony, is I
24 have the testimony of April Gigetts.
25 She's the Vice-president of AFSCME

1 Local 2187, District Council 47. And,
2 Commissioner Deputy Mayor, whoever
3 wants to -- Revenue Commissioner.

4 MR. LAZER: Thank you. Good
5 morning or good afternoon, Chair Henon,
6 and members of the Committee. My name
7 is Rich Lazer and I'm Deputy Mayor for
8 Labor. I appear before you today to
9 testify in support of Resolution No.
10 200043.

11 This Administration and
12 Council share the same goals when it
13 comes to reining in the underground
14 economy in the construction industry,
15 because fundamentally this is a
16 question of safety and fairness.
17 People's lives are at stake when
18 unlicensed and quite possibly
19 unqualified contractors do construction
20 work. Honest business lose out when
21 they are undercut by fly-by-night
22 operators and hardworking construction
23 workers get overpaid for the quality
24 and value of their labor as unlicensed
25 work depresses wages and becomes a race

1 to the bottom.

2 There are multiple pressure
3 points that the Administration can use
4 to bring unlicensed operators into
5 line. L&I can use and enforce stop
6 work orders when noncompliance is
7 identified. The Revenue Department can
8 open tax investigations. My office
9 will investigate wage theft or sick
10 leave abuse if a complaint has been
11 filed.

12 The challenge has been to
13 develop or coordinate an approach to go
14 after unlicensed operators.
15 Historically, a problem with L&I not
16 necessarily translating into an audit
17 by revenue or an investigation by my
18 office. However, this Administration
19 has been working to fix that.

20 As Deputy Mayor of Labor, I
21 have instructed my own employees to
22 take seriously the concerns coming from
23 legitimate operators in the
24 construction community. My office has
25 convened a working group along with my

1 partners from Revenue and L&I and the
2 Law Department to map out ways to
3 contain and mitigate the underground
4 economy.

5 In addition to our internal
6 conversations, we have met repeatedly
7 with representatives from the
8 construction community to seek their
9 feedback. One major outcome from the
10 working group is that L&I has
11 established a task force of inspectors
12 specifically to investigate complaints
13 among licensed contractors and
14 construction work, and L&I's
15 Commissioner will talk more in detail
16 about that.

17 Another development in the
18 City is currently working through
19 its -- we're currently working through
20 confidentiality agreements with
21 specific workers. Our allies in the
22 construction industry indicated that
23 workers at unlicensed firms are ready
24 to provide the information we need to
25 construct both L&I and Revenue cases.

1 We view this as a valued opportunity to
2 shut down an unlicensed operator and
3 both Revenue and L&I have been working
4 with the Law Department to craft an
5 agreement that will shield the
6 employees who come forward from
7 administrative action on our part.

8 There's still much work to be
9 done to rein in unlicensed construction
10 economy. However, it's the goal this
11 Administration believes in. While
12 still in Council, Mayor Kenney was a
13 co-sponsor of many of the bills that we
14 spoke about today. He continues to
15 support that goal and we are committed
16 to continue partnering with all our
17 friends in labor until we get there.
18 This concludes my testimony and I'm
19 happy to answer any questions at this
20 time.

21 COUNCILMAN HENON: Thank you.

22 MR. BRESLIN: Good morning,
23 Chairman Henon, and members of the
24 Committee on Licenses and Inspections.
25 I'm Revenue Commissioner Frank Breslin.

1 Thank you for the opportunity to
2 testimony this afternoon on Resolution
3 200043 regarding the impact of the
4 underground economy on the construction
5 industry.

6 I would like to take this
7 opportunity to affirm the Department of
8 Revenue's commitment to uncovering tax
9 fraud in all industries. We work hard
10 to ensure that all taxpayers pay their
11 fair share and we find that the vast
12 majority do. The high rate of
13 compliance is the result of our robust
14 collection and compliance initiatives
15 driven by best practices in a data-
16 driven approach.

17 Our strategy is designed to
18 stimulate voluntary compliance.
19 Voluntary compliance is the most
20 efficient method of tax collection.
21 Even with effective compliance
22 programs, there are taxpayers who
23 willingly and knowingly attempt to
24 avoid taxes using questionable and even
25 unlawful tactics.

1 Revenue uses many tools to
2 identify these businesses and
3 individuals. Some of the tools at our
4 disposal include data sharing with our
5 City departments in governmental
6 agencies, including the Pennsylvania
7 Department of Revenue and the Internal
8 Revenue Service.

9 We have a team of Revenue
10 investigators who investigate all leads
11 received from internal and external
12 sources, including our revenue tax
13 fraud hotline. Additionally, on a
14 continual basis we monitor income
15 reported to the IRS through the Form
16 1099-MISC. We compare it to data
17 reported to us and then contact and
18 assess employees or employers who have
19 not reported or have underreported.

20 Together with our partners at
21 the Department of Licenses and
22 Inspections, we have instituted data
23 sharing processes that inform our
24 investigations and auditing efforts.
25 In Fiscal Year 20, we have initiated 26

1 audits and assessed over \$629,000 as a
2 result of referrals from Licenses and
3 Inspections. These initiatives are
4 ongoing, and audits can take up to a
5 year or more to complete.

6 It is difficult to estimate
7 the amount of wage tax that the City
8 does not collect as a result of these
9 dishonest business practices. Various
10 economic think-tanks have studied the
11 issue, the IRS latest tax gap study
12 covers the years 2011 through 2013 and
13 was released in September 2019.

14 We do look at all of these
15 reports and look for best practices and
16 try to implement what we see effective
17 in other jurisdictions and what can be
18 useful here. Furthermore, the report
19 of the IRS does not provide an analysis
20 of individual industries. We look
21 forward to continuing our successful
22 collaboration with the Department of
23 Licenses and Inspections and with City
24 Council. Thank you for your
25 opportunity to testify and I'm happy to

1 answer any questions.

2 COUNCILMAN HENON: Thank you,
3 Commissioner. Commissioner?

4 MR. PERRI: Good afternoon,
5 Chairperson Henon, and members of the
6 Licenses and Inspections Committee. My
7 name is David Perri. I'm the
8 Commissioner of the Department of
9 Licenses and Inspections. Today I'm
10 here to provide testimony on Resolution
11 No. 200043 which authorizes the
12 Committee on Licenses and Inspections
13 to conduct hearings to investigate the
14 underground economy.

15 The underground economy is
16 economic activity that is purposely
17 hidden from government relation,
18 businesses and workers lack required
19 credentials and taxes are unpaid or
20 underpaid. There can be no doubt that
21 the underground economy hurts the City.
22 It limits our ability to collect needed
23 tax revenue and it creates an unfair
24 advantage for bad actors who are
25 willing to cut corners and cheat.

1 In the construction industry,
2 contractors in the underground as often
3 misclassify their labor as independent
4 contractors instead of employees in
5 order to avoid government tax,
6 licensure and training requirements.
7 This is totally unacceptable. If you
8 hold a City contractor license, the
9 only people allowed to work on your job
10 sites are your wage employees or a
11 licensed subcontractors wage employees.

12 When contractors comply with
13 this requirement, we all benefit. The
14 wage employees are much more likely to
15 have the required OSHA safety training.
16 The wage employees will be covered by
17 the contractors, required general
18 liability insurance policy and the
19 contractor will be far more likely to
20 pay all City taxes that are due.

21 Although L&I is not in the
22 wage tax collection business, we are
23 concerned about contractors whose
24 illegal business practices include
25 making repeated misrepresentations to

1 the City, including misclassification
2 of their workforce. Our solution to
3 address contractor business practices
4 without hindering or conflicting with
5 our core mission to conduct
6 code-mandated building safety
7 inspection was the creation of a
8 separate unit named Audits and
9 Investigation Unit or AIU.

10 Over the past several years,
11 Philadelphia's economy has boomed.
12 Along with all the positive benefits
13 arising from it, opportunities for the
14 underground economy to flourish have
15 unfortunately also increased. For
16 Fiscal Year 2020, the Department is
17 committed to significantly expand the
18 Audits and Investigations Unit. We
19 believe that with the addition of new
20 leadership in September 2019 and to
21 innovation, we have created a template
22 that is effective and can be scaled to
23 meet current and future challenges.

24 We are in a far better
25 position now to combat the underground

1 economy today than ever before.
2 William Fernandez assumed the role of
3 AIU Director in September 2019. He is
4 an experienced and well-respected
5 attorney who prior to this assignment
6 worked in the City Law Department
7 representing L&I and code enforcement
8 cases.

9 AIU is responsible for
10 enforcing contractor compliance with
11 various legally mandated business
12 practices. Its inspection staff duties
13 include performing unannounced job site
14 inspections to verify that an OSHA 30
15 site safety manager is present, every
16 worker on site has an OSHA 10 card,
17 every worker on the site is either
18 employed by the named contractor or a
19 licensed subcontractor, that all
20 required insurance is still current,
21 employees requiring specialty trade
22 licenses have the requisite licenses
23 and the job site permit postings are in
24 order. But unlicensed contractors are
25 discovered along with initiating L&I

1 sanctions and fines, AIU makes
2 referrals to the Revenue Department to
3 investigate the companies for tax
4 compliance.

5 Working with his former
6 colleagues in the Law Department,
7 Mr. Fernandez devised a new license
8 violation program. This program is
9 calibrated to result in significant
10 fines being issued to bad actor
11 contractors, while providing ample due
12 process protections to those who are
13 cited. It's essential that a legally
14 correct process be in place so that our
15 actions can stand up in court, if
16 challenged.

17 This program was piloted in
18 January and early results are very
19 promising. In January, 48 unannounced
20 inspections were performed at 38
21 separate job sites, resulting in nine
22 L&I violations and 13,000 in direct
23 fines. We are prepared to expand this
24 program and we believe that it will be
25 a game changer. By checking licensure,

1 contractors who are most likely to
2 misclassify labor are discovered.

3 Since L&I is not qualified to
4 audit financial records or otherwise go
5 into contractors' books, we have
6 developed a strategic partnership with
7 the Revenue Department in the City's
8 fight against the underground economy.

9 As required by the
10 Philadelphia Code, we make referrals to
11 the Revenue Department on a monthly
12 basis. We've had this practice in
13 place since 2018 and it produces
14 results. In the first half of Fiscal
15 Year 2020, we referred 33 contractors
16 to the Revenue Department. The Revenue
17 Department reports that they recently
18 completed 26 assessments based on L&I
19 referrals and the total values of those
20 assessments is \$629,000.

21 Mr. Fernandez continues to
22 work with the Revenue Department to
23 enhance these collaborative efforts. A
24 hearing to this process effectively
25 means creating programs that work, are

1 scalable and can legally be defended.
2 We believe that we are making progress
3 and headed in the right direction.
4 Thank you for hearing from us today on
5 this critical issue. We are prepared
6 to answer any questions that you may
7 have.

8 COUNCILMAN HENON: Thank you
9 for your testimony. Chair --

10 COUNCILWOMAN GILMORE

11 RICHARDSON: Thank you, Mr. Chair, and
12 thank you for your testimony.
13 Mr. Chair, I just wanted to thank you
14 for introducing Resolution 200043 on
15 the proliferation of the underground
16 economy in the City of Philadelphia. I
17 do need to be excused for additional
18 Council business, but I wanted to leave
19 several questions on the record for the
20 panelists that are currently here.

21 For Commissioner Perri, I
22 will start with you. And first, I'll
23 say that we do read all the testimony
24 and I was struck by the written
25 testimony that was left by AFSCME Local

1 2187 DC 47 and also from the Riverwards
2 L&I Coalition who I know is a wonderful
3 organization who are really boots on
4 the ground relative to reporting these
5 issues. Around the testimony from
6 2187, Local 2187, working in L&I, how
7 much additional inspectors,
8 specialists, plan examiners are needed
9 to lessen the workload for the
10 aforementioned positions to carry out
11 the recommended amount and number of
12 permits? That's my first question.

13 And second for
14 Mr. Commissioner Perri would be, how
15 does your office interface with 311
16 relative to your Department procedure
17 for inspectors in all the appropriate
18 follow-up to happen to be reflected in
19 the 311 system after someone submits a
20 claim in the system? How does your
21 Department interface with 311 relative
22 to after the initial inspection 15 days
23 later, then 30 days, then 45 days? How
24 does that interface process work?

25 And then for Commissioner

1 Breslin relative to your Department of
2 Revenue, as a result of your data
3 sharing practices with the Internal
4 Revenue Service, how much realized
5 savings in additional revenue do we
6 bring in as a result of the partnership
7 with the federal agency? Those are my
8 questions.

9 Mr. Chair, thank you so much
10 for having this hearing and we look
11 forward to the continued work on the
12 underground economy in Philadelphia.
13 Thank you.

14 COUNCILMAN HENON: Thank you,
15 Councilmember. Thank you for being
16 here and thank you again for your
17 attention to this issue and wanting to
18 be a part of coming up with solutions
19 moving forward.

20 COUNCILWOMAN GILMORE

21 RICHARDSON: Thank you.

22 COUNCILMAN HENON: Let me
23 start off with Commissioner Perri, and
24 then we'll open it up for questions
25 with the Committee. Speaking of

1 Committee, I would like the record to
2 reflect we are joined by Councilman
3 Squilla.

4 Commissioner Perri, L&I was
5 allocated funds for new inspector
6 positions and it is my understanding
7 that some of those positions are still
8 vacant. Can I ask why are they still
9 vacant and what is the Department's
10 strategy for the revolving retention of
11 inspectors on a regular basis?

12 MR. PERRI: Let me break down
13 the inspectors that we have on staff in
14 the Department. So in terms of the
15 inspections side of the business, we
16 have construction inspections, we also
17 have code enforcement inspections. The
18 construction inspectors, they do
19 inspections of permit activity, code
20 enforcement, they do property
21 maintenance inspections and fire code
22 inspections.

23 So on the construction
24 inspection side, on our budget we have
25 88 budgeted positions. Currently, we

1 have 66 filled, leaving with 22 that
2 are unfilled. On the code enforcement
3 side, we have 70 budgeted and 62
4 filled, leaving 8 that are currently
5 unfilled.

6 So out of 158 total
7 inspection positions in the
8 Department -- and they're also the
9 positions that we ask for AIU, we put
10 building inspectors in that unit. So
11 out of the 158 positions in the
12 Department, we currently have 30
13 vacancies. And the vacancies have been
14 a real challenge for us.

15 Part of the issue is we
16 have -- the last class that we hired,
17 we hired 21 trainees and they go
18 through an 18-month process in order to
19 get all of their certifications in line
20 so that the state can recognize them as
21 qualified building inspectors, so they
22 go through a long training process in
23 order to get up to speed so they can
24 legally do these inspections.

25 So out of the last 21 that we

1 brought on board, 10 of them did not
2 make it all the way through the program
3 and that's a real challenge for us
4 because we spent a lot of money in our
5 training budget to bring these folks up
6 to speed, we're paying their salaries
7 while they're here and it's not
8 generating the return that we would
9 like it to be.

10 So we've gotten to the point
11 where construction activity is in such
12 demand in this city that we're also
13 pulling from the same pool of folks
14 that otherwise may qualify to be
15 skilled labor on a project. The job
16 requirement requires job experience and
17 if the economy is hot and the
18 construction industry is hot, we simply
19 can't pull enough people in and get
20 them hired quickly enough and get them
21 up to speed. So we recognize this
22 issue. We have some ideas with what we
23 want to do. We discussed it with the
24 L&I Committee.

25 One of the main issues that

1 we want to do is reach out and -- some
2 work has been done on this, but reach
3 out to Philadelphia Community College
4 and see if they would be interested in
5 doing a two-year program in which the
6 core part of that curriculum would be
7 getting the certifications that you
8 need in order to do a legal building
9 inspection.

10 So in other words, if
11 Community College attracts, retains and
12 trains these candidates, when they
13 graduate, they'll be pretty much
14 guaranteed a job in City government as
15 a building inspector. We would be able
16 to take them right out of class and
17 bring them on board. So our challenge
18 then at that point would simply be
19 bringing them up to speed in terms of
20 making them familiar with job sites and
21 how to do inspections and City policy.
22 It would shorten our training process
23 tremendously and open this up to a
24 wider range of individuals who
25 otherwise may not have been able to get

1 their foot into the construction or the
2 inspection industry.

3 We would even be willing to
4 go as far as -- because we would be
5 saving money in training, to be able to
6 perhaps offer some loan forgiveness if
7 they have college loans and other
8 incentives to bring these folks in.

9 COUNCILMAN HENON: Well,
10 thank you and I'm glad to hear that.
11 And I have some other follow-up
12 questions to the vacancies. In our
13 conversations about inspectors and
14 workload and trying to address some of
15 the underground economy, but some of
16 this is our core functions which we
17 struggle with when it comes to caseload
18 for inspectors, we had a conversation
19 and I subsequently had followed up with
20 Community College and Philly Works
21 right here in the City of Philadelphia
22 with yourself.

23 So the intent is to onboard,
24 because I want to talk about HR's
25 issues with onboarding, onboard a

1 cohort of a class of 20 for the next
2 five years in line with the Mayor's
3 vision of incorporating Community
4 College as a part of a direct hire
5 pipeline to inspectors, and quite
6 frankly, this could be a model for any
7 City employee because we do have
8 control over our own economy as the
9 City of Philadelphia and we have
10 vacancies all over the City in multiple
11 departments.

12 But in L&I where instead of
13 us paying with fringe benefits and
14 salaries and training, paying somebody
15 \$100,000 for 18 months and then
16 quitting and not being able to secure
17 or maintain employment, we have a
18 direct pipeline through Community
19 College, through training and having
20 education forgiveness so tuition
21 forgiveness if they maintain and commit
22 to, you know, and this is just an
23 example. It could be five years and
24 then tuition could be forgiven, but
25 it's a pipeline into a job.

1 They'll be properly trained.
2 And we're not paying \$100,000 for
3 somebody who quits and can't get to the
4 job that we have every day. One of the
5 things, a follow-up to that is on the
6 vacancies, what does the list look like
7 through civil service? Is there a list
8 that has been maintained? Has it been
9 updated and how many are on the list?
10 Are you aware of that?

11 MR. PERRI: Yeah, there's a
12 current list for the construction
13 inspectors and we're going to be
14 interviewing any candidate that's left
15 on that list for our next training
16 class. I believe there's 17 candidates
17 on there. As soon as we go through
18 that vetting process, we'll then
19 re-announce the examination and try to
20 hire the next class.

21 COUNCILMAN HENON: Okay.
22 That's good to hear. Audit
23 Investigation Unit, we as City Council
24 working with the Mayor committed as it
25 being a priority, funded 10 inspectors

1 and/or part of that Audit Investigation
2 Unit and on your paperwork that we have
3 here, it has a team of 2. Is that all
4 we have out of 10, 2?

5 MR. PERRI: Two building
6 inspectors are out in the field at this
7 point. We were able to hire one and
8 then we lost one at the same time, so
9 we were not able to make any headway at
10 this point.

11 COUNCILMAN HENON: So we're
12 short in the Audit Investigation Unit
13 that is to deal with the underground
14 economy specifically?

15 MR. PERRI: That's correct.

16 COUNCILMAN HENON: Okay. A
17 question on -- a couple of follow-ups
18 to that. Audit Investigations Unit, I
19 see here in the testimony and I'm going
20 by the testimony that was given to me
21 from AFSCME District Council 47 who
22 represents the workers in L&I
23 inspectors -- again, I can't say enough
24 of the amount of work they do, the
25 amount of stress and pressure that they

1 need to do with just the jobs that they
2 have.

3 And it seems in the testimony
4 here that is written, an inspector is
5 given 350 to 1,000 permits a day?

6 MR. PERRI: No, that's not
7 correct.

8 COUNCILMAN HENON: It's not
9 true, currently, inspectors are
10 carrying from 350 to over 1,000
11 permits?

12 MR. PERRI: That doesn't --

13 COUNCILMAN HENON: Building
14 permits and plumbing permits only.

15 MR. PERRI: That would be
16 their entire workload that they would
17 have assigned to them. It's not a
18 daily accumulation of additional ones.
19 It's ones that are assigned to their
20 district.

21 COUNCILMAN HENON: So let me
22 ask you, and I say that because -- and
23 I just want to point out we're here and
24 I'm here to help support public safety
25 in making sure that nobody is put in

1 any kind of preventative situations and
2 to help support the boots on the street
3 which work for you. Regardless, it's a
4 lot of permits, and the Audit
5 Investigations Unit that they what,
6 they go to the jobs randomly or if it's
7 complaint-driven, to the jobs that you
8 have documented that have permits?

9 MR. PERRI: What they do is
10 they look at all the open jobs that are
11 out there and they go through a formula
12 and pick which jobs to go and randomly
13 audit, and then they also respond to a
14 complaint line that they monitor.

15 COUNCILMAN HENON: And I
16 think we need to just -- it needs to be
17 robust. So we need to get to 10, we
18 should get to 20. The point I'm making
19 is you have inspectors who on their
20 daily job they are carrying this amount
21 of permits, right, an inspector has a
22 caseload of 350 to 1,000 permits and
23 they're responding to service requests
24 from the public calling in
25 investigation and complaints,

1 accusation of contractors working
2 without permits, zoning, footprints,
3 duties, specialists, plan examiners,
4 contractors, engineers.

5 They're creating their own
6 schedule to visit these job sites.
7 They are scheduling unscheduled visits
8 or random visits and consulting with
9 whomever in the Department to do their
10 job. How is that possible in one
11 person's day where in a seven-hour day
12 where they have to have a lunch and the
13 increased uptick of permits?

14 And again L&I, you are the
15 department that really gets the
16 shortfall of the revenue that you
17 collect. Your budget is \$31 million,
18 put \$10 million as a pass-through for
19 demolition and you're collecting \$74
20 million, \$75 million. That is just
21 what is documented and that is just
22 what we have on record for inspectors.

23 I worry without having more
24 of an influx of support staff with
25 inspectors, having more inspectors just

1 to get to the jobs that they have,
2 because there's multiple inspections
3 for each permit probably or a case.
4 How are they going to get to the
5 underground economy, which you defined
6 perfectly by the way, it was well
7 written? How are we going to get to
8 the undocumented job sites when it
9 comes to undocumented jobs that
10 inspectors cannot get to, cannot check
11 if they have permits, cannot check if
12 the workers are having safe work
13 requirements that's required by law?

14 How can we check to see if
15 signs are being posted which is
16 required by law, vehicles are being
17 identified which is required by law?
18 How are we going to check those
19 potentially hypothetical job sites that
20 may be unsafe?

21 MR. PERRI: Yes. You put a
22 lot out there, Councilman.

23 COUNCILMAN HENON: I did. I
24 just want to give you more inspectors,
25 man.

1 MR. PERRI: I hear you and we
2 appreciate it. First of all, I'm very
3 proud of our inspection staff and I
4 appreciate that you acknowledge the
5 hard work that they do. Last week we
6 received information from the
7 International Accreditation Society
8 that L&I re-affirmed, they gave us
9 re-accreditation for this year.

10 We are the largest accredited
11 building department now in the entire
12 country. We are the only accredited
13 building department in Pennsylvania.
14 So the question is how do we get
15 inspectors out to look at the
16 underground economy.

17 So what we wanted to do was
18 we got inspectors that need to be out
19 there on a legal basis to do permit
20 inspections. And just use a single
21 family dwelling as an example. So
22 there's typically six different times
23 that a building inspector needs to go
24 out to inspect new construction of a
25 single family dwelling.

1 We need those inspectors to
2 focus on that aspect of the building
3 code. We didn't want them to also then
4 be encumbered with looking at all the
5 business practices of the contractor.
6 They're out to look at the physical
7 conditions. That is the reason for a
8 building inspector to be on a job site.
9 They are responsible for the physical
10 condition at that site.

11 If the site needs to be
12 sprinkler, if it needs a fire alarm
13 system, if it needs certain rated fire-
14 rated construction, they're on the dime
15 to make sure that that happens. So how
16 do we maintain that and not take away
17 from them and create an inspection
18 focused on the underground economy?

19 So we created a whole
20 separate unit whose only job it is, is
21 to focus on the underground economy.
22 We brought a new manager in, in
23 September. They worked on putting
24 together -- he worked on putting
25 together an efficient reproducible

1 system that we can go out and do these
2 inspections properly.

3 The only thing holding us
4 back this time is to be able to scale
5 it up. We need to scale it up. And we
6 need to be able to scale it up without
7 taking inspectors away from the other
8 duties that they already have.

9 So we're on the same page in
10 terms of needing staff to do these
11 underground economy inspections in the
12 way that they need to be done. I'm
13 very hopeful as we bring in these new
14 inspectors that we can re-assign some
15 experienced ones to work with AIU. We
16 can also partner up some of the
17 trainees, because if you come on as a
18 trainee and work kind of like an
19 apprentice to the building inspector,
20 they can be out on the job site. So
21 we're thinking of filling that unit
22 with some experienced inspectors and
23 with some trainees.

24 And if it gets to the point
25 where we just simply can't fill it,

1 then we're going to take a hard look at
2 maybe we need to reclassify ourselves
3 or take different job -- put different
4 employees with different job titles
5 into that unit. So, for instance, if
6 we have a shortage of building
7 inspectors, maybe we look at another
8 type of employee that we have in the
9 department to fill that rank so that we
10 can get those audit inspections done.

11 COUNCILMAN HENON: So you're
12 talking about an internal process that
13 addresses the underground economy that
14 is separate than Audit Investigations
15 Unit? The Audit Investigations Unit
16 has two people and they visit jobs at
17 random on either complaint and/or
18 random, whatever it may be. They're
19 not there to go out and look for
20 unfounded and/or other job sites that
21 are happening in the construction
22 economy that you can also protect and
23 save and do the core mission as you
24 just described which is their
25 responsibility.

1 Are we talking about a new
2 process, new unit to deal with the
3 underground economy that can just get
4 out there and make sure that people
5 aren't digging in basements and people
6 don't have the right of way, even
7 though it's Streets Department, the
8 right-of-way permits and/or anything
9 else that is required by law for any
10 kind of construction activity?

11 MR. PERRI: So our normal
12 construction inspectors do a certain
13 amount of patrol inspections
14 themselves. Obviously, when they're
15 going to and from different job sites,
16 they're always on the patrol looking
17 for work that is not permitted so they
18 do that on a regular basis.

19 We also started bringing in
20 inspectors on the weekend to do nothing
21 but patrol inspections. So those
22 construction inspectors do a certain
23 amount of that type of activity. I am
24 thinking about establishing another
25 unit, a quality control unit, that

1 would do more of the patrol inspections
2 that the City Controller mentioned.

3 COUNCILMAN HENON: How about
4 we just ask the Mayor for a budget for
5 50 new inspectors over two years and
6 they can be that patrol unit?

7 MR. PERRI: I don't know if I
8 would put 50 in there.

9 COUNCILMAN HENON: I think we
10 can call it a day, right, and then fill
11 30 vacancies. Really, I'm just trying
12 to -- and I say this with humor to ease
13 on the seriousness of job sites not
14 being visited because they can't,
15 right, because we don't have enough
16 people on patrol. We got people who
17 are very diligent in trying to do the
18 caseload that they have.

19 And a question on the
20 investigation, so you got two. Was
21 there ever a shutdown for any reason
22 for a few months, like three months
23 maybe?

24 MR. PERRI: We had a period
25 of time when the former director left

1 until we were able to bring in Will
2 Fernandez as the new director. It
3 wasn't shut down. It was just not
4 operating at its full capacity during
5 that time.

6 COUNCILMAN HENON: Well, it's
7 not full capacity anyway because you
8 only got two, right?

9 MR. PERRI: Well, at least
10 when you have a director there that can
11 assign the work and get the audits
12 done.

13 COUNCILMAN HENON: I
14 understand. We just want to be able
15 to, you know, in advance to our budget
16 process encourage full support for
17 every neighborhood group throughout the
18 City of Philadelphia who is not
19 isolated to these issues. Every
20 neighborhood group is treated the same,
21 and I know you do that.

22 So my question for you is,
23 and then I'll turn it over to the
24 Councilman, so you get a complaint,
25 it's complaint-driven, some complaints

1 come from Council office. My office
2 calls all the time. We're assigned
3 somebody from L&I because we respond to
4 the community groups and/or
5 organizations, so nobody is treated any
6 separately.

7 So we're here with building
8 trades, we're here with the nontrades,
9 we're here with community groups and
10 L&I, Riverwards Coalition who has
11 access to government in working with
12 you on an Advisory Committee position,
13 so everybody is treated the same.
14 Property and people and inspections are
15 all treated the same no matter where it
16 comes; is that correct?

17 MR. PERRI: We do our best to
18 handle every complaint that comes in
19 and to be fair.

20 COUNCILMAN HENON: Right, and
21 you do. And I just want to thank you
22 for that and state that for the record.
23 Chair recognizes Councilman Domb.

24 COUNCILMAN DOMB: Thank you,
25 Chairman Henon, and good afternoon.

1 For the record, I just want to say that
2 I'm sitting here and looking at the
3 three of you and saying, wow, the City
4 of Philadelphia is lucky to have the
5 three of you working for the City, so
6 thank you, all three of you. You all
7 do a great job. I interact with all
8 three of you and you're doing a great
9 job, so thank you very much.

10 So just a few comments. I
11 said this earlier, I think it's our
12 job, I view this our job to create the
13 laws, create if needed the enforcement
14 of the laws legally, and then make sure
15 you tell what you need in the way of
16 funding. You guys are the experts.
17 We're not. And so, that's my personal
18 opinion on this whole topic.

19 And then I look at this and I
20 think there are two issues. One is a
21 short-term issue and one is a long-term
22 issue. I love the idea of Community
23 College that you just talked about. I
24 think that's amazing. I don't know if
25 it can be also accomplished at some of

1 our CTE high schools like Randolph and
2 others. Maybe, but that would be up to
3 all of you to check that out.

4 Also, my other question is
5 when someone comes to apply for a job,
6 what is the time frame from the time
7 they apply until the time you can hire
8 them?

9 MR. PERRI: I'd like to give
10 you an exact answer. I don't have
11 that. I'd be happy to get the research
12 done and have it submitted. It's not
13 quick. I can tell you that.

14 COUNCILMAN DOMB: Right, I
15 know. These are all the things that
16 hamper your ability to carry out what
17 we're asking you to do. So here's a
18 little thought on the short-term
19 problem and I don't know this answer.

20 I heard there's state
21 inspectors. Is there the ability in
22 the short-term for public safety for us
23 to go outside and hire state inspectors
24 on a contract basis just to make sure
25 that we're protecting the public safety

1 of our residents? Is that even an
2 option?

3 MR. PERRI: That hasn't been
4 an option that we've looked at. We can
5 certainly give that some thought.
6 That's a new idea that hasn't come our
7 way. I don't know where those folks
8 may be and what the mechanism would be
9 to bring them on board. It would
10 probably be some sort of RFP process
11 and that may be as long as the time it
12 takes us to hire people from the
13 street.

14 COUNCILMAN DOMB: Okay.

15 MR. PERRI: That's why we're
16 really excited about Councilman Henon's
17 idea about working with Community
18 College. We think that's a great
19 secondary pipeline to get more staff
20 into the Department.

21 COUNCILMAN DOMB: So that's
22 the long-term solution. So I'm
23 thinking in the next three to six
24 months are there any other ideas to
25 create an environment where we can do

1 these inspections? And my biggest
2 issue here is the pictures you showed
3 us a few weeks ago of these buildings
4 that almost collapsed, and your
5 inspectors caught it which was great,
6 so making sure you have enough staff to
7 help you with those situations.

8 MR. PERRI: There's not too
9 many other options that we have here.
10 We can push on what we call the special
11 inspection program. That's a program
12 in which the building owner hires their
13 own inspection staff to do certain
14 parts of the project. We can take a
15 look at advancing that maybe to the
16 next level. That's one possibility.

17 We need to quickly get this
18 next class interviewed and hired and on
19 board. That's where our focus needs to
20 be. And I just wanted to say that
21 overall we've hired inspectors at a
22 higher rate than the permit numbers
23 have increased, so it's not as if that
24 we've recently lost so many inspectors
25 that we are at a higher deficit now

1 than we were before. Permitting is up
2 in the 35 percent range over the last
3 four years, but the number of
4 inspectors we brought on even with
5 these vacancies is up about 53 percent,
6 so we're somewhat ahead of the curve
7 and, yes, our inspectors are
8 overworked.

9 There's I'm sure some work
10 out there that we're missing, that is
11 completely unpermitted. But I don't
12 know if the unpermitted work is as
13 great as people may think. And the
14 reason being is that in order to get
15 the tax abatement you have to show a
16 building permit. And tax abatements
17 cover all new construction and all
18 major alterations. So those folks,
19 whether they want to or not, have to
20 produce a building permit. And that's
21 behind I think some of the growth we've
22 seen in the number of permits and the
23 Revenue Department has experienced. So
24 there's an integration here between
25 different parts of government.

1 OPA's demanding to see the
2 permits which forces them into L&I, so
3 I think the larger jobs are covered. I
4 think the single family new
5 construction is covered. A lot of the
6 unpermitted work is in other areas.
7 It's in alterations. It's in work that
8 is not quite of the dollar value of the
9 ones that we are capturing.

10 That's not to say that we
11 don't care about work that's being done
12 without a permit. We certainly do. As
13 folks have said, it creates safety
14 issues. It's a loss of revenue to the
15 City. And more than that, it's simply
16 unfair.

17 We have a lot of contractors
18 out there trying to compete on a level
19 playing field. And if we don't catch
20 the ones that are cheating the system,
21 then we are doing harm to the good
22 folks that are out there.

23 COUNCILMAN DOMB: That's a
24 good point you brought up about the tax
25 abatement. In order to get the tax

1 abatement, you have to file off the
2 permit. So it's within a certain time
3 frame, isn't it?

4 MR. PERRI: I don't know the
5 exact time frame that OPA is looking
6 for, but you have to have that in order
7 to get the tax abatement.

8 COUNCILMAN DOMB: To pull a
9 building permit, we passed a law that
10 says you have to have a tax clearance
11 certificate I think too with the City;
12 is that correct, Commissioner Breslin?

13 MR. PERRI: Yes --

14 MR. BRESLIN: (Inaudible.)

15 MR. PERRI: For the
16 abatement.

17 COUNCILMAN DOMB: Okay.
18 Well, thank you very much. Keep up the
19 good work. One last comment,
20 Commissioner Breslin, because I love to
21 say this, when I started here, tell us
22 again the real estate collections were
23 89, 90 percent for real estate?

24 MR. BRESLIN: Yeah, yeah.
25 Our current rate is a new record for

1 us. We're at 96 percent collection
2 rate so we're proud of that collection
3 rate and support from Council and hard
4 work by the Revenue Department to get
5 to that rate.

6 COUNCILMAN DOMB: But where
7 is your department now on the
8 collection rate?

9 MR. BRESLIN: Right now we're
10 at 96.1.

11 COUNCILMAN HENON: That's
12 amazing. Good job with that. Thank
13 you. Thank you, Mr. Chairman.

14 COUNCILMAN HENON:
15 Commissioner Perri -- oh, I'm sorry.
16 Chair recognizes Councilman Squilla.

17 COUNCILMAN SQUILLA: Thank
18 you, Mr. Chairman. And a lot of
19 questions have been asked already but I
20 just want one last question. As this
21 moves forward and as we've worked
22 together coming up with a solution, I
23 want to thank Chairman Henon and also
24 having the meeting of L&I's priorities
25 that were set forth in working with you

1 to make sure they happen, but know that
2 we along with the Administration and
3 Department of Labor and Revenue
4 understand the challenges that are
5 there and where we are today and where
6 we have to get to, so we know it's not
7 going to happen tomorrow or next week.

8 But what would you think
9 would be the quickest and most
10 pronounced change that we can make
11 immediately just to start to make an
12 impact on this matter?

13 MR. PERRI: Well, if we're
14 talking about some of the construction
15 damage that's out there, I have some
16 suggestions that would along those
17 lines if that's where your questions
18 are leading to, or are you asking about
19 the underground economy in terms of --

20 COUNCILMAN SQUILLA: Well, I
21 actually think they're both related
22 because if we don't have enough people
23 to do the ones that are for the safety
24 issues, it's hard enough to go after
25 the people who are doing work illegally

1 or unsafely. So is there something on
2 both angles that we can do immediately
3 to start to make that change that we
4 can implement within a week or two to
5 start to see a change both in the
6 underground economy and in the safety
7 of the permitting and enforcement?

8 MR. PERRI: The best thing we
9 can do which would take us into the
10 21st century is on March 16th, we have
11 a hard deadline, a hard go-live date
12 for a Phase 3 and 4 of the Department's
13 new computer system. It's been a long
14 time coming. That will be a
15 game-changer. That will allow us to
16 put on line and require contractors to
17 upload all their subcontractors. So
18 instead of us going out there chasing
19 these things down, they're going to
20 have to come into us and upload it onto
21 the website available for everyone to
22 see. That's the game-changer. We need
23 to focus on getting that done and
24 getting it out of the way.

25 COUNCILMAN SQUILLA: So the

1 Eclipse system March 15th?

2 MR. PERRI: March 16th, don't
3 cheat us one day.

4 COUNCILMAN SQUILLA: Okay.
5 Is there somebody reviewing that site
6 so when they do upload it and we look
7 at a big project and we see nothing
8 uploaded, does that trigger us to do
9 something or how would that work if we
10 see people didn't upload any
11 information for the work site?

12 MR. PERRI: So that's exact.
13 So what the contractor has to do, he
14 can only pick from licensed
15 contractors, okay. So they're forced
16 to pick from ones that are licensed,
17 insured and in good standing with the
18 Department. So what all of the Audit
19 and Investigations Unit will do is to
20 look at different jobs and different
21 sizes, see if they've uploaded their
22 contractor list and go after those
23 first.

24 COUNCILMAN SQUILLA: Okay.

25 MR. PERRI: They will

1 basically stick out like a sore thumb.

2 COUNCILMAN SQUILLA: So we
3 believe by March 16th, that that's when
4 they're going to be required to start
5 uploading, so it's going to be some
6 time before these jobs get uploaded in
7 the --

8 MR. PERRI: Yeah, March 16,
9 it's a very really big lift and it's
10 really important to us. The permits
11 and the enforcement modules go live,
12 okay. We expect to roll out this
13 contractor upload feature by October
14 1st. We need time to notify folks. We
15 need time to make that adjustment in
16 the system, but at that point forward
17 they'll be coming to us rather than us
18 chasing them down.

19 COUNCILMAN SQUILLA: Okay.
20 Thank you very much.

21 COUNCILMAN HENON: I just
22 have one question on that. So in 2013
23 that became a law where contractors,
24 subcontracts, job sites are supposed to
25 have postings. And I'm glad Eclipse is

1 going to be launching publicly on March
2 16th.

3 So what prevents an inspector
4 that's out on site now as they're doing
5 visits, right, because they got all of
6 these permits that we've talked about
7 in their caseloads just looking around
8 for a sign for contractors that are on
9 that site?

10 MR. PERRI: Well, like you
11 said --

12 COUNCILMAN HENON: Is that a
13 problem? They're there.

14 MR. PERRI: They should look
15 for the basics, but we don't want them
16 to spend a lot of time asking for
17 credentials of the employees. They
18 need to get to the next job. Like you
19 said, they're there to look at the
20 physical structure. Can they write up
21 a violation for not having the permit
22 posted, yes, they can. But that's
23 not where we focus --

24 COUNCILMAN HENON: You mean
25 employees -- in addition to the

1 postings, employees meaning have OSHA
2 10 or any other kind of work safety
3 requirements that are on the job?

4 MR. PERRI: Yeah, the whole
5 idea that we have a unit to look at
6 business process, the contractors
7 business practice, that includes
8 checking credentials for OSHA 10,
9 checking to make sure there's an OSHA
10 30 site safety manager there, doing a
11 recheck on the insurance, checking that
12 all the postings are in place on the
13 job site. So it's not just going out
14 there looking for unlicensed
15 contractors. It's a more comprehensive
16 review of all of the things that are
17 required by code that aren't physical
18 in nature to the building environment.

19 COUNCILMAN HENON: Right. I
20 have two questions and I think we're
21 going to have to take a break for the
22 stenographer if that's okay with
23 everybody. Commissioner for Revenue,
24 just real quick, your role in the
25 audit -- the Department's role in the

1 Audit Investigations Unit is working in
2 one, how is that, because I think it's
3 a great idea and we've been talking
4 about it for many years so I'm glad
5 it's coming on board.

6 MR. BRESLIN: We meet and
7 collaborate generally about this, but
8 the way the process works is L&I will
9 come back with leads and they'll send
10 us the leads. And as the Commissioner
11 said, their staff is not really trained
12 to go or authorize to go into books and
13 records, so that's when we go into the
14 financial records.

15 We'll call the business in
16 for a tax audit and then our auditors
17 will look at the books and records to
18 see if they're paying all of their
19 taxes appropriately. That's the
20 business taxes as well as the wage
21 taxes.

22 If we have individuals
23 working for them that are not on the
24 payroll but are getting 1099s, we take
25 those 1099s, we'll look at the 1099s,

1 we'll look at them through two lenses.
2 One to see if they're appropriately
3 classified as a subcontractor. If
4 they're not and they're actually an
5 employee, then we can assess wage tax
6 against the employer. So then the
7 employer becomes responsible to the
8 City for the payment of the wage tax on
9 those misclassified subcontractors.

10 For the subcontractors that
11 we find that are classified correctly,
12 then we look to see that each of them
13 are paying their taxes appropriately,
14 and if they're not, we'll set them up
15 and assess them for their taxes.

16 COUNCILMAN HENON: Right, and
17 I think that's a good start. I just
18 ask that as the unit grows or gets up
19 to what is allocated for funding, and I
20 think for the process that is -- that
21 you grow with it, grow with it because
22 it will produce.

23 Last question is for Deputy
24 Mayor of Labor. Mr. Lazer, if a
25 construction worker came to you and

1 said that they were paid cash under the
2 table when they should have been an
3 employee, what steps are taken by your
4 department if that were the case?

5 MR. LAZER: Right. So if we
6 have somebody that comes in or calls to
7 inquire about a wage theft complaint,
8 meaning they weren't paid the hours
9 they worked, they're not being paid
10 overtime or they think that there's an
11 issue with their pay or if they're
12 being paid in cash and they're not
13 being paid what they're supposed to be
14 paid, we investigate that.

15 We'd reach out to who the
16 employer is and go through their
17 records. We can subpoena their records
18 and go through that, and then we can
19 make a determination. We work
20 closely -- if we feel that there's
21 other things that arise in those
22 conversations with the employee that
23 comes forward, we can look at all of
24 the employees that work for that
25 contractor or business to see if it's

1 just this person or it's widespread.

2 And then we work with the
3 departments, whether it's an issue with
4 safety, whether they're construction
5 and they're bringing in front of us and
6 saying these are things that are done
7 and it raises a flag for us, same thing
8 with Revenue.

9 We're actually working with
10 the departments now, with the Law
11 Department to create a confidentiality
12 agreement to kind of shield the
13 employee so that they're not going to
14 be penalized or punished because
15 they're coming forward to say I've been
16 being paid cash for so long, I've been
17 being paid this. We want to make sure
18 that that person is not punished
19 because the employer is not doing what
20 they're supposed to do.

21 COUNCILMAN HENON: And I hope
22 Revenue is taking that same approach
23 because it's really going to be helpful
24 in your investigation. Mr. Lazer, do
25 you share information with -- L&I and

1 Revenue have shared agreements. Do you
2 have shared agreements with your
3 colleagues?

4 MR. LAZER: We share -- and a
5 lot of our stuff is probably more with
6 Revenue. We do any type of -- anything
7 that comes in regarding bad businesses,
8 we do refer over to Revenue to have
9 them look at.

10 COUNCILMAN HENON: And moving
11 forward, as you understand best
12 practices are this kind of shared
13 agreement and interdepartmental work
14 working together in some sort of task
15 force?

16 MR. LAZER: Correct. We work
17 closely with the state and also with
18 the DA's Office as well.

19 COUNCILMAN HENON: Great.
20 Nobody else has any further questions
21 for you guys. So we're going to take a
22 10-minute break and I appreciate you
23 coming in here. Thank you.

24 MR. LAZER: Thank you.

25 MR. PERRI: Thank you.

1 MR. BRESLIN: Thank you.

2 (Brief recess.)

3 COUNCILMAN HENON: The
4 Committee of Licenses and Inspections
5 will now reconvene. I want to thank
6 you all for your patience. I know it's
7 been a long day. I'd like to call back
8 up the Commissioner, Commissioner
9 Perri, and then we will continue on
10 with our panels.

11 Commissioner, I believe you
12 wanted to come back up and correct
13 something for the record; is that my
14 understanding?

15 UNIDENTIFIED SPEAKER: That
16 was my -- I'm sorry. We're good.

17 COUNCILMAN HENON: We're
18 good? Okay. Well, thank you. There
19 are many questions that I still wanted
20 to ask which I'll put in the form of a
21 memo to you and to the Revenue
22 Commissioner and the Office of Labor
23 with Deputy Commissioner Lazer and we
24 can discuss them, and I'll circulate
25 them to all members of the Committee.

1 So I appreciate you hanging around and
2 your testimony here today.

3 MR. PERRI: Thank you,
4 Councilperson.

5 COUNCILMAN HENON:
6 Ms. Atwell, can you please call our
7 next panel please?

8 THE CLERK: Susan Ryszka,
9 James Klenk, Melissa Black-Simmons.

10 (Panel approached
11 Witness Table.)

12 COUNCILMAN HENON:
13 Ms. Atwell, you can call a few more
14 people at the same time.

15 THE CLERK: Terry Devlin,
16 Kelly Devlin, Rachel Kaminski.

17 (Panel approached
18 Witness Table.)

19 COUNCILMAN HENON: Thank you
20 for your patience. I know it may be
21 frustrating and some people had to
22 leave unfortunately. It's the process
23 we have here, but it is totally
24 transparent and public and we welcome
25 you and we thank you for being here.

1 At your convenience, state your name
2 for the record and you may proceed with
3 your testimony.

4 MS. RYSZKA: Hi, my name is
5 Susan Ryszka. Actually, I am the
6 neighbor -- oh, boy, that's too loud
7 for me. I am the neighbor --

8 COUNCILMAN HENON: You can
9 push the microphone closer to you so
10 the stenographer, we can hear you.
11 Just keep it closer --

12 MS. RYSZKA: Maybe I'll get
13 this right. I am actually a resident,
14 taxpayer and neighbor to a property
15 that was rehabbed completely. And it
16 was done entirely without permits, so
17 I have a very big sob story about what
18 it was like.

19 I would like you to hear
20 exactly what they had to do, and one of
21 the big problems you have as someone
22 who does try to report or did call in
23 that there were problems, L&I actually
24 told me that I was the enforcer because
25 they didn't have anyone. And as you

1 can see, I'm probably not very skilled
2 at that job.

3 COUNCILMAN HENON: To hire an
4 enforcer?

5 MS. RYSZKA: No, I was the
6 enforcer. I was the one who was
7 charged to be responsible to make sure
8 that they got the proper permits. I
9 had to continue to call in on an almost
10 daily basis for three months. 311
11 would take the calls very nicely, but
12 then would return with case closed and
13 nothing would happen.

14 A permit was finally obtained
15 and posted for a bathroom renovation,
16 so instead of doing what really should
17 have been done, an entire rehab, they
18 went and got a permit for less than
19 \$5,000 of work. It took me another
20 three months with the help of Allan
21 Domb's office and his assistant to at
22 least get a stop work order.

23 They shut down the job with
24 the signs and everything posted and
25 everyone continued to come into work

1 every day for another three months.
2 Nothing stopped. L&I actually came out
3 a few times but would say to me that if
4 they don't see anyone, they can't say
5 anything. Mind you, there were people
6 sitting around eating their lunch with
7 their little lunch pails. There was a
8 full construction crew sitting on the
9 porch, but they weren't swinging a
10 hammer at that time so they couldn't
11 stop them.

12 I was instructed to call the
13 police multiple times and it was a very
14 uncomfortable situation. And I have to
15 say without more people, without more
16 enforcers for L&I, the general public
17 is just not going to put up with this.
18 We can't be the ones responsible and
19 quite frankly, I wouldn't do it again.
20 It's not possible. You do not get
21 anywhere.

22 Now, I did eventually get
23 them to put in a sprinkler system for
24 the full gut rehab that they did, and
25 I'm very happy because I'm certain they

1 didn't have a licensed electrician in
2 the place, and I do not expect
3 that that's -- I expect some day
4 they'll have to use that.

5 Now, the other problem that
6 we had is all of the work that was done
7 was done poorly. They would pound on
8 the walls with a sledgehammer to remove
9 the plaster. So of course, there's
10 cracking in my house. They would take
11 chemicals and throw them in the storm
12 sewers. So again, there's so much more
13 of an impact than just the undocumented
14 workers who are not being paid and the
15 City taxes that are not being
16 collected.

17 There is an entire group of
18 people in my neighborhood now who think
19 that they don't need permits because
20 they've watched this happen. So every
21 one of us has been trained that those
22 laws don't matter because nobody did
23 anything to fix it.

24 COUNCILMAN HENON: Well, the
25 laws matter, you matter and everybody

1 matters who is put in this situation
2 where their property and public safety
3 and public health are at risk. You
4 are -- and I think the Department would
5 continue to encourage people to be the
6 eyes and ears, not necessarily the
7 inspector for the project.

8 Have you spoken -- L&I is
9 here now. You might want to catch them
10 after the hearing and give them your
11 address. If there's damage to your
12 house, there might be some advice that
13 they can give to you. And I'm sorry,
14 is there further damage? Is there
15 cracks or --

16 MS. RYSZKA: Oh, certainly,
17 there is. I'm actually concerned with
18 the fact that they were able to build
19 something that doesn't have an
20 occupancy permit but is now being run
21 as an Airbnb 100 percent of the time,
22 and you call that in. You call that
23 into 311 and they say, well, that's not
24 their department. Nobody does
25 anything. Of course, with this Airbnb

1 economy is something new as well, a new
2 version of undocumented.

3 COUNCILMAN HENON: Were they
4 closing down the streets and sidewalks
5 during construction?

6 MS. RYSZKA: Actually, they
7 didn't and they just threw things out
8 of the fourth floor into a small little
9 courtyard and the toilets and things
10 would come flying from the fourth
11 floor, and nothing was closed down.
12 Nothing was done. It actually was
13 finished a year and a half ago so
14 there's not a lot we can do.

15 But I can tell you that
16 they -- well, as of six months ago they
17 didn't have an occupancy permit and
18 they are still running as this Airbnb.

19 COUNCILMAN HENON: I would
20 imagine that they need an occupancy
21 permit at the end of a construction
22 site, assuming that it was one that was
23 reported and is on the record of having
24 inspections, because they would issue
25 an occupancy permit at the end.

1 MS. RYSZKA: I was actually
2 told that it was very difficult because
3 all they could do with the laws at hand
4 was fine them, and they had no way to
5 shut down or stop construction even
6 though things were being posted that
7 the laws at hand were not enough.

8 COUNCILMAN HENON: Well,
9 sorry for your experience. I hope if
10 anybody is watching this through our
11 public channel, keep calling 311 and
12 call your local elected officials, hold
13 them accountable for representing you
14 because we represent everybody in our
15 district and/or at large.

16 I would advise when you're
17 finished, see somebody from the
18 Department of L&I behind you to your
19 right and then have a little
20 off-the-record or have a conversation
21 offline and have them follow up to see
22 if they received an occupancy, how did
23 they receive an occupancy, are they
24 licensed for Airbnb, because there's
25 dysregulations on the amount of time.

1 It can't be 100 percent of the time
2 with Airbnb, so there are rules and
3 regulations that are on the law books.

4 MS. RYSZKA: But I think the
5 rules are for people who want to follow
6 them.

7 COUNCILMAN HENON: I
8 understand. I understand. And we got
9 to change behavior by making sure that
10 folks who have this kind of behavior
11 and are bad actors, there's got to be
12 consequences for them. And I hope
13 that -- and the only way to change that
14 is through the, you know, you hear the
15 carrot and the stick all the time.
16 What is the stick, you know, having
17 somebody fined \$250 when they just did
18 \$250,000 worth of work isn't good
19 enough. So we can do better, and I'm
20 hoping through these fact-finding and
21 unfortunate stories we're able to try
22 to work on some kind of deliverables to
23 help situations like yourself, and I'm
24 sorry and I appreciate you coming in.

25 MS. RYSZKA: Thank you.

1 COUNCILMAN HENON: If you
2 guys can state your names for the
3 record and you may proceed with your
4 testimony.

5 MS. DEVLIN: My name is Kelly
6 Devlin.

7 MR. DEVLIN: My name is Terry
8 Devlin.

9 MS. DEVLIN: Thank you,
10 Councilman Henon, for having me here
11 today. I've come to share the story of
12 my recent purchase from a local builder
13 contractor MAS Management, who on the
14 surface seemed to have done a great job
15 rehabbing the home, but of course I
16 would not be here if that was the case.

17 The home has many remarkable
18 features but we soon found out that
19 many misrepresentations and
20 falsifications by MAS Management, most
21 of which have already cost me money and
22 will continue to drain my bank account
23 in the future.

24 While the seller's realtor
25 Zahara Saeed, a Coldwell Banker Walker

1 Realty was responsive throughout the
2 sales process, she failed to disclose a
3 very significant material fact as she
4 was required to do. She is married to
5 the owner of and is a principal of MAS
6 Management.

7 Additionally, Zahara Saeed is
8 listed as a licensed contractor with
9 the City of Philadelphia, a specific
10 fact that should have been disclosed.
11 I believe the lack of integrity shown
12 by the nondisclosure points to much
13 larger issues affecting the very active
14 housing market in Philadelphia.

15 While it is extremely
16 important that the Committee is
17 discussing contractor work and lack of
18 permits, it should also be noted that
19 the attempt to make a quick dollar in
20 the booming housing market causes major
21 issues for the City, homeowners,
22 potential homebuyers as well as the
23 majority of legitimate contractors.

24 We have encountered countless
25 issues with our house and have had to

1 navigate fixing those issues without
2 the help of the contractor because once
3 the settlement occurred, MAS
4 Management's manner of response went
5 from pleasant to contentious and then
6 to nonexistent.

7 In the interest of time, I
8 will give you three main examples.
9 Everyone knows there's nothing more
10 important in your home than the roof.
11 The roof was specifically listed as new
12 with documentation on the seller's
13 disclosure. Two months into living in
14 the home, I had a hole in the bedroom
15 ceiling because of a leaking roof.

16 When we asked MAS Management
17 for the documentation of the newly
18 installed roof, we were told that there
19 was no documentation because MAS
20 Management workers had done the work
21 themselves. When a reputable properly
22 licensed roofer came to look, I was
23 quoted almost \$6,000 to fix the mess.
24 Of course, that doesn't include the
25 ceiling, water damage, mold remediation

1 and drywall replacement in the house.

2 The roofer also noted it
3 looked like a "handyman special," and
4 he was not surprised in the least that
5 we were having issues. Much of the
6 work, not just the roof apparently, was
7 done by hired handymen rather than
8 licensed professionals. The settlement
9 on the property was October 4th and
10 soon after, it started getting colder.

11 When using the heat, we
12 noticed that it sounded like it was
13 working but never reaching the proper
14 temperature. I called a trusted
15 heating specialist and after he looked
16 at the issue, he discovered the heater
17 which was listed as new June 2019 on
18 the seller's disclosure was actually
19 confirmed by the manufacturer to be
20 from 2017 and had quite a few issues.
21 The most glaring which was the heater
22 manual was stuck inside the coils, MAS
23 Management's handymen at work again.

24 Upon moving into the home and
25 using the showers, we learned that two

1 of the three showers rattled at the
2 beginning of each shower. At this
3 stage, the builders were still somewhat
4 responsive to our issues and sent out
5 various handymen to attempt to fix the
6 issue.

7 After multiple tries and a
8 giant hole left in our wall, we had our
9 own plumber come out to fix the issue
10 and of course at our own expense. It
11 is imperative that builders and
12 contractors who take advantage of their
13 clients and employees are held
14 accountable for their actions and
15 wrongdoings.

16 To date we have filed
17 complaints with the Real Estate
18 Commission and the Attorney General's
19 Pennsylvania Office and I've also filed
20 suit against MAS Management in civil
21 court and I'm awaiting a hearing. I
22 look forward to working with City
23 Council and staff to address these
24 issues and speak to how they may be
25 able to move forward while taking

1 proactive measures in making this
2 process safer and less stressful for
3 new homeowners. Thank you for your
4 time and consideration.

5 COUNCILMAN HENON: Well,
6 thank you for coming in here, all of
7 you for the courage and moving forward
8 with all the panels. It is not easy to
9 have the courage to come in here and
10 tell your story and relive some of the
11 suffering that you've been through.

12 Again, I'm going to -- you
13 have L&I here back to your right if you
14 can when you're done. I know Mr. Terry
15 Devlin. It seems like if you have some
16 words that you want to speak for the
17 record, you may do so. State your name
18 for the record and move forward in full
19 disclosure. You're in my District and
20 we're fully aware of the situation, but
21 you can't get better attention than
22 what you have here with L&I being in
23 the same room at the same time.

24 MR. DEVLIN: Thank you,
25 Mr. Chairman. I'll be brief of course.

1 In the opportunity to come and support
2 Kelly in her testimony, I looked at a
3 couple of issues that relate to not
4 just her house, but in regard to nearby
5 properties. And because of the
6 proximity of one property, I did a
7 little research.

8 When the property was being
9 rehabbed prior to and up to the time
10 that Kelly purchased her property,
11 there was a permit in the window and I
12 actually printed it out. It's Permit
13 No. 987520. Subsequently, since that
14 was finished and approved on June 25th,
15 as Kelly then brought into the property
16 and I looked at it further, that was in
17 the window from that period of time
18 until some time in December or even
19 January.

20 When actually I found out
21 there was an additional purchase --
22 excuse me, permit because the
23 contractor, the licensed contractor
24 listed on 987520, who I spoke with,
25 said he never worked on that property,

1 never does business in that area and
2 knew nothing about the address.

3 Some time in the near future
4 to that, I discovered there was another
5 permit issued. The Permit No. 987520,
6 the exact same number with a different
7 contractor. That contractor was a
8 cleaning service, who was then -- all
9 the information on both permits was the
10 same in relation to the demo work that
11 was to be done and to be completed
12 under that permit. The second person
13 cleaned out the demo work.

14 The question became for me
15 then who did the work. That I'm
16 working through and will report to L&I
17 about that information. And very
18 briefly again, and it brought me back
19 to Kelly's company, MAS Management
20 which has a property on Bridge Street
21 around the corner which is starting to
22 experience some problems, 2812 Bridge
23 Street. So I looked up on the Atlas
24 system and saw they had a number of
25 permits that had been listed as

1 completed.

2 The house is now for sale.

3 Under the Atlas system, it's listed as

4 completed work. Under the L&I

5 inspections permit application tractor,

6 each of those permits is still listed

7 as incomplete. I'm not sure if that

8 could be any type of glitch or

9 something else. It may be, in fact, a

10 problem with the system in how it

11 tracks how things are completed or not.

12 The question then becomes if

13 MAS did such a poor job with the work

14 on Kelly's house, what's going to

15 happen around the corner on Bridge

16 Street. We will follow up and we

17 appreciate the Chair's time and the

18 opportunity to make this presentation.

19 Thank you.

20 COUNCILMAN HENON: I

21 appreciate you coming in. And again,

22 please see L&I. We need to get to the

23 bottom of some of this. Not only did

24 you experience a financial loss here

25 and put in danger of some health issues

1 with the mold and everything like that,
2 somebody sold their license or a permit
3 or something and I think this is just
4 what the Audit Investigations Unit is
5 there for. So if you can see them now,
6 I think that would be appropriate and
7 show them the proper documentation.

8 MR. DEVLIN: Thank you,
9 Mr. Chair.

10 COUNCILMAN HENON: You got
11 it. Thank you all for coming in.

12 MS. DEVLIN: Thank you.

13 COUNCILMAN HENON:
14 Ms. Atwell, our next panel, please.

15 THE CLERK: Meeka Outlaw, Al
16 Martino, Joe Williams, John Thomas,
17 Nicole Fuller.

18 (Panel approached
19 Witness Table.)

20 COUNCILMAN HENON: Good
21 afternoon. State your name for the
22 record and proceed with your testimony,
23 and thank you all for being here.

24 MS. FULLER: Good afternoon.
25 My name's Nicole Fuller. I'm the

1 Executive Director of the Philadelphia
2 Area Project on Occupational Safety and
3 Health better known as PhilaPOSH. The
4 mission of PhilaPOSH is to prevent
5 injury, disease and death on the job
6 through education, technical
7 assistance, advocacy and political
8 action.

9 We are a local nonprofit that
10 has fought for 45 years to advance and
11 protect workers' health and safety. We
12 work with local and national unions,
13 injured worker committees, educational
14 institutions, community groups and
15 health and safety professionals around
16 safety and health, sexual harassment,
17 safety protections for public sector
18 workers and any issue impacting the
19 safety of all workers in the tristate
20 area.

21 I'm speaking with you today
22 to talk about why it is extremely
23 important that contractors and
24 developers make safety a priority not
25 only for workers, but also for the

1 community. Every year thousands of
2 workers die because of unsafe working
3 conditions.

4 In 2018, more than 5,000
5 workers were killed on the job. Sadly,
6 20 percent of those were construction
7 workers. That means 1 out of every 5
8 worker deaths is construction-related.
9 The hazards of construction work also
10 result in many nonfatal injuries that
11 cost contractors millions of dollars
12 per year. This makes safety paramount
13 in the industry.

14 While safety measures and
15 precautions like those outlined by OSHA
16 can be costly upfront, the return on
17 investment can be tremendous. The
18 impact of unsafe, unlicensed and
19 unpermitted contractors can be
20 catastrophic as was evidenced in the
21 Salvation Army building collapse a few
22 years ago. Philadelphia residents and
23 workers were killed that day. I
24 personally witnessed that tragic
25 accident that could have been avoided.

1 On a personal note, I'm a
2 former construction worker from
3 Michigan so I'm very familiar with
4 being safe on construction sites.
5 Twelve years ago I moved to
6 Philadelphia and started working with
7 PhilaPOSH as an authorized OSHA trainer
8 in construction.

9 I traveled around the City
10 with my colleague talking to
11 contractors and workers about health
12 and safety, providing them with
13 information resources and also inviting
14 them to free training. In some cases,
15 we held training sessions right there
16 on the street.

17 Some of the things I
18 witnessed were unbelievable. Workers
19 operating equipment in vehicles with no
20 license, certification or training,
21 working on scaffolding that was too
22 close to unprotected power lines,
23 working in trenches with no shoring and
24 the list could go on. And not only
25 were the workers exposed to these

1 hazards, but the folks that lived in
2 the neighborhoods they were working in.

3 A large majority of these
4 underground economy construction jobs
5 are nonunion. Studies have shown that
6 nonunion membership rates are known to
7 increases in workplace fatalities and
8 then nonunion construction jobs are
9 particularly dangerous.

10 Nonunion contractors don't
11 have the resources that union
12 contractors do in regards to health and
13 safety. Because of this, the workers
14 typically lack the high quality safety
15 training that is included in union
16 apprenticeship programs. This by no
17 means excuses contractors from
18 providing workers with a safe work
19 environment.

20 All of these risks can be
21 even worse in this underground economy
22 where it can be difficult or
23 discouraged to use official resources
24 like OSHA or Workers' Compensation.
25 These workers often work day-to-day.

1 It can be difficult or impossible to
2 raise safety issues with an employer
3 that you never even see.

4 In some cases, the workers
5 don't even know they have a right to
6 raise any safety issues. We believe
7 that every work has a right to a safe
8 workplace and the right to return home
9 the same way that they went to work
10 that day. In my opinion, it would be
11 my suggestion to make it a requirement
12 that every department issuing a permit
13 be authorized to deny any application
14 for or revoke or suspend any permit
15 including renewals issued by any
16 person, corporation or business or
17 their subcontractors with a history of
18 engaging in unsafe hazardous or
19 dangerous practices based on work
20 safety histories or concerns. Thank
21 you.

22 COUNCILMAN HENON: Thank you
23 for your testimony. Ma'am?

24 MS. OUTLAW: Good afternoon.
25 My name is Meeka Outlaw. I am the NAC

1 coordinator for Diversified Community
2 Services which covers the Point Breeze
3 and Grays Ferry areas. On October 10,
4 2019 along with my subcommittee, we
5 hosted the first meeting of its kind
6 and it was called Preventing Property
7 Damage from Development.

8 This came out of a need that
9 was witnessed from the quiet suffering
10 of many residents in Grays Ferry and
11 Point Breeze. Heartbreakingly enough,
12 I would soon find out that this was
13 happening throughout the City and no
14 one was immune to it.

15 Now, let me take you back to
16 meet my neighbor who brought this all
17 about. His name is Mr. William
18 Sidmore, an 80-something-year-old man
19 who helped build Martin Luther King
20 High School. He came into the office
21 crying. Imagine an 80-year-old crying
22 because of the damage done to his home.

23 The property next to his
24 which is 2126 Fernon Street is owned by
25 Property Solvers, LLC in Las Vegas.

1 They bought it from a company in Willow
2 Grove. When I went and looked at the
3 property, you can walk up the front
4 steps and jump down into the basement.
5 Again, I'll say you can walk up the
6 front steps and jump down into the
7 basement. There you saw the meter, the
8 gas -- the meters for the gas, electric
9 and water were all still intact.

10 Upon further research, the
11 original permit for this house was for
12 a third-story attachment. What
13 actually happened was an illegal demo.
14 We received much help from Councilman
15 Kenyatta Johnson's office but
16 unfortunately, Mr. William has had to
17 spend money out of his own pocket to
18 get things fixed on his house. Even as
19 of yesterday when I went to go visit
20 him, his roof in some areas is still
21 leaking.

22 Now, I'm going to tell you
23 about the curious case of 1819R31
24 Wharton Street. Ms. Yvonne recently
25 retired from the City. She called me

1 crying because of the harassment she
2 faces every day from the workers on
3 this site and the owner. She will not
4 let them on her roof.

5 Then they told her that they
6 now own a portion of her backyard and
7 that they will tear down the fence and
8 enter into their property through that
9 backyard. This is because Phoenix
10 Holdings of Philadelphia bought
11 1819R-31 Wharton Street. Ms. Yvonne
12 lives at 1827 Wharton Street.

13 How do they own the back of
14 this woman's home? She did her own
15 research and found out that this
16 company went to the City to purchase
17 this property, but the City told them
18 no. They then went to an outside
19 agency and was able to drum up some
20 paperwork in order to purchase the back
21 of her home.

22 Then we have a neighbor at
23 the 2700 block of Wharton Street who
24 was asked by the developer if they
25 could tear down the shared backyard

1 fence to complete some work and that
2 when they finished, they would put a
3 brand new fence up. She let them and
4 they put a brand new fence up, but they
5 took part of her backyard away from
6 her.

7 And then there's the Point
8 Breeze microbrewery located in Grays
9 Ferry. The agreement with the RCOs is
10 that there would be no personal sales
11 and that they would only sell to other
12 stores for distribution. A few months
13 passed and what began as a microbrewery
14 for other stores to purchase, became a
15 bar for anyone to come and visit and
16 drink. They were smart. They only
17 opened up at night and on the weekends.
18 They were in clear violation of the MOU
19 they had with the RCOs in Grays Ferry.

20 Now, I want to tell you about
21 a woman whose basement is flooding
22 because the developer went over the
23 property line and dug too deep and
24 messed with her foundation. Majority
25 of all the houses in Grays Ferry and

1 Point Breeze are rowhomes and when they
2 were built, they were built as one so
3 if someone tears down one of the
4 structures, it alters the foundational
5 structures of the remaining homes.

6 I've only given you a few
7 examples of the people who have poured
8 their hard-earned money into owning
9 their homes only to be harassed,
10 disrespected and overlooked by many of
11 the developers that come to the area.

12 Finally, I will tell you of a
13 woman's home that was illegally torn
14 down, but yet there is no record of the
15 demo. With all the development that is
16 happening, I know there are many more
17 people in Philadelphia who will be
18 become one of the many examples.

19 Then there was a neighbor who
20 suggested that when a developer came to
21 build that before they started
22 building, he worked out an agreement
23 with the developer that a writer to
24 their insurance was to be put on his
25 own home so that in this case any

1 damage happened to his home, that
2 insurance covered it.

3 Finally, there are many of
4 these developers still allowed to build
5 when they have done botched-up jobs at
6 other sites. How do I know? I get a
7 call once a week from one notorious
8 developer asking to purchase my mom's
9 property. Thank you.

10 COUNCILMAN HENON: Thank you
11 for your testimony. State your name
12 for the record and proceed with your
13 testimony.

14 MR. MARTINO: My name is Al
15 Martino. I'm a 33-year member of the
16 Bricklayers and Allied Craft Workers
17 and the last 11 years as an organizer.
18 I'd like to tell you about a seminal
19 moment in my life that brought me to
20 the underground economy.

21 In 2013, there was a
22 gentleman Rashir Cromwell, former
23 member of the union, that I had been in
24 communication with since the downturn
25 in the economy in 2009, trying to get

1 him back in the union, trying to get
2 him a better job with better jobs
3 wages. After speaking with Rashir over
4 the last four years at that time trying
5 to get him back in, he was reluctant to
6 get back and risk a cash culture in the
7 underground economy with a contractor
8 by the name of McGee Masonry doing work
9 for developer Shawn Bullard up in
10 Temple area.

11 On Tuesday the 26th of
12 November, I saw Rashir. And I said,
13 Rashir, he was in dangerous conditions,
14 exposed to electrical lines. I said,
15 Rashir, you've got to get out of here,
16 I'll get you a job somewhere, anywhere,
17 it doesn't matter. You got to get out
18 of here.

19 He assured me he was going to
20 leave. The gentleman at McGee Masonry
21 owed him money and that was that. I
22 left, set him up for another job the
23 following week. The following week in
24 contacting this guy that he was going
25 to work with, another contractor, he

1 told me did you hear about Rock. I
2 said, I don't know a Rock. Who is
3 Rock? He said, Rashir. Rashir
4 apparently had to go back to collect
5 more money on Tuesday, December 3rd,
6 touched an electrical line and fell 30
7 feet to the ground.

8 I subsequently contacted his
9 family, found out that he was at
10 Crozer-Chester Medical Hospital in an
11 induced coma. And oddly enough on the
12 26th of November, I had called L&I, I
13 had called OSHA. This happened to be
14 two days before Thanksgiving. Maybe it
15 was the holiday. I don't know what it
16 was, but there was a lack of effort or
17 response or whatever it may have been
18 that could have saved the condition
19 that Rashir went into. Luckily, he
20 survived the accident. He's under some
21 severe medical conditions right now,
22 but that brought to light to me the
23 underground economy at that point in
24 time.

25 We decided to hit the

1 streets. The bricklayers decided to
2 hit the streets at that point moving
3 forward, calling OSHA constantly of
4 violations with scaffolding. And over
5 those last four or five years we were
6 able to make a change, I feel make a
7 change, make a significant change to
8 scaffolding of violations and
9 scaffolding laws as far as OSHA was
10 going in compliance with the laws. So
11 much so that I think we made a
12 significant difference working with
13 OSHA, so I think there's an avenue for
14 the building trades to work with
15 government, to make a change, to get
16 changes in people's lives in the
17 underground economy.

18 I'd also like to say we've
19 hit jobs, West Philly High, Philly
20 Dwell which is also at the Public
21 Ledger Building. Philly Dwell also
22 happened to be doing West Philly High
23 School. We were able to get some
24 people out of there, workers at Philly
25 Dwell, give them apprenticeship

1 opportunities. So the underground
2 economy keeps the workers down,
3 significantly keeps them down, keeps
4 them scared and the cash culture is
5 hard for them to get off of.

6 We reach out to numerous
7 contractors and for whatever reason,
8 that cash culture in that underground
9 economy is hard to get off of, but we
10 do our due diligence. We do the best
11 we can. I saw this on numerous
12 occasions and I've done whistleblower
13 acts with OSHA. I've done ULPs, Labor
14 Board charges, Act 72 charges, but you
15 have to get in there.

16 I'm lucky enough I'm a union
17 representative, I can do it. The
18 workers are scared. They're exploited
19 and it's terrible circumstances that
20 are going on right now. Developers and
21 contractors are taking advantage of a
22 scared workforce that all too often
23 have situations that have put them in
24 vulnerable positions.

25 And as far as I'm concerned,

1 the Public Ledger Building is a poster
2 child of noncompliance and the
3 underground economy. I believe a cease
4 and desist order should be slapped on
5 the Public Ledger Building today until
6 they are in compliance with local
7 ordinances. They are counting on and
8 gambling on the City not doing their
9 job.

10 Legitimate contractors trying
11 to do the right thing are hanging on by
12 a thread and area workers that need
13 careers, not just jobs, need a watchdog
14 and a protector against predatory
15 developers and contractors. We need
16 your help and we're willing to pitch in
17 wherever need be to enforce current
18 laws and get Philadelphia moving in the
19 right direction. Thank you.

20 COUNCILMAN HENON: Thank you
21 for your testimony. Mr. Williams?

22 MR. WILLIAMS: My name's Joe
23 Williams. I'm a business manager for
24 the Elevator Constructors Local 5 and
25 also a member of the Philadelphia

1 Building Trades. I've heard a lot of
2 talk today about how undermanned and
3 understaffed the Department of L&I is.

4 There's nobody in this room
5 and all the people that were here
6 before, everybody's understaffed.
7 Everybody's business, everybody's
8 union, we're all understaffed. My
9 union covers -- our local covers three
10 states and we have four people to do
11 it, so we're understaffed. I can show
12 you what understaffed is. Come up to
13 our union hall. There's no secretary.
14 It's me and our treasurer. But what
15 we've done is learned to prioritize
16 what we do and how we do it to make
17 sure we're efficient. We're not
18 perfect. We can't get anywhere where
19 we need to be.

20 But there's two simple things
21 that I know right off the bat that L&I
22 can do. It doesn't require the
23 Internet. It doesn't require a whole
24 new technological thing called Eclipse
25 or whatever you have that's going into

1 place which sounds like a great
2 program.

3 In 2013 when the building
4 collapsed down at 23rd & Market, a law
5 was passed that anybody working on a
6 construction job had to have an OSHA 10
7 card and any foreman running the work
8 had to have an OSHA 30 card. So all
9 the building trades unions put the
10 money out. Most of our guys already
11 had that, but we made sure that they
12 all had it.

13 And when I hear that L&I come
14 up here and testify that they don't
15 want their inspectors to waste their
16 time checking cards on job sites if
17 people have their OSHA card, I cringed
18 in my seat. We spent a lot of money
19 and a lot of training time to make sure
20 our members that work on construction
21 jobs have the card.

22 If there's an inspector on a
23 job, whether he's there to do plumbing
24 inspection or any other kind of
25 building inspection, it doesn't take

1 very much to ask everybody on that job
2 to show them their card and if they
3 don't have that card, they shouldn't be
4 working there.

5 Every construction job is
6 supposed to have the permits posted on
7 a board visible to the general public.
8 That doesn't happen. If you go to a
9 union job, it does happen. The
10 contractors post all the -- all the
11 permits are posted. It's pretty easy
12 to drive around the City and patrol the
13 people that L&I has patrolling the
14 City. You can see where the
15 construction is going on. Not every
16 construction site. You certainly can't
17 see what's happening in our world
18 inside that elevator shaft, but you
19 know when a building is under
20 construction.

21 If the permits aren't posted,
22 the job should be stopped. It's pretty
23 simple. You don't need the Internet to
24 look at a piece of paper. So I was
25 extremely happy to hear the

1 representative from PhilaPOSH brought
2 up the union issue about union
3 contractors and the difference between
4 union and nonunion.

5 This is a union and nonunion
6 issue. I'm going to throw it on the
7 table. It is. The union contractors
8 do the right thing. And when they
9 don't, the union that represents their
10 employees will call them out on it.
11 And every union business manager in
12 this room, if we know one of our
13 contractors are doing something wrong,
14 we will stop them. We don't need L&I
15 to stop them. We do it ourselves. we
16 represent our men. We take care of
17 them.

18 When I hear that L&I needs 18
19 months to train an inspector on how to
20 be an inspector and what to look for in
21 a building, we all in the building
22 trades, every union has an entire
23 workforce available for you, retired
24 members that are experts in
25 construction. They spent their entire

1 lives working in construction. They
2 might need a week or two of training.

3 And, Councilman Squilla, when
4 you asked about what can we do in a
5 week or two, we have guys that know the
6 construction industry, their experts,
7 they've spent their lives in this
8 business. It wouldn't take 18 months
9 to train one of them, and we have real
10 apprenticeships, not an 18-month
11 apprenticeship. We have real
12 apprenticeships where our members all
13 work 6,000 to 8,000 hours before they
14 become a journeyman or a mechanic in
15 our trade, so there is a workforce
16 available that could be working and put
17 to work.

18 And it's great to hear that
19 the RCOs and the neighborhood community
20 groups are being asked to report
21 things. The business agents and
22 organizers and managers of all the
23 building trades that have been out
24 there, we've been reporting these
25 issues for years to no avail, and we

1 are experts. We're all experts because
2 we've all spent years and years working
3 on construction sites and we know what
4 we're looking at and I don't think
5 we're being treated fairly.

6 You just heard of one union
7 business agent that made I think he
8 said 115 311 reports and got 0 back.
9 Maybe they weren't all issues, but out
10 of 115 I'm sure he knows his business.
11 It's not fair, so something needs to be
12 done and there's a couple of simple
13 things, like checking the OSHA card and
14 if you don't have it, get off the site.
15 That's pretty simple.

16 The last thing I'd like to
17 end with is we had three agencies,
18 Revenue, L&I and the Mayor's Office
19 sitting up here testifying. We all
20 know what just happened this week down
21 at the Public Ledger Building, two
22 incidents, the asbestos issue that came
23 up. They scurried around and over the
24 weekend apparently cleaned it up enough
25 where they continued to work.

1 And then somebody from the
2 Pennsylvania Department of Labor, a tax
3 agent, came down to the job and walked
4 in one door on 5th Street, and out the
5 back door on 6th Street 50 or so
6 workers came running out and it's all
7 on video. Guess what, none of those
8 workers had OSHA cards. None of them
9 are paying taxes, but they're all back
10 on that job working today. I guarantee
11 it. But yet there's nobody from L&I
12 down there.

13 So I think L&I can be a lot
14 more efficient. We all work with less.
15 Everybody in today's world is doing
16 more with less, so just be a little
17 more efficient and I think things can
18 start to change, because the word will
19 get out if things are being enforced,
20 things will start to change. Thank
21 you.

22 COUNCILMAN HENON: Thank you.
23 Thank you for your testimony.
24 Ms. Fuller, if I can ask, there's a lot
25 of talk about OSHA and union versus

1 nonunion and everybody should have OSHA
2 training. One, it's a law in the City
3 of Philadelphia, it's required to have
4 OSHA training on any construction site.

5 But, two, over the past -- I read an
6 article that came out last year and it
7 made a statement that over the past
8 three years, again this was last year,
9 that there were 20 reported deaths on
10 job sites.

11 How does OSHA get involved?
12 Is it complaint-driven? Do they just
13 respond to worksite fatalities or how
14 does OSHA actually work when it comes
15 to reporting? Do they respond? Is
16 there one person? Is there two people
17 or do they have a team of people that
18 can respond to let's just say an
19 unfortunate situation, so we hear a lot
20 of unfortunate situations. Somebody
21 walking in their front door, and as
22 this young lady was saying and there's
23 a basement. We assume you fall down.
24 How does OSHA get involved and how do
25 they respond?

1 MS. FULLER: Well, they get
2 involved a number of ways. Sometimes
3 people call because they complain.
4 Sometimes they're driving down the
5 street just like I used to do and they
6 will stop. Sometimes it's a planned
7 meeting where they come out to a site.
8 But as with everybody, everybody's
9 mentioned today there's a shortage.

10 There's also a shortage of
11 OSHA inspectors. There's less
12 inspectors in the City of Philadelphia
13 than they were a couple of years ago.
14 They only can do what they can do, but
15 that's how they get involved with
16 whether it's a fatality, an injury,
17 that type of thing.

18 Obviously, if there is a
19 fatality, that will take priority
20 because they can get a phone call but
21 then they have to put it into what
22 number does it fit in, so do I go out
23 right away or do I wait and put it on a
24 list, that type of thing. So it's not
25 a set process.

1 COUNCILMAN HENON: And again,
2 that's why it's so important. I know
3 it's a long day, but everybody's story
4 and everybody's situation means
5 everything to try to come up with
6 solutions moving forward. Just
7 scaffolding, you look at neighborhoods
8 that have increased, development and
9 there's scaffolding everywhere. Is it
10 secured properly? Are people swinging
11 off there trying to do whatever they do
12 and they don't have their safety gear
13 and who knows if there's any kind of
14 fall protection underneath or sidewalk
15 closings or right-of-way permits or
16 anything like that, so it's important
17 to get all of this on the record so
18 nobody has to open up the front door
19 and walk in a basement, which is by the
20 way below ground for the record.

21 Chair recognizes Councilman
22 Squilla.

23 COUNCILMAN SQUILLA: Thank
24 you, Mr. Chairman. Ms. Fuller, as you
25 mentioned, the shortage of inspectors,

1 is there something that the Department
2 is doing as a whole to boost that or is
3 there something that we can do to help
4 promote that? I know that most people,
5 departments, cannot ask for additional
6 funding for their budget for public
7 resources, but we can use our bullet
8 points too to help with that.

9 MS. FULLER: Part of that
10 question I wouldn't be able to answer
11 because OSHA is part of the federal
12 government here in Philadelphia and
13 their budget was cut. So unless we get
14 a leader there that will increase that
15 budget, there's not too much we can do.

16 COUNCILMAN HENON: We control
17 our own budget.

18 COUNCILMAN SQUILLA: Well, we
19 have a hard time with ours, but we can
20 also advocate with our congressmen and
21 senators to look at that avenue to see
22 why -- I mean, it's an important
23 feature that we have. When you go and
24 do inspections, I know when you're
25 called, and we actually call your

1 office a lot and you guys are
2 responsive, when you go to those sites
3 besides checking for safety, do you
4 check for OSHA cards at all on those
5 sites?

6 MS. FULLER: We have started
7 to do that whenever we do get the
8 chance to go out to a site, because as
9 everyone has said we are short-staffed
10 as well. It's me and one other full-
11 time person. But, yes, because we know
12 that it is a requirement now. And if
13 it's a requirement, then you should be
14 checking for it. So, yes, we do. And
15 if it's not, we invite them to come.
16 We do OSHA 10 trainings as well usually
17 for nonunion workers, because we know
18 they don't have access to that type of
19 resource or training.

20 We also have free fall
21 prevention training because falls is
22 one of the top five hazards when it
23 comes to construction and it's killing
24 people.

25 COUNCILMAN SQUILLA: Is it a

1 violation? Do you guys write up a
2 violation if you go to a site and
3 there's multiple people working without
4 any OSHA training?

5 MS. FULLER: No, we don't do
6 the violations but we will call OSHA,
7 and then we do run the risk because
8 they have to put it on a priority list
9 and it might not be on the top of their
10 list to come out. We have done that in
11 the past and they weren't able to come
12 out for two or three days and by then,
13 the work is either done or the workers
14 have moved on to another site.

15 COUNCILMAN SQUILLA: Okay.

16 MR. WILLIAMS: OSHA has a --

17 COUNCILMAN SQUILLA: State
18 your name again.

19 MR. WILLIAMS: Joe Williams,
20 Elevator Constructors Local 5. The
21 Philadelphia building trades meets
22 monthly with our safety directors and
23 the OSHA people in the City. OSHA has
24 a labor liaison, I think two of them,
25 that work with the building trades so

1 they utilize the business agents and
2 organizers that are out on the streets
3 all the time, and we have a monthly
4 meeting not only to talk about the
5 issues on our job sites, the union job
6 sites that we all work on, but we also
7 bring up issues that are happening that
8 we see out on the street. So I think
9 maybe L&I should have a labor liaison
10 that works with the building trades to
11 talk about the issues that we're
12 seeing.

13 We're on the street. Our
14 agents and organizers are out there all
15 the time looking for problems, so they
16 should be working with us to help
17 identify the problems that are out
18 there.

19 COUNCILMAN SQUILLA: It can't
20 hurt. We'll bring that up to L&I and
21 see if that's possible.

22 COUNCILMAN HENON: Just to
23 expand on it, I think the Commissioner,
24 it was mentioned earlier whether you're
25 an RCO, whether you're an advisory

1 group, whether you're building trades,
2 whether you're nontrades, L&I is
3 supposed to be there to protect people
4 or property, which protects people
5 which affects and could save lives
6 because people are dying.

7 And we have these safety
8 precautions such as postings, such as
9 OSHA training. So the enforcement of
10 those things is critically important.
11 And as the Commissioner said, there
12 should be no differential between
13 getting information from Philadelphia
14 building trades than Philadelphia
15 nontrades than Philadelphia RCOs than
16 Philadelphia advisory groups, except
17 that some of the information that's
18 being received with people in the
19 business might be a little more
20 reliable because they understand the
21 business, so I'm hoping that the panel
22 that we had up there before with the
23 Mayor's Office of Labor which is soon
24 to be a Director of Labor in the
25 Charter change will be that and/or if

1 somebody, you know, as we move forward
2 going forward with the underground
3 economy approach because there's a lot
4 of information that's coming out in
5 these many hours, maybe that's
6 something that can be considered.

7 MR. MARTINO: And if I may,
8 Al Martino again, and if I may, Joe
9 Williams had said it and we've heard it
10 from PhilaPOSH that we did work with
11 OSHA. Bricklayers worked with OSHA on
12 imminent danger. We discovered through
13 OSHA helping us imminent danger is what
14 they're looking for and imminent danger
15 is what saved lives, union or nonunion.

16 And I guarantee you, you go
17 around the City, the scaffolds may be
18 dangerous, but they're nowhere as
19 dangerous as they were in 2013. And
20 I'd like to say that that's because we
21 collaborated with OSHA. We understood
22 with OSHA wanted and what was required
23 to save lives. That is the underground
24 economy.

25 It's just not financial.

1 It's saving lives. It's making the
2 difference in people's lives. I think
3 sometimes we lose -- this is a long
4 testimony. This is not my office
5 place. My office place is out in the
6 streets somewhere, so I'm out of my
7 element here.

8 But passion, the organizers
9 and the people in the building trades
10 have passion for what we do. So when
11 we come in here, maybe we have to
12 temper that passion a little bit, but
13 we see the underground economy. What
14 happened down at the Public Ledger
15 Building, it wasn't about the workers.
16 It's about the developers. It's about
17 the Harvard-educated attorney owning
18 that building that he's doing wrong by
19 the workers of Philadelphia.

20 So I just want to reiterate
21 there is a window there for us to work
22 with L&I, and I hope somebody takes
23 advantage of that because I think it
24 can make a difference with the building
25 trades collaborating with them. I

1 really do. Thank you.

2 COUNCILMAN HENON: Well,
3 thank you all for your testimony and
4 thank you for coming in. Ms. Atwell,
5 would you please read our next
6 panelists please, ask for the panelists
7 to come up.

8 THE CLERK: Melissa Black-
9 Simmons, Cully Ward, Brendan
10 Steinbrecher, Eva Piatek, Terrie
11 Lewine.

12 (Panel approached
13 Witness Table.)

14 COUNCILMAN HENON: And again,
15 thank you all for your patience,
16 especially on the last panels here.
17 We're almost done. We're getting
18 there. And whoever chooses to go
19 first, please start off by stating your
20 name and then proceed with your
21 testimony.

22 MS. BLACK-SIMMONS: Hi, my
23 name's Melissa Black-Simmons. I'm
24 actually here, I am a small business
25 owner in the City of Philadelphia. My

1 husband and I own a property management
2 company so we spend a lot of time
3 helping our property management
4 clients, some of whom are those
5 absentee landlords. We're their feet
6 on the ground and we're here to make
7 sure that they are compliant with all
8 the Philadelphia rental licenses. If
9 they're going to do renovations, they
10 do get their proper permits.

11 And we also own a couple of
12 investment properties ourselves as well
13 as a small contracting business. Our
14 contracting business consists of myself
15 on the paperwork end of things, my
16 husband who is the owner and who is on
17 site every day has his proper OSHA
18 certifications and his one full-time
19 and two part-time guys that work with
20 him, all of whom also have the proper
21 certifications.

22 It is our goal to always pull
23 permits. We're out here trying to do
24 things the right way. And I'm here
25 today to ask you that as you

1 potentially implement some changes to
2 L&I to offer protections to both
3 workers and buildings in the City of
4 Philadelphia, that it's just done in a
5 thoughtful way.

6 Our company does not look
7 like most of the companies I've heard
8 described here today. We don't have
9 hundreds of workers. We don't have
10 people moving from job site to job
11 site. And in terms of any smaller
12 companies that are not pulling permits,
13 we don't look like them either because
14 we do pull permits for all permitted
15 work.

16 However, my husband and I
17 often find ourselves having the
18 discussion when trying to pull permits
19 of whether it's actually the right
20 thing to do, of whether pulling permits
21 is worth the hassle for the type of
22 work that we do. I feel that there
23 needs to be a differentiation between
24 the types of jobs that are being
25 pulled.

1 We have one job, for example,
2 right now, it was a building that was
3 on fire. It's a five-unit apartment
4 building, three stories tall. There is
5 going to probably be scaffolding
6 involved in the restoration, there were
7 drawings, architects. That looks a lot
8 different than the building that I was
9 just at the municipal building
10 attempting to pull a permit for which
11 is pretty much just interior,
12 non-structural alterations on a
13 two-story, Philly rowhome. There's a
14 big difference there. And I think that
15 some of the barriers to getting
16 those that were formerly known as easy
17 permits have been too rigorous for
18 homeowners and contractors to try to
19 get through for some of the smaller
20 work.

21 One of those barriers -- what
22 I'm asking is just that as these things
23 be rolled out, not only can we maybe
24 look at some of these types of jobs
25 differently, but also to do so

1 thoughtfully and include the thoughts
2 of contractors of all sizes as well as
3 homeowners, as well as workers and how
4 these things will actually affect these
5 people when any new regulations are
6 rolled out.

7 In theory, having to get a
8 tax clearance certification in order to
9 get permits sounded like a great idea
10 to me because I pay my taxes, I want
11 everyone to pay their taxes if they're
12 going to work in the City because I
13 want more and better City services.

14 However, the problem becomes
15 for this permit, I tried to pull my tax
16 clearance and it came up noncompliant.
17 It took me a week of calls to the
18 appropriate numbers, emails, everything
19 to find out why it was noncompliant.

20 Apparently, some time back in
21 2017 and I've pulled plenty of permits
22 since, we didn't file our wage tax or
23 something because we had no employees
24 in 2017 and I didn't know I had to file
25 when I didn't have employees, but I

1 filed and got clear of it. It's just
2 that it cost us a week of being able to
3 work on that job because I couldn't get
4 that information from the Tax Clearance
5 Department in a timely manner. So
6 that's just one example of how we can
7 roll something out that also has
8 repercussions that are holding up work
9 and holding up families and small
10 family-owned businesses from being able
11 to make a living.

12 I will say that I'm very
13 excited for the new online permitting
14 process March 16th. We're counting
15 down. When I was over at Municipal
16 services this morning, I met a lady who
17 had been there since 9:00 a.m. and
18 still had not been called to get her
19 easy nondrawing permit, so we're
20 cautiously optimistic that this new
21 system will help, but I do hope that
22 there's going to be enough L&I staff or
23 whoever's running the system to help if
24 people are encountering problems with
25 the system, that it's not going to keep

1 delaying, delaying their ability to
2 move forward with their projects.

3 Another example I just wanted
4 to give as to why some smaller
5 contractors may not be pulling permits
6 or the barriers that are harmful to our
7 business, we were told for this small
8 job that I'm over there now trying to
9 get a permit for that in addition to
10 all the insurance, the tax clearance,
11 all the paperwork we had to bring along
12 with our checkbook, we had to provide a
13 nonstamped drawing of the building for
14 the work we're going to do.

15 The work we're trying to do
16 we already had a demo permit that was
17 required so that we can take down old,
18 ugly paneled ceilings from the '70s.
19 We took down the ceiling grids and now
20 we need to get this permit to put up
21 drywall.

22 My husband spent last night
23 drawing this pretty picture, he spent
24 about an hour or more of his time to
25 draw this thing because we had to

1 literally have a drawing to basically
2 be -- this is kind of what the building
3 looks like and his words on here is on
4 I want to put up drywall here. That's
5 a loss of actual productivity to do
6 that just to hang drywall on a ceiling,
7 but that is what the City is saying
8 they're requiring.

9 I don't know if that drawing
10 would be good enough. They said it
11 didn't have to be done by an architect,
12 that he could do it himself, but we'll
13 find out when I go back to Municipal
14 services. It's things like that I
15 think that are making people not want
16 to comply.

17 Now, when I asked L&I why we
18 had to do this, what was the logical
19 purpose, they said because of people
20 digging in basements. Why did he have
21 to spend so much of his time making a
22 drawing when he could literally just
23 write on the permit, no drywall in
24 basement, one sentence saying you can
25 put all over our permit that we're not

1 allowed to finish the basement or do
2 anything in the basement. That would
3 accomplish the same task.

4 So again, I'm asking as we
5 roll out new rules to do everything
6 which -- I agree with most of the
7 people here today needs to be done to
8 protect lives and buildings. Let's
9 just think about it logically, is there
10 an easier way that we can do it.
11 Because I think that a simple sentence
12 no basement drywall would have been a
13 lot easier on us as a small business
14 than having to sit and draw the
15 building.

16 The other thing that I would
17 love to see happen as a small business
18 with L&I, we've worked with some really
19 great L&I employees, they seem to have
20 a genuine interest in our projects and
21 what we're doing and the things that
22 they're saying we have to do to be
23 compliant match with what's on the L&I
24 website.

25 We've also worked with some

1 L&I employees who don't seem to know
2 what it is that they're actually
3 looking at when they're on a job site.
4 We've been told to do things that don't
5 match what's on L&I's website and then
6 when we go to an office to go apply for
7 a permit or do something or if they
8 change our inspector, with the new
9 people and the people in the office are
10 telling us and the website does not all
11 remain consistent with what our
12 inspectors are telling us.

13 And then when we ask for
14 help, when we ask to speak to a
15 supervisor for clarification, it's
16 really hard to get. We're told that if
17 our inspector says a thing, we just
18 have to kind of go with it even though
19 we know that it doesn't match with
20 what's on L&I's website and seems wrong
21 to us.

22 We're trying to be compliant
23 but sometimes L&I makes it difficult to
24 do so and they're just inconsistent.
25 So whatever they're doing in that 18

1 months of education, maybe there needs
2 to be some continuing education.

3 When new rules are rolled
4 out, we would ask that there be enough
5 staff time allotted to educate
6 everybody on what it is and that there
7 be an option if you're working with an
8 inspector that is telling you things
9 that are not consistent with what's in
10 writing on their own website, that
11 there be a place we can go, some
12 supervisory person we can go to for
13 clarification.

14 The other thing I just wanted
15 to point out in terms of safety and
16 conflict of interest is that in
17 Philadelphia, unlike most surrounding
18 townships, a Philly general contractor
19 cannot pull their own electrical or
20 plumbing permit. You have to get an
21 electrical or plumbing person to do
22 this. We do this on our job sites.

23 Okay. In some ways it's
24 pretty great to be able to hire an
25 electrician that then gets inspected by

1 the City and a third-party inspector,
2 particularly on a rental property that
3 I own or manage because it kind of
4 covers us in terms of liability.

5 The problem is that I know
6 with electrical, the third-party
7 inspector is chosen by the contractor.
8 I as the property owner or as the GC
9 don't get to choose my own third-party
10 inspector and frankly, we've seen
11 things that are not to code done in
12 buildings that I own and then passed by
13 both City and third-party inspectors.

14 We know they're not right and
15 they're still getting passed, and I
16 think that it has to do with the fact
17 that the contractor is hiring and
18 choosing their own inspector, so I
19 would like the City to consider
20 allowing that inspector to be chosen
21 instead by either the GC or the
22 property owner to avoid that conflict
23 of interest.

24 So just in summary, what
25 we're asking for is that as

1 Philadelphia's L&I Department
2 potentially moves forward with new
3 rules, registrations, more inspections,
4 that you consider taking the time to
5 make sure any plans and new regulations
6 are well-thought-out and that potential
7 repercussions of those for different
8 groups be considered and that different
9 groups be included in that
10 conversation, such as all-sized
11 contractors, the small and the large,
12 and maybe even try talking.

13 Obviously, there's guys out
14 there who are purposefully not pulling
15 permits who know they're in the wrong,
16 but maybe talk to some of these
17 neighborhood guys who are just doing
18 the work and find out why they aren't
19 pulling permits. Maybe even some type
20 of educational campaign about how to do
21 it and what to do.

22 I'd also ask like many have
23 today that L&I's staff have the
24 appropriate amount of time to fully
25 train all of their field office and

1 phone staff in any new procedures and
2 current ones so that when you talk to
3 one person, you get the same answer as
4 when you talk to another, and that
5 would help those of us who are trying
6 to be compliant to do so.

7 I would ask that L&I also be
8 provided with enough staff and funding
9 that contractors can easily call in
10 questions or stop by a local office
11 without coming downtown for consistent
12 answers on how to remain compliant.

13 Finally, contractors should
14 be provided enough time to become aware
15 of changes and plan to implement them
16 to remain compliant. I would ask that
17 L&I, you know, I think it's been great
18 with the new website system, that when
19 you walk into a local office there's
20 fliers, there's information about it's
21 coming on the L&I website.

22 But L&I should really have
23 all of our email addresses if we're
24 registered licensed Philly contractors,
25 so send us some emails about this

1 stuff. Let us know because many of us
2 are trying to be compliant and it would
3 help us to prepare for any upcoming
4 changes and to be compliant if we
5 simply received better notification
6 about these things, so that's about
7 what I came here to say. I hope you
8 will take those things into
9 consideration and especially consider
10 to keep some of us smaller contractors
11 as part of the conversation ongoing.

12 COUNCILMAN HENON: I do
13 appreciate your feedback. The intent,
14 purpose of today's hearing is to
15 investigate and to come out with some
16 kind of discovery and information, just
17 as you all will be provided and have
18 provided for any kind of action, so I
19 appreciate you coming in here and
20 feedback.

21 I just want to note for the
22 record we are joined by Councilmember
23 Brooks who is here as well on this
24 issue. You may state your name for the
25 record and proceed with your testimony.

1 MS. WARD: Colleen Ward. I
2 go by Cully Ward in case you need that.

3 COUNCILMAN HENON: I do.

4 MS. WARD: It's nice to meet
5 you.

6 COUNCILMAN HENON: Good to
7 see you.

8 MS. WARD: My name is Cully
9 Ward. I'm representing the Riverwards
10 L&I Coalition. We're a local group who
11 are tired of suffering from the impact
12 of unprofessional and dangerous
13 construction. Our membership consists
14 of those who have suffered due to
15 shoddy construction, those worried
16 about impending construction and a lot
17 of professionals who generally share
18 their expertise with us.

19 At times in collaboration
20 with L&I, 311, 911, we report
21 unpermitted, unsafe projects and share
22 our experiences as knowledge with each
23 other in order to prevent others from
24 suffering the way we have. We want to
25 overhaul the systems that allow greedy,

1 unqualified developers and contractors
2 to disrupt the lives of our families,
3 friends and neighbors.

4 Change is needed and we're
5 very thankful that City Council is
6 caring about the issues that we're
7 facing. We appreciate that and thank
8 you for having me here today. Our
9 experience however has taught us that
10 the current focus is not necessarily
11 the root causes of the issues. So much
12 of the destruction is at the hands of
13 fully licensed and reputable developers
14 and contractors.

15 Our members have suffered
16 damage to their homes, total collapse
17 of their homes from neighboring
18 construction, defective work by
19 contractors who just really don't seem
20 to care. The common practice whereby
21 licensed developers and contractors set
22 up an LLC for a project. Then that
23 allows them to avoid monetary
24 culpability for issues that occur.

25 Even if a developer or

1 contractor to be liable in a lawsuit,
2 damages are uncollectible from a
3 company that has no assets. You can't
4 get blood from a stone. Developers and
5 contractors are not required to have
6 defect insurance. Developers assisted
7 by real estate agents can sell you a
8 home they know to be defective and by
9 the time you realize it, there's almost
10 nothing you can do by it. Meanwhile
11 the developers and real estate agents
12 have moved on to their next victims.

13 We know what the problems
14 are, but we've been humbled by our lack
15 of ability to resolve the problems we
16 have faced. Our coalition began when
17 we decided to rise up. We're taking
18 back our agency. We asked for help
19 from City, state and federal
20 representatives.

21 When we needed your help, you
22 either couldn't or wouldn't help us.
23 It's a broken system. This is a
24 systemic problem. Now, you're poised
25 to take action. Before you do, we're

1 asking you to be humble. Humble
2 yourselves and collaborate with those
3 of us who have learned the hard way
4 what needs to change.

5 This isn't just about
6 subcontractors and the underground
7 economy. There's an above-ground
8 economy as well. You've heard the
9 phrase follow the money. This is about
10 developers, contractors and a system
11 that allows, in fact, supports
12 unprofessional, unethical behavior and
13 the victimization of every day
14 citizens. We need accountability.

15 We need more training for
16 current inspectors, not necessarily
17 just more inspectors. We need City
18 Council to focus on the issues people
19 are experiencing. Please don't be
20 distracted by agendas. Let the change
21 be informed by the horrific realities
22 faced by citizens.

23 We've been humbled by the
24 impact of cutting-corners construction.
25 We responded by forming a coalition

1 educating ourselves and developing a
2 process for reporting issues and trying
3 to prevent others from suffering the
4 way we have. Please humble yourselves.
5 Collaborate with residents, with our
6 coalition. Let's work together to make
7 real change. This is a systemic issue.

8 L&I needs to be properly
9 staffed, properly trained. Workers
10 need to be protected, but there is a
11 motivation on behalf of developers and
12 contractors that they can work around
13 the system, work within the system
14 because as you said, there needs to be
15 consequences. Until real consequences
16 are in place, they are still motivated
17 to do all of the bad things that are
18 causing all of us to suffer.

19 COUNCILMAN HENON: I agree
20 and I'm sure my Council colleague would
21 also agree. It's called greed, and we
22 need to put an end to it, at the
23 expense of people and property.

24 You may state your name for
25 the record and proceed with your

1 testimony.

2 MS. LEWINE: My name is
3 Terrie Lewine and I have copies of my
4 testimony if someone wants them. My
5 name is Terrie Lewine and I live in
6 South Kensington right between Northern
7 Liberties and Fishtown. I am a
8 Committee person in the 18th Ward,
9 Fifth Council District. Thank you for
10 this moment to speak.

11 My personal development
12 experience cannot be shared in two
13 minutes. Suffice it to say, that I
14 have armed myself the knowledge that I
15 wish I had when rehabbing my own home.
16 I'm all for the City becoming
17 interested in the problem that citizens
18 have been dealing with now for years.
19 It's about time actually.

20 However, this resolution will
21 not solve the problems that plague
22 development concerns in our city.
23 Frankly, this reads to me like more of
24 the same, City government telling me
25 they will handle when it's sadly

1 obvious that they don't actually know
2 what it is.

3 In my building project, I
4 made sure to follow the laws. I got
5 the permits required no matter how
6 incredibly encumbersome it was. I used
7 legal workers with required insurance
8 and still I got taken for \$60,000.

9 Likely this wouldn't have
10 happened to me had the Riverwards
11 Coalition been in existence then. The
12 City did not and still does not come to
13 my aid even with the required realtime
14 information and/or actual inperson
15 support I need to navigate the
16 development going on all around me.

17 That does happen when I reach
18 out to the Riverwards Coalition. This
19 coalition has grown organically and is
20 obviously what the people want, we want
21 our power back. We are not talking
22 about small annoyances. We are at this
23 point addressing a significant loss of
24 the quality of our lives and in some
25 cases, the loss of actual life.

1 Representatives of the
2 Riverwards Coalition should at the very
3 least have a few seats at the table
4 because it is us that have the
5 knowledge needed for creating the
6 necessary change in development. We
7 are the ones who are crystal clear
8 about what has happened, what is
9 happening and within the letter of the
10 law have changed what will happen.

11 We as a coalition of
12 neighbors with a wide variety of skill
13 sets have collected the clear data and
14 the professional wisdom to suggest what
15 changes are required in the system to
16 satisfy all parties involved in the
17 development happening here in
18 Philadelphia.

19 My request is that you
20 postpone your decision regarding this
21 ordinance until it can be rewritten to
22 include the necessary changes,
23 including mandatory neighbor member of
24 the Riverwards Coalition participation.
25 This is just bigger than just

1 inspectors. Thank you very much.

2 COUNCILMAN HENON: Thank you
3 for your testimony. And again, I want
4 to state for the record many, many
5 times here today this is a hearing.
6 This is not legislation. There is no
7 table. You're at the table. You're
8 here. You're at the table every day by
9 reporting it and being advised by L&I
10 and having your relationship with
11 people who work in City government as
12 we speak, so you're at the table.

13 Your public testimony is
14 extremely important. Continue to show
15 up at your community meetings and voice
16 your concerns because that is the
17 table. There is a city-wide kitchen
18 table and that's the eyes and ears of
19 every group in the City of Philadelphia
20 where construction is going on.

21 And I think Cully Ward had
22 stated it spot on. It doesn't matter
23 if you are a high-rise or if you're a
24 low-rise or if you're residential.
25 It's about people and businesses who

1 are putting greed over people and
2 property and the quality of life of any
3 kind of work that they're doing.

4 And you're talking about jobs
5 that do pull permits, so everybody
6 should be accountable. I don't care
7 who you are. I don't care if you're in
8 the Riverwards or if you're out in West
9 Philly, if you're in Northeast Philly
10 or if you're in this building or if
11 you're in a high-rise. Everybody
12 should be treated the same. Everybody
13 should abide by the law and everybody
14 should pull permits and everybody
15 should have OSHA 10 for worker safety.
16 Because worker safety, if you don't
17 care about yourself, you think they
18 care about you? I'd think not. And
19 that's the pragmatic approach that I
20 think is going to come out of here.

21 And some of the challenges of
22 small businesses I think are being
23 heard here today, and I think
24 collectively all of this kind of
25 information is going to be helpful to

1 the Department of L&I when they move
2 forward. It's not a one-size-fits-all.
3 It doesn't happen. But we do have laws
4 that do fit all.

5 And people need to abide by
6 them, and people need to have postings.
7 People need to be safe. People need to
8 have permits and people shouldn't be
9 putting other people and property in
10 danger, so that is the overall umbrella
11 consistency of what we're discussing
12 here today.

13 And there's a lot of critique
14 that we can do and get into the weeds
15 on a lot of things and all of that is
16 important, because when you dive deep
17 into the weeds, you find out what is
18 the systemic problems, what is being
19 abused, what is being overlooked, what
20 is the priority and what priority
21 shifts. So we have a good opportunity
22 to work all together and make it right
23 and hold every department, every
24 elected official, every neighbor
25 accountable for what they're doing in

1 their own communities.

2 MS. WARD: Could I say one
3 more thing?

4 COUNCILMAN HENON: You sure
5 can. Just make sure you state your
6 name again for the record.

7 MS. WARD: Sure. Colleen
8 Ward, Cully Ward. I just want to say
9 we do appreciate the opportunity to
10 come to this hearing. I think when we
11 say we would like a seat at the table,
12 it's hard for you to get enough
13 information out of two minutes from
14 each of us.

15 COUNCILMAN HENON:
16 Understand.

17 MS. WARD: So I think we have
18 a lot more detail that we can share.
19 And so, I don't know how we do that,
20 but I think that's the table we're
21 talking about. We appreciate this
22 venue. It's great to hear --

23 COUNCILMAN HENON: No, that's
24 wonderful. And we would love to
25 convene a working group or something

1 like that.

2 MS. WARD: That would be
3 great.

4 COUNCILMAN HENON: From what
5 I understand there has been -- this is
6 something that's not just we're going
7 to have a solution today.

8 MS. WARD: Oh, no. I just
9 hope this is the beginning, not the
10 end.

11 COUNCILMAN HENON:
12 Absolutely. I'm glad we reached out,
13 because we did reach out, in advance of
14 the hearing. So I'm glad that you
15 accepted our invitation to be here and
16 some of your neighbors. And I want
17 more people to participate in what we
18 do as City government, because all too
19 often you have good people like my
20 colleague that's next to me here Kendra
21 Brooks, who we all come from different
22 backgrounds and have different skill
23 sets and have different experiences and
24 live in different neighborhoods and
25 have different issues that we champion,

1 but together collectively we're pretty
2 good. We are pretty good. We can be
3 frustrated. The citizens can be
4 frustrated at times and we can be
5 frustrated ourselves, but the goal is
6 to move the City forward in a safe
7 manner and in a manner where we're
8 communicating with each other. So I
9 thank you all for being here.

10 MS. WARD: Thank you.

11 COUNCILMAN HENON:

12 Ms. Atwell, our next panel, please.

13 THE CLERK: Jennifer Romaniw,
14 Drew Miller, Phil Harter, Richard
15 Gliniak.

16 (Panel approached
17 Witness Table.)

18 MS. ROMANIW: (Inaudible.)

19 COUNCILMAN HENON: Add
20 whatever you want. You've earned it.
21 Please state your name for the record
22 and you may proceed with your
23 testimony.

24 MS. ROMANIW: Sure. My name
25 is Jennifer Romaniw. Hello, Committee

1 members. My name is Jennifer Romaniw.
2 I'm here today to voice my opposition
3 to this resolution as it stands today.
4 Misclassified workers and those who
5 hire them is a symptom of a much larger
6 issue.

7 As a city, we've given
8 investors, developers and their
9 associates cart blanche over our
10 neighborhoods. While most would agree
11 that any potential opportunity to
12 collect misrevenue should be evaluated,
13 hiring hundreds more inspectors will
14 not provide the return on investment
15 needed to address the root cause of
16 these problems.

17 Adding an additional layer of
18 bureaucracy in the form of any review
19 board comprised mostly of those in the
20 industry to perform a function that is
21 actively being performed via an
22 established unit in L&I is a
23 duplication of effort and waste of
24 resource.

25 It seems logical to have

1 staff who have a legal background and
2 knowledgeable of all the City codes,
3 like those in the Audit Investigations
4 Unit, be responsible for monitoring
5 compliance and gathering evidence
6 against bad players. This ensures that
7 in the event further administrative or
8 criminal action is required, proper due
9 diligence has been taken.

10 I'm sure you've heard the
11 adage not being able to see the forest
12 through the trees. That's what I
13 believe we're seeing here. It's been
14 over a year since my grandparents'
15 house collapsed as a result of adjacent
16 construction.

17 The contractor on record was
18 licensed, had insurance and had a
19 permit. Unfortunately, for my family
20 the developer made the decision to
21 increase living space and potential
22 profit by expanding the basement. The
23 developer and their associates cut
24 corners. Rather than obtain additional
25 correct permits which would require

1 engineering oversight, they made the
2 decision to dig the basement and
3 conceal the debris in a garage behind
4 the house.

5 This action destroyed the
6 foundation for both their property and
7 my grandparents' home. A shelving unit
8 provided supported my family's home
9 which provided time for them to escape.
10 This case was sent to the DA's Office
11 for follow-up and possible criminal
12 charges and there it sits.

13 No criminal charges have been
14 filed and the developer has liquidated
15 assets of that particular LLC and moved
16 on to the next development project
17 under the auspices of a new LLC.
18 Cutting corners has become common
19 business model for many developers.

20 While enforcement is needed,
21 it is clear that it's not a deterrent
22 for this behavior. It's merely viewed
23 as the cost of doing business. Maybe
24 the threat of jail time will encourage
25 some folks to adjust their business

1 model.

2 During last year's L&I budget
3 hearing, Councilman Henon made a
4 comment suggesting that any L&I notice
5 of violation is risking a catastrophe.
6 There is no mention of this in the
7 current resolution. In my family's
8 case, the DA was provided evidence that
9 supported the risking a catastrophe
10 argument. Yet we've seen no movement.

11 I would hope this be a topic
12 of discussion at this year's budget
13 hearings for the District Attorney's
14 Office. Except for the publicity,
15 there's little difference in my
16 family's case and what residents across
17 the City have been experiencing for
18 years, damage to their home that places
19 undue financial burden on residents who
20 have little recourse to hold those
21 responsible accountable.

22 As is, this proposal is
23 woefully inadequate in addressing any
24 of this. Simply reaching out to the
25 community to understand the experience

1 of the residents would reveal how this
2 falls short. The complaints of
3 2,000-plus members of the Riverwards
4 Coalition have revealed some common
5 themes that need attention and could
6 help keep this Committee busy for
7 years, things like better coordination
8 and cooperation between departments.

9 We've heard already the
10 problems with 311, 911 and the other
11 departments not coordinating with each
12 other. This should never occur. We
13 are in the year 2020. How come we
14 can't communicate? Training and
15 development for current L&I staff, I
16 feel like at this point this resolution
17 is mistaking quantity for quality.

18 I trusted the Department
19 leadership has the ability to
20 right-size their staff. We need to
21 ensure that all staff is provided the
22 opportunity to keep pace with the
23 current trends and construction codes
24 and report writing.

25 Structural engineering, we

1 need qualified professionals on staff
2 who are able to provide additional
3 oversight for projects that require
4 structural modification. Code
5 enforcement officers do not have this
6 expertise and often times residents
7 have to purchase these services on
8 their own.

9 Residents need a better
10 answer than that's a civil matter.
11 Residents cannot be expected to bear
12 the financial burden of civil
13 litigation. Stolen deeds, damaged
14 property, collapsed houses all get the
15 same responses from city, state and
16 federal officials, it's a civil matter.

17 This approach is typically
18 not worth the expense to residents as
19 the LLC structure ensures that those
20 who are responsible are protected. We
21 need to provide protections for
22 residents. Your constituents have been
23 bullied, strong-armed, threatened and
24 even sued by developers in an effort to
25 shut them up.

1 We need a coordinated effort
2 by local and state representatives to
3 ensure protections for residents. That
4 was going to be the end but I have some
5 notes, so I have a couple more
6 sentences.

7 So through the testimony from
8 other people earlier today, it was very
9 apparent that there's some other things
10 that I should have included in here.
11 One of which is 311. Yes, people are
12 reporting to 311, but clearly there's
13 an issue. So either the issue is with
14 311 or the communication between 311 or
15 other agencies or the systems just
16 don't talk. So that's a huge gap at
17 this point.

18 Secondly, another thing that
19 was mentioned multiple times during the
20 day was accountability of the current
21 workforce. I know this is an issue in
22 government, but if this is a problem
23 that's creating havoc, we need to look
24 at how we can hold those accountable
25 too, the people that are already here.

1 And lastly, misclassification
2 workers doesn't just occur in
3 construction. It occurs everywhere.
4 We are a sanctuary city. We are likely
5 going to have misclassified workers in
6 every industry as long as we are a
7 sanctuary city, so we have to recognize
8 that whether you like it or not, and we
9 have to work to address it.

10 So in closing, I'll go back
11 to my closing statement. I'd like to
12 reiterate that this resolution in its
13 current state misses the mark. It
14 doesn't provide the protections and
15 relief that residents need, and focuses
16 only on one tree in the vast forest
17 that is development and construction in
18 the City. Thank you for the
19 opportunity to speak on this.

20 COUNCILMAN HENON: Thank you
21 for being here. State your name --

22 MR. HARTER: Good afternoon,
23 Councilman. My name is Phil Harter.
24 I'm here to provide testimony on
25 Resolution 200043 as a member of the

1 Riverwards L&I Coalition. I'm also a
2 Committee person in the 18th Ward, a
3 member of one of the major RCOs in the
4 Riverwards and a member of the Police
5 District Advisory Council. I'm a
6 homeowner in the Riverwards and I'm a
7 contractor and owner of a small
8 business doing restoration work
9 handling insurance claims. Many of
10 which are caused by water, mold, fire
11 damage and hazardous materials. I'm an
12 IICRC-certified restoration specialist
13 and a safety and health specialist
14 certified through OSHA.

15 Earlier State Representative
16 Joe Hohenstein spoke of the secondary
17 economic impacts to our community and
18 RCO involvement. I have a unique
19 insight to that as a Board member of
20 the local RCO, a local community
21 coalition here with the Riverwards L&I
22 Coalition, and a contractor dealing
23 with the secondary impact to
24 Philadelphia residents.

25 As a resident in the

1 Riverwards since before the development
2 boom and my involvement through the
3 civic community, every day I'm dealing
4 with this, with people who are running
5 into problems, people who are having
6 complaints about developers damaging
7 their property, people who have bought
8 houses from these developers through my
9 professional life who are dealing with
10 these damages and now having to file
11 insurance claims, for poor workmanship
12 failing to follow basic principles of
13 how to build a house and cutting
14 corners.

15 There's a lot that needs to
16 be done in the City in regards to
17 safety of development in the homes in
18 the City. My company has a restoration
19 reconstruction. We don't do
20 reconstruction in the City. We go in,
21 I handle the restoration, the mold, the
22 remediation, but I don't handle the
23 reconstruction in the City because of
24 two things.

25 One, I can't find certified

1 subcontractors who meet my standards
2 and my contracts with the insurance
3 companies to have licensing, insurance
4 and certifications. And two, because
5 my inhouse crew in order for me to come
6 into the City and do the work, the
7 process of pulling permits, getting
8 things done, it's too laborious.

9 I work in the surrounding
10 suburbs of reconstruction. I make
11 money there. I am a certified
12 contractor, licensed, very reputable.
13 I won't work in the City. The
14 insurance carriers, they don't care
15 about the added cost that I have to
16 work in the City. They have prices
17 that they set and that's all they'll
18 do. And a lot of times when I'm
19 leaving a person's home who has
20 suffered water damage or mold because
21 of unscrupulous contractors and
22 developers, they're left with no other
23 choice but to find somebody else in the
24 City to handle these and cash out.

25 The Riverwards Coalition was

1 formed two years ago and has been
2 working closely with L&I on these
3 issues, and many of which are related
4 to as you stated this underground
5 economy. The problem however is much
6 larger than what your resolution
7 addresses.

8 Commissioner Perri testified
9 earlier that they have 160 or so
10 positions and he has a challenge
11 filling those. I'm not sure how just
12 saying we're going to hire another 500
13 people to go out there and do these
14 inspections is even going to be
15 handled.

16 I think that the conversation
17 is a little bit bigger than that.
18 These developers have had years of
19 experience on how to dodge the system.
20 There's current L&I regulations in
21 place to address these issues. When
22 you go to these sites, they get shut
23 down. And once the inspectors leave,
24 these people start working again. They
25 work on weekends. They work on

1 holidays. They do whatever they can to
2 get around the system.

3 I experience it firsthand
4 when I come in after some of these
5 contractors to repair some of the
6 damages. L&I has inspectors. They go
7 out, but they don't have the power of
8 enforcement. They can go put a sticker
9 on the front of somebody's home. But
10 once they leave if those contractors
11 decide the heck with that, they're
12 going to go back to work.

13 The Police Department,
14 they're not going to show up and arrest
15 these people. I'm part of the Police
16 District Advisory Council and I've
17 talked to them about this and they
18 don't believe it's their place. That's
19 L&I's place. L&I doesn't have the
20 ability to arrest these people. And
21 when catastrophe happens, the District
22 Attorney's Office, in her case, isn't
23 going through and prosecuting them.

24 There is a process in place
25 now. There's laws. We're just not

1 enforcing them correctly. One thing
2 that I haven't heard here at all is the
3 Zoning Board of Appeals. As a member
4 of the Zoning Committee in my local
5 RCO, we see these developers come back
6 time and again; developers who have
7 committed some of these problems coming
8 back looking for new permits, going to
9 the Zoning Board of Appeals and getting
10 new permits.

11 The ZBA is our first step in
12 weeding these people out and stopping
13 them. And I haven't heard the ZBA
14 talked about at all yet today. The
15 process with the local RCOs and Zoning
16 needs to be paid more attention to.
17 The ZBA when they find these
18 contractors and they go before them,
19 that's our first step to find who these
20 people are and stop giving them the
21 permits to continue to do these types
22 of developments that they've done in
23 the past.

24 The Riverwards Coalition has
25 been working with L&I to identify

1 improvements for almost two years now.
2 I think this resolution is a welcome
3 addition of the conversation, but more
4 of the conversation needs to be done,
5 changes in City policy and approach are
6 really what's needed.

7 Thank you, Councilman, for
8 joining the conversation with this
9 resolution. I appreciate it and I look
10 forward to working with you in the
11 future to try and find ways to fix this
12 to benefit the future of our City and
13 our residents. Thank you.

14 COUNCILMAN HENON: Thank you
15 for your testimony. State your name
16 for the record and you may proceed with
17 your testimony.

18 MR. MILLER: My name is Drew
19 Miller and I live in Fishtown. I feel
20 like most of what I was going to say
21 has been spoken about on one level or
22 another. I'll go through it as quickly
23 as I can and hit a couple of other
24 points I think.

25 As a number of people have

1 said, I think this beginning process is
2 really important and I thank you for
3 starting the process. It acknowledges
4 the problem that we're all seeing, the
5 problem that all of these issues in all
6 of our neighborhoods as you've said,
7 you know.

8 When I first read the
9 resolution, I immediately first saw
10 this disconnect they've kind of talked
11 about where the pull of focusing on
12 underground economy is kind of pulling
13 against the concerns that are expressed
14 in the resolution, concerns for the
15 danger for citizens, the damage to
16 property, collapses of buildings,
17 unfair working conditions and the loss
18 of tax revenue.

19 And as they've mentioned, all
20 of this is present with fully licensed
21 entities as well from the top to the
22 bottom. But to me the problem with the
23 focus on the underground economy is it
24 puts it in a position where the very
25 things that hearings focusing on the

1 underground economy will be allowed to
2 focus on will admit the very things
3 that could have the immediate impact.

4 Earlier Councilman Squilla
5 asked Commissioner Perri what could be
6 done right now so we can see immediate
7 impact. And some of those things are
8 things like passing laws so that
9 there's criminal charges for negligent
10 damages to adjacent properties, passing
11 laws so that there's protections for
12 victims for these offenses, passing
13 laws so in times when these things are
14 happening, that there's both increased
15 visibility and increased accountability
16 for LLCs connected to these offenses,
17 because right now it's just not being
18 enforced. And that includes for the
19 professionals that sign off on them,
20 whether they're the architects or
21 engineers or whatever, that whole ilk
22 of class of people.

23 I think all of us who have
24 been through some aspect of this have
25 been able to find some piece of

1 efficiency or effectiveness that could
2 be done better. And you put all of
3 these pieces together and I think we
4 can actually build something that
5 works. Even if it starts to work on
6 the small scale and then we can, okay,
7 it works there so let's spread it
8 around.

9 Before the demolition even
10 happened next to me, I was lucky that
11 Riverwards had already existed when I
12 started dealing with this. So I was on
13 the phone with the Streets Department
14 talking to Michael Bloom at Surveys,
15 and this was before demolition even
16 started. And he was like, oh, yeah,
17 that shouldn't be able to go through,
18 the property line as it's drawn on the
19 site safety plan isn't that part of the
20 wall, they can't put that through
21 without that being examined. The
22 property was never examined, you know.
23 A few things happened in line, but
24 eventually it went for it anyway. And
25 I think there's some simple places if

1 when a demolition is being approved, a
2 simple check with the Survey
3 department, and those kinds of issues
4 won't ever happen.

5 And ZBA is another important
6 checkpoint. I think there's a lot of
7 these checkpoints that we can find
8 where we can whittle off -- because
9 right now it's being looked at as this
10 one massive collection of issues. And
11 if we don't break it up into the
12 individual things, it's just not
13 manageable. And that's my concern.

14 I think because -- there's
15 been a lot of people who talked today
16 and a lot of people have said very
17 important things. And I think that if
18 we can have a find a way to have a
19 narrow focus and have a more specific
20 focus so that we can attack each
21 individual issue, I'm hopeful that
22 progress can be made. So thank you for
23 your time. Thank you for hearing me
24 out, and I look forward to the progress
25 to come.

1 COUNCILMAN HENON:

2 Absolutely, and I appreciate you all
3 for being here. And again, I'm going
4 to say over and over again I'm sorry
5 for your experience and everybody's
6 loss.

7 And it seems like and I'm
8 glad over the last two years you have
9 shown to build and engage, so you
10 created your own table with L&I so
11 you're at the table with L&I, so you're
12 communicating with them and you're
13 communicating with the City as it is to
14 collectively deal with somebody's -- so
15 there are, like I said, an overall
16 policy with some of the legislation
17 that we have on the books that need to
18 really be enforced, but it's a little
19 deeper than some, so raising the
20 attention to this is really what the
21 intent, what the purpose is. So we can
22 have further conversation of that help,
23 support.

24 All right. I want L&I -- and
25 I put in a resolution last year,

1 legislation last year, I want 800
2 inspectors. I know that's ridiculous,
3 right. And I know I did it for an
4 attention grab, but I really wanted to
5 focus in on we don't just need more
6 inspectors to help with the caseload.

7 Think about it, you're
8 talking about contractors and
9 developers that are on the books that
10 are getting away with one scrupulous
11 type of behavior, and that's wrong, let
12 alone deal with the underground economy
13 that's 25 percent, it's a minimum of 25
14 percent of the total economy in the
15 construction industry in the City of
16 Philadelphia, so they need support and
17 I have confidence in L&I through
18 communications like your Advisory Group
19 like yourselves and dealing with City
20 offices.

21 It's much more than just
22 putting -- it's more than just 50 new
23 inspectors or 100 new inspectors. It's
24 about a plan working smarter to address
25 the issues as they come up and tweak.

1 I feel confident that we will adjust
2 along the way through conversations and
3 people's unfortunate tragedies, and
4 some people are pulling permits, maybe
5 \$25 or \$250 permit and they're doing
6 \$100,000 of work, that happens all the
7 time and that itself is disturbing.

8 But we're going to deal with
9 basements and underpitting, and the
10 issue with somebody just coming in
11 there and get down there and dig and
12 dig and the next thing you know they're
13 lucky to get out before it collapses
14 themselves.

15 MS. ROMANIW: And that's
16 exactly how we have to follow the money
17 because day workers do not choose what
18 they do for the day. They show up,
19 they're told what to do, they presume
20 somebody on that site is knowledgeable
21 in instructing them to do the
22 correct --

23 COUNCILMAN HENON: Somebody
24 is instructing them. People don't just
25 show up on jobs and say, hey, I think

1 I'm going to go dig here.

2 MS. ROMANIW: Right. You
3 really have to follow the money.

4 COUNCILMAN HENON: They're
5 being paid cash to dig somewhere.

6 MS. ROMANIW: Right.
7 Somebody is paying them.

8 COUNCILMAN HENON: Correct.

9 MS. ROMANIW: Somebody made
10 the decision.

11 COUNCILMAN HENON: Correct.

12 MS. ROMANIW: So it's much
13 bigger and this is where we need
14 coordination between local and state
15 and federal because we need the money,
16 that payors that are making the
17 decisions to actually be held
18 accountable for those decisions.

19 COUNCILMAN HENON: Someone
20 else's greed at your expense.

21 MS. ROMANIW: Not the
22 people's shovel got broken in the
23 ground when the building collapsed,
24 right?

25 COUNCILMAN HENON: Right.

1 Agree, yes. Someone else's greed at
2 your expense you're left. It's like a
3 tornado coming right through your
4 neighborhood, and this greedy
5 contractor or developer is going to
6 come in here who doesn't hire, who pays
7 people cash and does everything illegal
8 or skirting. As our Mayor had
9 mentioned years ago, he recognizes it.
10 People are looking to skirt corners.

11 So you got this tornado of
12 greed going right through all of our
13 neighborhoods and then when they leave,
14 we're left to pick up the pieces, where
15 is that wrong?

16 MS. ROMANIW: You've
17 described our neighborhood.

18 MR. HARTER: You've just
19 described the past five years in the
20 Riverwards in Fishtown to a T.

21 COUNCILMAN HENON: That's
22 wrong. That's wrong. So thank you for
23 being here. Thank you.
24 Ms. Atwell, do we have any other
25 speakers?

1 THE CLERK: Yes. This is the
2 last panel. Sutan Ashley Shaw, Nita
3 Hadden and Pamela Gibson.

4 (Panel approached
5 Witness Table.)

6 COUNCILMAN HENON: Please
7 state your name -- excuse me, sir. If
8 you can allow --

9 MR. SHAW: Pardon me?

10 COUNCILMAN HENON: -- your
11 other panelist to go first.

12 MR. SHAW: Yes, let her go
13 first.

14 COUNCILMAN HENON: If you can
15 state your name for the record and
16 proceed with your testimony.

17 MS. GIBSON: My name is
18 Pamela Gibson. I am a Committee person
19 of 36th Ward, 36th Division and also
20 Director for a nonprofit for Seniors
21 and Disabilities, persons with
22 disabilities. A lot of things have
23 been talked about today. I want to say
24 thank you so much for having this
25 panel.

1 I am a resident of the Point
2 Breeze area which you talked about the
3 tornado. I think we're the eye of the
4 storm of the tornado being a part of
5 Point Breeze. I have been a part of
6 the 36th Ward going as far back as 2012
7 and seeing the progression and the
8 evolution of the Zoning Board process
9 and Zoning codes.

10 I liked when the gentleman
11 talked about ZBA not being mentioned in
12 the entire time that I was here. I
13 think I got here about 10 o'clock.
14 Part of that process is you wake up in
15 the morning and you see a zoning notice
16 and you don't know the zoning notice
17 from a library card from a parking
18 ticket.

19 And you're invited to a
20 meeting and you're sitting there
21 looking at pretty pictures and
22 blueprints which is not a part of an
23 everyday person's purview to look at
24 blueprints. What I saw and I did voice
25 my concern to the RCO is why isn't

1 there presence of L&I at these
2 meetings.

3 There would be a vote of
4 confidence within the community if they
5 were there. So that the community can
6 know that what's being said is pretty
7 much above board and that the permits
8 that followed or the applications for
9 whatever needed to be done for this
10 development to happen has the
11 confidence of the L&I Department.

12 In 2012 on my block alone,
13 there were 14 houses built on my side
14 and across the street I think there
15 were 15 or 17. From 2012 to 2020, my
16 other neighbor, she had to leave. We
17 were still dealing with some of the
18 same issues with contractors coming
19 onto our block without getting the
20 proper permits as well as destroying
21 properties, cracking pavements, tearing
22 down -- in fact, I have one who is
23 speaking for her behalf, tearing down
24 her backyard wall that said, oops, we
25 made a mistake, went across the

1 property line, tearing down a backyard
2 wall, rebar is showing, the pavement is
3 cracking, the dirt from underneath of
4 her pavement is missing.

5 In 2012, we experienced the
6 same thing. I also noticed that
7 between 2012 and 2020 there's a chasm
8 in communication between L&I and the
9 residents. I'm a part of that
10 statistic that was boasted about
11 earlier today where it's 96 percent, so
12 I'm expecting that from my part is to
13 pay these taxes and for their part is
14 to answer questions and to be a part of
15 the process of communication between
16 the subcontractor and the contractor.

17 But too many times often
18 times we find that there are new laws
19 or new ways of not communicating or
20 lack of inspectors. 2012 we had two
21 inspectors in Point Breeze. 2020 we
22 have two inspectors in Point Breeze. I
23 had asked L&I back in 2014 if they are
24 allowed to when persons are posting
25 notices and they're going around

1 inspecting, could they please in the
2 immediate area give their cards out and
3 let people know that they are the
4 inspectors for that property. I was
5 told no, that that's not something that
6 they do, that there's a number for them
7 to call.

8 Between 2012 and 2020, I have
9 learned that 311 is not customer
10 service for L&I. It has evolved from
11 calling and placing a complaint to
12 calling and maybe uploading or
13 downloading photos and downloading
14 information. But too often times my
15 Octogenarians or older residents or
16 persons who have disabilities do not
17 have the wherewithal to go on the
18 computer and look up X, Y and Z where
19 they have been directed to look up this
20 information that they're given.

21 And sometimes if you can talk
22 to five different people, you get five
23 different answers when you call 311.
24 That has been consistent between 2012
25 and 2020. I had also asked that there

1 was some kind of literature so people
2 can understand what by-right means.

3 Often times there's
4 demolition that may harm someone else's
5 property and sometimes it's the City,
6 and then you go through this quagmire
7 to get a claim in and try to figure
8 that out or it's a developer that has
9 subcontractors that were not listed.

10 Case and point, Ms. Hannah was 91
11 called me and said someone is on my
12 roof, they said they had by-right, and
13 they could because they could go up
14 above her two-story house and were
15 using her roof with scaffolding to put
16 up siding, whatever they were doing.

17 That I had asked repeatedly
18 for that information to be disseminated
19 to residents in the immediate area as
20 to what by-right is and what are the
21 rights of the resident. I think that's
22 what's missing here, is what are the
23 rights of the resident and how that is
24 conveyed to the resident from L&I in
25 language that we can understand.

1 COUNCILMAN HENON:

2 Understand.

3 MS. GIBSON: So again, we're
4 in 2020. We have another contractor on
5 the block who's pulled down electrical
6 wires and the whole nine and we've been
7 working diligently with Councilman
8 Kenyatta Johnson's office and I can't
9 say enough about his office, and Mark
10 Jones and Joshua Harris and Tiphonie
11 White and Michele and Chris Sample who
12 have walked this journey with us, but
13 there are gaps in communication that
14 need to be closed. And I'll be more
15 than happy to do whatever it is that
16 needs to be done or whatever meetings
17 that need to happen to make sure that
18 this is closed, because we don't come
19 in contact with L&I until something
20 happens.

21 My undergrad is in marketing
22 and management and 27 years in special
23 education. It's not my purview to look
24 at a blueprint other than looking at
25 something my mother wanted to do with

1 an extension in her house. It's not my
2 purview to know structural engineers.
3 It's not my purview to really know or
4 to have within my community of people
5 that I come into contact with on a
6 daily basis, a real estate or contract
7 lawyer, especially if you're 80 or 91
8 years old and you're a part of that 96
9 percent they were boasting about in
10 terms of tax collection. It's not
11 fair.

12 So I'm saying this to you,
13 thank you so much for listening. I
14 hope I was able to articulate the eight
15 years that we've been going through
16 this and continue to go through this.
17 But if there can be a way of
18 communicating to the residents,
19 residents rights within this, these
20 issues that have come up. And if
21 there's anywhere my two cents, please
22 give L&I more money to expand their
23 budget.

24 You have development moving
25 at the speed of an Acela, and where the

1 issues and concerns are being -- we're
2 still in a horse and buggy trying to
3 figure this out. And developers are
4 having a field day, so thank you again
5 for your time.

6 COUNCILMAN HENON: Thank you
7 for coming in. And again, L&I is
8 directly behind you to your right. We
9 appreciate that input, and your
10 experiences I think kind of -- it's
11 vital to unattended consequences,
12 because I believe we all are trying to
13 do things for the better of our
14 property and of our city without
15 unattended negative consequences, so
16 thank you so much for being here.

17 Say your name for the record
18 please and proceed with your testimony.

19 MR. SHAW: Good afternoon,
20 Chairman Henon. My name is Sutan
21 Ashley Shaw. I'm the president of
22 Citizens United Way for Social Justice
23 Organization at CityWide here in the
24 City of Philadelphia. And I wanted to
25 just take a moment and say thank you

1 first of all for convening these
2 hearings to move forward Resolution
3 200043 dealing with this underground
4 economy as it has begun to deal -- not
5 just begun, but it has historically
6 been dealing with our communities on a
7 negative basis.

8 And with that, I'd like to
9 say it is with profound sense of
10 urgency that I appear here today to
11 testify in support of 200043
12 authorizing the Committee on Licenses
13 and Inspections to conduct hearings to
14 investigate the underground economy.

15 For too long our city has
16 been plagued by overzealous developers
17 and contractors, many of whom reside
18 outside of our city that have found
19 Philadelphia to be an easy place to not
20 only pick up real estate cheap compared
21 to the national average, but also quite
22 simply to circumvent Philadelphia
23 construction industry laws,
24 Philadelphia's witness via the lack of
25 L&I's oversight ability, the influx of

1 noncertified and nonunion workers who
2 do not reside in our city and whose
3 lifelong investment to this city begins
4 and ends with a paycheck or a
5 completion of a specific construction
6 project.

7 This lack of inherent love
8 for our city gives way to an attitude
9 of indifference when it comes to
10 providing employment opportunities to
11 local residents, many of whom are being
12 displaced as a net result of the
13 construction development in the very
14 neighborhoods they grow up in.

15 As a result of this,
16 neighborhood unemployment is at an
17 all-time high and the despair on the
18 faces of those who see this firsthand
19 on a daily basis is evidence of the
20 pains of gentrification. Further,
21 L&I's inability to create strong
22 oversight has contributed to making
23 Philadelphia attractive to make to
24 slick developers and contractors who
25 take advantage of many unsupervised

1 loopholes, thus forcing many longtime
2 homeowners into foreclosure because of
3 the high taxes that these pricey and
4 unaffordable homes create.

5 These developers come into
6 our areas and during this construction,
7 leave all sorts of trash and unsafe
8 debris that goes unchecked because of
9 the lack of an ability for L&I to
10 create oversight on these particular
11 issues. Philadelphia has experienced
12 several tragic accidents as a result of
13 unlicensed equipment operators and
14 noncertified workers, many of whom
15 speak no English.

16 We all remember 22nd and
17 Market Street, the tragedy that took
18 place there. Philadelphia has seen
19 enough unscrupulous construction site
20 activities and given the proper
21 resources, L&I could better monitor
22 such disgraceful practices and had a
23 stronger oversight component that would
24 deter such criminal behavior and
25 restore the confidence back into our

1 communities.

2 This would assure our
3 communities that public safety is
4 paramount to successful community
5 development and expansion and not just
6 money. This is not a union versus
7 nonunion issue, instead a quality of
8 life issue that our City deserves and
9 demands addressing, therefore, it be
10 known and resolved that our
11 organization Citizens United would
12 suggest -- does support you, Councilman
13 Henon, and your chairmanship of this
14 Committee as well as your leadership
15 moving this issue forward, and we are
16 here to do whatever you need for us to
17 do in terms of helping to assist you in
18 getting the word out on this message.
19 Thank you very much.

20 COUNCILMAN HENON: Thank you
21 so much. Thank you for your testimony.
22 I appreciate you both coming in here.
23 I appreciate your commitment to your
24 communities in the form of justice and
25 in safety and in engagement with your

1 neighborhoods, so please stay in touch
2 with all of us here in the City and
3 your respective Councilpersons, and my
4 office is always open for advice in
5 some of the things that you encounter
6 in each of your neighborhoods, so thank
7 you so much.

8 MR. SHAW: You're welcome.
9 Thank you again.

10 COUNCILMAN HENON:
11 Ms. Atwell, is there anyone else here
12 before I give closing remarks?

13 THE CLERK: It looks like you
14 have one more.

15 (Witness approached
16 Witness Table.)

17 COUNCILMAN HENON: I'd like
18 to make a note for the general public
19 who is here I think we are at our last
20 speaker. You hit the big time. You're
21 the anchor.

22 MR. ALI: Yes, sir.

23 COUNCILMAN HENON: Please
24 state your name for the record and you
25 may proceed with your testimony.

1 MR. ALI: My name is Jihad
2 Ali and I'm with the Enterprise Center
3 in West Philadelphia. Sitting
4 listening to all the panels that spoke,
5 I think one of the things that really
6 threw me through a loop was hearing the
7 report that the Commissioner of L&I
8 took the position that he didn't want
9 his inspectors asking to see an OSHA 30
10 card, and that's after hearing the
11 testimony that we really amped up that
12 regulation after the fatality on Market
13 Street.

14 And I just couldn't
15 understand that, because it's just this
16 simple, you take out your wallet. The
17 inspector says let me see your OSHA
18 card, you take out your wallet and you
19 show them an OSHA card, whatever it is,
20 30 or 10. It's just that fast. And
21 that one action can save lives, because
22 that one action can make contractors
23 adhere to regulation because they know
24 that OSHA 30 inspectors -- L&I is going
25 to ask them for it.

1 Just as if a police officer
2 pulls you over, he doesn't say give me
3 your insurance card first. He doesn't
4 say show me any other financial
5 responsibility. He says, show me your
6 license because you're operating a
7 vehicle that can kill people.

8 So on these construction
9 sites we have workers operating
10 equipment, bulldozers that can knock
11 down a wall like what happened on
12 Market Street, equipment that can
13 impale somebody, all kinds of sharp
14 instruments that can kill somebody and
15 we don't even ask them for an OSHA 10
16 or OSHA 30 card. That has to be a
17 blunder of his administration. And
18 that's easily corrected, because all he
19 has to do is admit that he made a
20 mistake, and he should have his people
21 ask people for those cards, and that's
22 just unacceptable in this day and age.

23 And everybody is forcing this
24 issue of OSHA 30 and OSHA 10. The
25 unions -- you can't go on a union job

1 and don't get challenged for your union
2 card. It's the same process, show me
3 your union card. But the unions are
4 pushing people to have their OSHA
5 requirements.

6 And then in listening to
7 Brian Eddis talk, the L&I Commissioner
8 to do well to welcome Brian Eddis into
9 his unit to talk about all of the
10 experience that he has in finding about
11 all the tricks and loopholes that
12 contractors put up with trying to go
13 around the code, because when it comes
14 to the unions in Philadelphia and I am
15 a union carpenter and I want to say out
16 of the respect for Brian Eddis, Bobby
17 Bart and Todd, I can't think of Todd's
18 last name from the Local 98, they are
19 three of the most competent building
20 trades representatives in the City of
21 Philadelphia.

22 I worked with them on some
23 RCOs in Southwest Philly. Every thing
24 about them, they're total
25 professionals. It's easy to see why 98

1 leads the pack in terms of unions, just
2 because of the professionalism and the
3 dedication that these guys bring to the
4 field.

5 But today is a tragic day in
6 the African-American community, because
7 today is the day that Malcolm X was
8 killed in 1965. And Malcolm X was one
9 of the most premier spokesperson that
10 we had in our community. And I can't
11 sit here today and say that
12 Philadelphia, it does come down to
13 union and nonunion. Some people have a
14 problem saying nonunion people, they
15 exist too, and they do do the right
16 thing too.

17 They do get OSHA 30, OSHA 10,
18 they do do work. They do perform. In
19 the union world, it's not welcome for
20 everybody. Local 98 has come far, has
21 made great strides in being more
22 inclusive under the leadership of
23 Johnny Doc. They've opened up their
24 doors. I'm on the Oversight Committee
25 on University of Penn, new patient

1 pavilion, and it was Local 98 that
2 really led the pack of the 17 trades.

3 Local 98 led the track on
4 getting apprentices in the PennFirst
5 program. All the other unions, all we
6 got was talk, even the carpenters which
7 has 40,000 men. We can't even get the
8 carpenters to the table. I had to go
9 to Deputy Mayor Lazer to arrange a
10 meeting with the carpenters and I'm a
11 member of the carpenters. What kind of
12 organization is that?

13 And then we want to give --
14 we can't give all the unions the same
15 respect that we give Local 98 because
16 all of them are not earning that
17 respect that Local 98 earns. So in
18 that position, we have to have
19 people -- in these communities, what
20 feeds the underground economy is when
21 those other unions don't open those
22 doors, we're Black men, Latino men,
23 Asian men. How are they supposed to
24 support their families if they have
25 trades, and they have an OSHA 10, they

1 have an OSHA 30. They're going to
2 work.

3 And most guys with a trade if
4 they're trying to feed their families,
5 it's different levels of this
6 underground economy we're talking
7 about, because somebody, developers --
8 and it's union developers and
9 contractors that do the same thing.
10 They pay those guys under the table
11 because it's all about the money. So
12 they say to a contractor, look, I'm
13 going to pay you this under the ta --
14 I'm going to pay this, you're going to
15 pull a permit. Once a permit is
16 pulled, the other subs are coming under
17 there and they're going to get paid.

18 I thought the best suggestion
19 was that I think one of the
20 representatives from -- Joe from the
21 177th, he said that they should make
22 more with the RCOs because the RCOs are
23 out there every day. They're seeing
24 things every day, like the Riverwards.
25 They came down here strong today.

1 They're out in their neighborhoods.
2 And other neighborhoods, they can use
3 more help.

4 But I thought to be able to
5 have the -- somebody else suggested
6 that we have the subcontractors put the
7 names of the employees on the job. But
8 when you really think about it, those
9 of us who've been out in the field,
10 that's not really going to go too far.
11 I think just having the inspectors and
12 having other eyes out there to help
13 them will help the process.

14 And I think at the end of the
15 day this resolution that you're trying
16 to do is important, but I think the
17 most significant thing that came out of
18 this today is having the L&I Director
19 reverse that policy because he can save
20 lives to just -- and then he'll help
21 his own cause, because when contractors
22 are out there in the field, they'll
23 come up there and say, man, let me see
24 your OSHA card, and that will go like
25 rapid fire through the industry.

1 And if he adheres more to the
2 regulations, he'll help himself even
3 though he has less inspectors because
4 people will say, I don't want an L&I
5 inspector out here today, so they'll
6 man the jobs.

7 And then another thing, think
8 about what he said. He had 18
9 inspectors go through some training, 10
10 quit. Well, obviously he should look
11 at what was the purpose -- how were
12 they training them and he had the wrong
13 people. Because in construction if
14 you're not in it, it's like reading
15 1,000 page novel. If you're not
16 interested, you're not even going to be
17 for it. And I think that's where
18 building trades can help them, because
19 maybe building trades can identify
20 people that know this field and they
21 will want to go ahead and do something
22 different.

23 So I wanted to thank you for
24 giving me the opportunity to talk. And
25 as always, Councilman, one thing, I've

1 been down here a long time, and one
2 thing they say in this house because
3 this is the people's house, everybody
4 gets an opportunity to come to this
5 table.

6 And you've been in your role
7 as a Councilman and I've been in my
8 role as a citizen and one thing I can
9 truthfully say to you, we've had our
10 differences but you've always been
11 respectful and I've always been
12 respectful to you, and I thank you for
13 that.

14 COUNCILMAN HENON: Well,
15 thank you. Thank you so much for your
16 testimony. I appreciate it. With no
17 further witnesses, we are coming to the
18 conclusion of our hearing with L&I on
19 Resolution 200043, and that resolution
20 will be recessed at the call of the
21 Chair.

22 And again, thank you all for
23 being here. Thank you for your input
24 and most importantly, thank you for
25 spending five hours of your Friday here

1 to have the support and discussion on
2 safety. Thank you.

3 (Committee on Licenses and
4 Inspections concluded at 3:30 p.m.)

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

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

Court Reporter - Notary Public

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