

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LAW AND GOVERNMENT

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, October 27, 2015
10:05 a.m.

PRESENT:

COUNCILMAN WILLIAM K. GREENLEE, CHAIR
COUNCILMAN BOBBY HENON
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN DENNIS O'BRIEN
COUNCILWOMAN MARIAN B. TASCO

BILLS 140716, 150573, and 150741
RESOLUTION 150594

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1
2 COUNCILMAN GREENLEE: Good
3 morning, everyone. Can I have
4 everybody's attention, please.

5 This is the Committee on Law
6 and Government. We have obtained a
7 quorum with Councilman O'Brien and
8 Majority Leader Jones.

9 Ms. Marconi, will you please
10 read the title of the bill and resolution
11 first before us today.

12 THE CLERK: Bill No. 150573, an
13 ordinance providing for the submission to
14 the qualified electors of the City of
15 Philadelphia of an amendment to The
16 Philadelphia Home Rule Charter
17 establishing and defining the
18 responsibilities of an independent
19 Commission on African-American Males;
20 fixing the date of a special election for
21 such purpose; prescribing the form of
22 ballot question to be voted on; and
23 authorizing the appropriate officers to
24 publish notice and to make arrangements
25 for the special election.

1 10/27/15 - LAW & GOV. - BILL 140716, etc.
2 Resolution 150594, resolution
3 proposing an amendment to the
4 Philadelphia Home Rule Charter to provide
5 for the creation, appointment, powers and
6 duties of a Commission on
7 African-American Males and providing for
8 the submission of the amendment to the
9 electors of Philadelphia.

10 COUNCILMAN GREENLEE: Thank
11 you.

12 Before we call any witnesses,
13 Councilman Jones, sponsor of this bill
14 and resolution.

15 COUNCILMAN JONES: Thank you,
16 Mr. Chairman, and thank you for all those
17 who will testify on this bill.

18 Every eight years,
19 administrations -- sometimes four
20 years -- tend to change. During that
21 process, they go through the creative
22 process of making commissions, boards,
23 and many of them do good work. At the
24 change of an administration, the decision
25 has to be made whether that effort

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2 through a commission or board should
3 continue. One of the commissions that we
4 are recommending be retained and be made
5 permanent and be a question before the
6 electorate is the African-American Males
7 Commission.

8 What we want to do is take a
9 hard look at -- and I had an opportunity,
10 Mr. Chairman, to do on Saturday two
11 events. One of them was, I was a speaker
12 at the Lifers Conference up at
13 Graterford, and that's a sad place to be
14 at times, because those individuals are
15 sentenced to life in prison. Many of
16 them come from Philadelphia. Many of
17 them come from ten particular
18 neighborhoods in Philadelphia.

19 So we attended that. I got to
20 talk to them about them giving back,
21 about them making amends, about them
22 reuniting with their families to try to
23 stop the cycle that exists among African
24 American males and men of color.

25 The second event I went to,

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2 Mr. Chairman, was my college homecoming
3 at Millersville University, particularly
4 the people of color that managed to make
5 it through that state-sponsored
6 institution. And it was about 200
7 individuals, many of them very
8 successful, many of them taxpayers, many
9 of them too often acting like
10 republicans, but many of them wanting to
11 give back to the community that they come
12 from and wanting to be productive members
13 of society.

14 The key of this is that many of
15 them come from the ten neighborhoods that
16 the same people that are at Graterford
17 come from, but very different outcomes,
18 and we need to understand why. We need
19 to understand whether it is the lack of
20 education. We need to find out if it's
21 the lack of a nuclear family. We need to
22 find out if it's the nutrition in these
23 communities, whether it's the Schuylkill
24 River punch that's causing this, because
25 right now we don't understand the anomaly

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2 of the statistical difference that we
3 represent within the criminal justice
4 system.

5 We have different outcomes by
6 way of health. Why do we get sicker
7 quicker? Why do we get fired first? And
8 these are questions that need to be
9 answered and studied. And what this
10 Commission enables us as elected
11 officials, Councilpeople and Mayors, to
12 do is make better budget decisions to
13 create better outcomes. If at some point
14 we realize, Mr. Chairman, that by the
15 time an urban African American male
16 cannot read up to par by the 4th grade,
17 we know what the likely bad outcomes are,
18 we can reverse engineer solutions.

19 So this Commission has done
20 good work. We will hear about some of
21 that work, and we will make a decision
22 hopefully with the electorate to see that
23 that work continues.

24 Thank you, Mr. Chairman.

25 COUNCILMAN GREENLEE: Thank

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2 you, Councilman.

3 Our list of witnesses, we first
4 had both Mayor Nutter and former Mayor
5 Goode. Neither are here, so we're going
6 to go next to Bilal Qayyum.

7 Bilal was here. He disappeared
8 too.

9 Who is here to testify on this
10 bill or resolution?

11 (No response.)

12 COUNCILMAN GREENLEE: This can
13 be a real quick hearing, it looks like.
14 If somebody is here to testify on this
15 bill, please come forward. Please come
16 forward.

17 You're here to testify on the
18 African-American Male Commission?

19 UNIDENTIFIED SPEAKER: I don't
20 think so.

21 COUNCILMAN GREENLEE: Fine.
22 We'll call the other bills soon. All
23 right. Okay.

24 Is anyone here going to
25 testify? Come on, guys.

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2 MR. TOLIVER: Bilal is
3 testifying.

4 COUNCILMAN GREENLEE: Okay.
5 Well, the hearing is supposed to start at
6 10 o'clock.

7 COUNCILMAN JONES: So somebody
8 needs to step up.

9 I think, Mr. Chairman, they're
10 shocked that we started on time.

11 COUNCILMAN GREENLEE: The
12 record will reflect Councilman Henon, a
13 member of the Committee, is present.

14 Sir --

15 MR. TOLIVER: There he is right
16 there.

17 COUNCILMAN GREENLEE: Bilal,
18 you want to.

19 I know Bilal realizes Council
20 never starts on time, so we shocked him.

21 (Witnesses approached witness
22 table.)

23 COUNCILMAN GREENLEE: Good
24 morning, sir. Please identify yourself
25 and proceed.

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2 MR. QAYYUM: Good morning.

3 Bilal Qayyum. I am one of the Co-Chairs
4 of the Commission --

5 COUNCILMAN GREENLEE: Speak
6 into the mic. It's not the easiest to
7 hear.

8 And if I could ask everybody
9 please to keep your voices down, because
10 if 20 people are whispering, it's not a
11 whisper anymore.

12 Please, Bilal.

13 MR. QAYYUM: Good morning.

14 COUNCILMAN GREENLEE: Good
15 morning.

16 MR. QAYYUM: I am Bilal Qayyum,
17 one of the Co-Chairs of the Mayor's
18 Commission on African-American Males.
19 The Commission has three Co-Chairs.
20 Dr. Reverend Wilson Goode, Sr. is a
21 Co-Chair, as well as Steve Vassor from
22 AMPED Strategy is also the other
23 Co-Chair.

24 I would like to thank
25 Councilman Greenlee and the members of

1 10/27/15 - LAW & GOV. - BILL 140716, etc.
2 the Law and Government Committee for
3 holding this hearing on Resolution No.
4 150594 allowing amendment to the
5 Philadelphia Home Rule Charter to
6 establish a Commission on
7 African-American Males and Bill No.
8 150573 to allow for a Charter change
9 question to be placed on next year's
10 primary election as a ballot question.

11 I have a testimony, but I just
12 want to kind of step away from it for a
13 minute, because it is on record. This
14 issue, as some of you know, is a very
15 emotional issue with me. I realize in my
16 work every day trying to improve
17 conditions in the Philadelphia community,
18 particularly for African American males,
19 that a lot of folks don't realize the
20 daily pressure black men have to go
21 through. And I always talk about no one,
22 not white women, not black women, not
23 white men, not Latino men, Latino women,
24 Asian men, Asian women, have to wake up
25 every day and when they will leave their

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2 house, not knowing what's going to happen
3 to them. They don't know if they're
4 going to be stopped by a police officer
5 and there's a confrontation and they get
6 beat up or they get shot. They don't
7 know if they are going to run into
8 another angry black man who is frustrated
9 and there's a confrontation and they get
10 beat up or get shot.

11 They don't know when they go to
12 work and a person like -- some of y'all
13 heard this saying before, but in the
14 black community, we have a saying, talk
15 about last hired but first fired. So I
16 don't know if I'm going to get to work
17 and I'm going to lose my job.

18 So they don't know what's going
19 to happen to them. So on a daily basis,
20 African American men have to go through
21 this. Even -- and I use as an example
22 too, even the President of the United
23 States, whose an African American male,
24 doesn't know when he wakes up in the
25 White House what's going to happen to his

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2 day. Is it based on politics or is it
3 going to be based on him being a black
4 man? And some of those folks down in
5 Washington don't want to see him in that
6 position because he is a black man.

7 So nobody has to go through
8 that daily struggle but African American
9 men. And I believe that this Commission
10 is a first step. It's not the cure-all,
11 but it's going to be a major first step
12 to make a permanent office so that the
13 issues of African American males can be
14 addressed in the City of Philadelphia.

15 The reason why I'm here too
16 promoting for this bill, the two bills,
17 the bill and amendment, is that in 1991
18 when Mayor Goode was in office, I, along
19 with some other individuals, approached
20 the Mayor about creating a commission,
21 and he did create that commission in
22 1991, but the two previous Mayors that
23 followed Mayor Goode did not let that
24 commission in exist -- I mean, it was not
25 in existence under the two previous,

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2 under the Street and the Rendell
3 Administration. So we had almost
4 20-something years a gap. Mayor Nutter
5 had agreed when we approached him four
6 years, almost five years in this
7 Administration to create a commission,
8 and there's a commission that we have in
9 place now.

10 So it's very important that
11 this bill is passed by this Committee and
12 recommended to the Council of the Whole,
13 because we need a permanent entity in the
14 City of Philadelphia. We need a
15 permanent commission.

16 I could go on record and say
17 that I did have conversations with who I
18 think is going to be our next Mayor, and
19 that gentleman has agreed to support the
20 Commission on African-American Males
21 under his administration if he's elected
22 to office next week.

23 So we have support, but we need
24 the Council's support to make sure that
25 this bill passes this Committee and then

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2 is recommended to the larger body for
3 passage hopefully and then we can get
4 this on as a ballot question and finally
5 get some justice in the City to address
6 the major issues affecting the African
7 American male community.

8 COUNCILMAN GREENLEE: Thank
9 you, sir. And your written testimony
10 will be made part of the record.

11 Sir, before you start, first,
12 is there anyone else here that wants to
13 speak on this bill and resolution?

14 (No response.)

15 COUNCILMAN GREENLEE: None?
16 Okay. For the record, I was just
17 informed Mayor Nutter will not be able to
18 attend and he will be submitting written
19 testimony in support of this bill and
20 resolution.

21 Sir, did you want to say
22 something?

23 MR. TOLIVER: No. I basically
24 echo --

25 COUNCILMAN GREENLEE: Just

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2 identify yourself first, right into the
3 microphone, please.

4 MR. TOLIVER: Darin Toliver. I
5 am a member of the Commission, and I just
6 echo everything that the Chairman has
7 said.

8 COUNCILMAN GREENLEE: Thank
9 you, sir. Thank you very much.

10 MR. QAYYUM: Councilman
11 Greenlee, there are -- I'm sorry. I have
12 to apologize. There are other Commission
13 members available -- I mean, that are
14 here.

15 Would they please stand.

16 (Audience members standing.)

17 COUNCILMAN GREENLEE: All
18 right. The record will reflect that the
19 other members of the Commission are
20 present.

21 Thank you, sir.

22 COUNCILMAN JONES: Just real
23 quick, what are your top five issues that
24 you focused on or will focus on over the
25 next coming years?

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2 MR. QAYYUM: We have developed
3 an annual -- part of the work of the
4 Commission is to submit an annual report
5 of the work of the Commission to the
6 Mayor. We have developed as a draft form
7 and we're presenting it to the Mayor on
8 November 16th, I think it is. In that
9 report we have zeroed in on, one, getting
10 the Commission as a permanent entity in
11 government. We also have zeroed in on
12 what we're calling ensuring that
13 Philadelphia anchor institutions provide
14 more opportunities for African American
15 males. We want to see the major
16 institutions in the City, particularly
17 the educational institutions, provide
18 opportunities for African American males,
19 not only jobs but business opportunities
20 and also making sure that there's a
21 substantial number of African American
22 males enrolled in school.

23 And the third one is, we
24 started this process where we're calling
25 rebuilding the communities, where we

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2 actually went into the neighborhoods and
3 held meetings with men and getting their
4 feedback, and also we develop almost like
5 a curriculum for men to talk about every
6 week about the different issues that
7 affect African American males.

8 So those three topics we see as
9 a priority as we move forward. And once
10 again, under the new -- starting January,
11 we'll have a new Mayor and hopefully that
12 the Commission will continue in place
13 with the new Mayor until it is hopefully
14 on the ballot, a ballot question, and
15 then if that's passed, then we can move
16 forward from there.

17 COUNCILMAN JONES: We have a
18 long agenda, so I won't -- the Chairman
19 is very flexible in allowing you to
20 testify first, but I would say there are
21 disparities when it comes to economics.
22 I would charge the Commission to take a
23 look at that, whether we're talking about
24 hiring or contracting.

25 There are disparities by way of

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2 acts of violence unfortunately,
3 particularly perpetrated on and
4 perpetrated by African Americans. We
5 need to take a hard look at the causes of
6 that.

7 Education outcomes, another
8 area that we could take a look at.
9 Health outcomes. We have different
10 problems.

11 And so the reason why we want
12 you to focus on that is that here in this
13 body, we get to charge the different
14 departments through the budget process to
15 expend additional resources to help out
16 to solve some of these problems. So if
17 it's the Health Department and we're not
18 eating right, then we can do
19 health-sponsored campaigns to change
20 those kinds of habits, but only through
21 your research, information can we direct
22 resources to solve those problems. So
23 we're counting on you to provide us with
24 that type of information and guidance.

25 So we commend your work. Thank

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2 you for what you do. I want you to keep
3 up the good work.

4 MR. QAYYUM: And we will
5 forward to Council once we submit our
6 yearly report to the Mayor, because it
7 hasn't been submitted to him, in all
8 fairness. Once we submit the report to
9 him, we will make sure the Council also
10 gets a copy of that report.

11 COUNCILMAN JONES: Thank you,
12 Mr. Chairman.

13 COUNCILMAN GREENLEE: Thank
14 you, sir.

15 Thank you both. Thank you, all
16 of you, for coming.

17 We will now move on to our next
18 bill.

19 Ms. Marconi, will you please
20 read the title of that bill, please.

21 THE CLERK: Bill No. 140716, an
22 ordinance amending Chapter 9-800 of The
23 Philadelphia Code, entitled "Landlord and
24 Tenant - Rent Control," by requiring
25 adequate notice to tenants regarding rent

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2 increases and adequate notice to
3 landlords in the case of tenants'
4 decision not to renew a lease, all under
5 certain terms and conditions.

6 COUNCILMAN GREENLEE: Thank
7 you.

8 First, let me just note for the
9 record Rue Landau, the Human Relations
10 Commission, was going to try to be here.
11 She still may be here before we finish
12 this hearing, but otherwise she will be
13 submitting written testimony in support
14 of this bill.

15 Let me just go on record --
16 first, if I could have Mr. Lord and
17 Mr. Gould come up, please. And while
18 they're coming up, just for the
19 information of the members of the
20 Committee and others here, I introduced
21 this bill because I think it's only fair.
22 We particularly saw about the last year
23 or two through AVI that a lot of
24 properties' taxes were increased
25 significantly, and that's understandable

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2 and it's also understandable that
3 landlords felt that they had to recoup
4 that money.

5 The problem was that oftentimes
6 the tenants, good tenants, rent-paying
7 tenants, were informed at the very last
8 minute of this increase, and a lot of
9 them could not afford that increase after
10 being notified in just a short amount of
11 time.

12 This bill, originally it called
13 for the tenant to be notified 90 days
14 before the rent increase, with a 60-day
15 notice to the landlord whether they were
16 going to stay or not. And I want to make
17 real clear that this bill is both
18 informing the tenant and the landlord.
19 We're attempting to be fair to both
20 parties in this matter.

21 In discussion with Mr. Zaslow
22 and HAPCO -- and he'll be speaking in a
23 little bit -- we have pushed that back to
24 60 and 30, 60-day notice to the tenant,
25 30-day notice to the landlord.

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2 So with that, and I think the
3 witnesses will be able to further explain
4 the reasoning behind this.

5 (Witnesses approached witness
6 table.)

7 COUNCILMAN GREENLEE: So,
8 please. Whoever would like to go first.
9 Mr. Gould.

10 MR. GOULD: Good morning. My
11 name is George Gould and I thank the
12 Committee for giving me the opportunity
13 to testify on Bill No. 140716, which
14 amends Chapter 9-800 of The Philadelphia
15 Code by establishing requirements for
16 landlords who give notice of a rent
17 increase and for tenants who decide not
18 to renew the lease.

19 I am a Managing Attorney at
20 Community Legal Services in Philadelphia.
21 I have worked in the area of
22 landlord/tenant law for over 40 years.
23 Our office sees numerous tenants every
24 year who are facing problems with their
25 homes. We also have been actively

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2 involved in legislation affecting tenants
3 at the local, state, and national level.

4 We strongly support the
5 provisions of this bill and the proposed
6 amendments to it. Unless a lease
7 provides for a longer period, the bill,
8 as amended, requires a landlord, where
9 the lease is for a period of one year or
10 more, to give 60 days written notice of
11 the amount of the increase prior to the
12 effective date of the rental increase.
13 If the residential tenancy is less than
14 one year, the landlord must give 30 days
15 notice prior to the effective date of the
16 rent increase. The notice must provide
17 the amount of the rent increase, the
18 effective date of the rent increase, and
19 the new payment amount.

20 If a tenant with a lease of one
21 year or more receives timely notice of
22 the rent increase and decides not to
23 renew the lease, the tenant must give 30
24 days written notice prior to the end of
25 the lease term. The notice required by

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2 the landlord and tenant must be by hand
3 delivery or first class mail with proof
4 of mailing.

5 I'd like to point out, as the
6 Councilman mentioned, this bill
7 originally provided for 90 days notice
8 and for the tenant to respond to 60, and
9 the landlord -- one landlord group
10 opposed that. Apparently now the
11 Apartment Owners Association say that
12 they want a longer period of time,
13 effectively 90 and 60, which we fully
14 support, and if that's what the Committee
15 wants to do, we're fine with that.

16 The provisions of the bill
17 apply to any residential lease executed
18 or renewed after the effective date of
19 the ordinance, which is 60 days before it
20 becomes law. This bill is very
21 important. There are no requirements now
22 that a landlord provide reasonable notice
23 of a rent increase or that a tenant
24 provide reasonable notice that they will
25 not renew the lease.

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2 What is in the law, in the
3 Commonwealth law, is only a provision if
4 the landlord decides to end the lease and
5 wants the tenant out of the property,
6 then they must give 15 days notice.

7 There is nothing in state law that
8 governs how much notice must be given if
9 the tenant [sic] wants to raise the rent.

10 Under existing law, a landlord
11 could give very short notice to the
12 tenant of a rent increase. This gives
13 the tenant little time to figure out if
14 they can afford the increase and, if not,
15 little time to relocate to another place
16 to live.

17 In Philadelphia, especially for
18 low- and moderate-income families,
19 finding another place to live which is
20 affordable and decent can be very
21 difficult. It is very important that
22 tenants be given time to relocate to
23 another unit. If not, there is a real
24 possibility that the family could become
25 homeless and need to move to a shelter.

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2 Over the years, our office has
3 seen cases where tenants have received
4 notices of large rental increases and did
5 not have adequate time to relocate to
6 another unit.

7 The landlord also benefits from
8 reasonable notice by the tenant not to
9 renew the lease. This gives the landlord
10 more time to find a tenant so the unit
11 does not remain vacant.

12 Since Philadelphia does not
13 have rent control, landlords have
14 discretion to raise the rent to any level
15 they think is appropriate. The
16 provisions of this bill would give
17 tenants time to decide if they want to
18 renew the lease, and if they decide not
19 to renew, time to relocate to another
20 unit.

21 Let me just emphasize that if
22 the landlords wants to go back to 90 and
23 60, we certainly would agree to that, and
24 I think TURN would certainly agree to
25 that too.

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2 Anyway, thank you for the
3 opportunity of giving me time to testify.

4 COUNCILMAN GREENLEE: Thank
5 you, Mr. Gould.

6 Mr. Lord.

7 MR. LORD: Thank you,
8 Councilman Greenlee and members of the
9 Law and Government Committee. My name is
10 Phil Lord. I'm the Executive Director of
11 TURN, the Tenant Union Representative
12 Network, and we counsel and have classes
13 for about over 2,000 tenants every year,
14 and in that context, we see lease
15 terminations, rent increases and all
16 kinds of things.

17 This bill is important to us.
18 We think it's really necessary to make
19 sure that we have some clarity around
20 rent increases. We see situations where
21 landlords are giving very short notice
22 sometimes. Sometimes a 15-day notice
23 required for termination is the only
24 notice that's given to a tenant.
25 Sometimes landlords try to increase rent

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2 in the middle of a lease, not realizing
3 that that's illegal against the common
4 law. We need to have a document of
5 statute that makes it clear that rent
6 increases are to happen in a certain kind
7 of way with a certain kind of time
8 period.

9 I understand there's an issue
10 about 60/90 versus -- I mean 60 days and
11 90 days versus 60 days and 30 days. We
12 certainly prefer 90, but we believe this
13 bill as it's worded right now is open in
14 that regard and we'd like to make sure
15 whatever happens, we clear that up, but
16 we certainly are open to either one.

17 At this point, though, the key
18 thing is to make sure -- and the reason I
19 appreciate the bill is that it realizes
20 that people need time to move, that
21 transitions like moving are not only just
22 costly financially, they're costly in
23 terms of human costs and they're costly
24 in terms of social costs.

25 The City pays considerably if a

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2 person unable to find a new place winds
3 up in a shelter. That's a very expensive
4 thing, and to make sure we avoid that is
5 really important.

6 In terms of finding a place --
7 people say very often when the
8 relationship breaks down between landlord
9 and tenant, Why don't you move? Well,
10 the reality is it costs several thousand
11 dollars to move. Typically it does. Who
12 has that kind of money sitting on the
13 side just in case things go wrong? So
14 it's important to realize that moving
15 requires time and patience and money to
16 be able to do it.

17 We realize this bill is not a
18 panacea. It's not going to provide for
19 rent stabilization. It's not going to
20 provide for just cause eviction. It's
21 not going to end discrimination or
22 retaliation against tenants, but it does
23 make sure that some tenants have a
24 minimum time. The time is too little,
25 believe me. I mean, 60 days is not

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2 enough time, but it's better than nothing
3 and better than 15 and better than the
4 current law as we understand it, which is
5 not clear at all.

6 So we're glad for this
7 opportunity to testify on behalf of the
8 bill, and we think it's really important
9 that we're taking up this issue and
10 trying to address it.

11 COUNCILMAN GREENLEE: Thank you
12 both.

13 MR. GOULD: If I could just
14 make another comment. Before the hearing
15 started, I had some discussion, and the
16 issue came up, well, what happens -- the
17 bill provides that a landlord can give a
18 greater notice period of time. So a
19 landlord under this bill can give 90 days
20 notice. Then the question is how much
21 time does the tenant have to give if they
22 want to not accept the rent increase. I
23 think the way the bill is drafted now,
24 it's fairly clear that the tenant gives
25 30 days notice prior to the effective

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2 date of the rent increase. And so while
3 the landlord is free to give more notice,
4 the tenant only has to give 30 days to
5 respond.

6 COUNCILMAN GREENLEE: Okay.

7 MR. LORD: We need to clear
8 that issue up certainly. We need to
9 clear up that issue, because I think it
10 is not clear and I don't think our
11 understanding coming in here was a 90/60
12 scenario. So we'd like to see that
13 happen. So if landlords could agree to
14 that, we certainly would like to do that
15 as well.

16 COUNCILMAN GREENLEE: All
17 right. We'll look into that, have a
18 little bit more discussion on that.

19 MR. LORD: We also -- I'm
20 sorry.

21 COUNCILMAN GREENLEE: I do want
22 to make it clear, though, and I'm glad,
23 Mr. Gould, you pointed it out. In my
24 opinion, this benefits both tenants and
25 landlords, because I think if the

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2 landlord and if the relationship is good,
3 positive, it's a good place to live, the
4 tenant is paying rent, I would think the
5 landlord would want that person to stay
6 there. And if they are given a
7 reasonable amount of time, probably the
8 tenant would like to stay there. Tenants
9 aren't -- and I think you said this.
10 Tenants don't want to move from a good
11 situation if they don't have to. So I
12 think -- and I've heard from landlords
13 personally that I know that they think
14 this is a reasonable bill.

15 So, again, I'm hoping that we
16 can work out any kind of technicalities,
17 if you will, and, again, I think this is
18 a bill that's good, a law that will be
19 good for both tenants and landlords.

20 MR. LORD: And if I can point
21 out, the fact that the notice should also
22 be in writing also helps, because it
23 makes it clear what the situation is.
24 People can negotiate in that situation.
25 Sometimes it's casual conversations.

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2 Nobody really knows what people are
3 asking for.

4 COUNCILMAN GREENLEE: And that
5 says that in the law.

6 MR. LORD: Exactly. So I think
7 we're on the right track in terms of
8 making sure people know what's going on.

9 COUNCILMAN GREENLEE: Thank you
10 both.

11 Any questions?

12 (No response.)

13 COUNCILMAN GREENLEE: Seeing
14 none, thank you both very much.

15 Now, I think we have some --

16 MR. LORD: We have two of our
17 tenants are here -- three. Great.

18 COUNCILMAN GREENLEE: I would
19 ask them to try to be brief. We have
20 another hearing coming up, which a lot of
21 people are here for. So I would ask the
22 tenants -- in fact, let me do it this
23 way. In fairness to Mr. Zaslow, let me
24 ask Mr. Zaslow to come up. Let me ask
25 him to come up and state his positions

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2 and then we'll hear from the tenants.

3 (Witnesses approached witness
4 table.)

5 COUNCILMAN GREENLEE: See,
6 Mr. Zaslow, I'm a reasonable guy.

7 MR. ZASLOW: Yes, you certainly
8 are.

9 COUNCILMAN GREENLEE: See that,
10 I moved you up.

11 MR. ZASLOW: Yes, you are.

12 Good morning, Mr. Chairman,
13 members of the Committee. My name is
14 Darrell Zaslow. I am legal counsel to
15 HAPCO, the Homeowners Association of
16 Philadelphia. HAPCO's President, Harvey
17 Spear, joins in this testimony. He's not
18 able to be here yet this morning. Our
19 Board member and former President, Willie
20 Seward, is here with me at the table.

21 HAPCO is the largest
22 association of owners of low- to
23 moderate-income rental real estate in
24 Pennsylvania, and we appear this morning
25 to confirm that we are not opposing Bill

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2 140716. We recognize the concern of
3 tenants in rental housing and the need
4 for adequate notice of rent increases.
5 The compromised provisions of this bill
6 will require owners to provide at least
7 60 days notice of a rent increase and
8 require the tenants to respond with their
9 intention to vacate or renew within 30
10 days of receiving the notice. Many
11 leases already provide for notice longer
12 than 60 days, and the tenant will now in
13 all cases have 30 days from the date of
14 the notice of a proposed rent increase to
15 respond. We recognize the fairness in
16 this and, therefore, we do not oppose the
17 bill.

18 There was opposition to this
19 arising from many concerns, some of which
20 I'll mention, but I want to stress the
21 good offices of Councilman Greenlee and
22 his staff, Ms. Marconi, they strove
23 diligently with us to resolve any issues
24 which we had. We had ample opportunity
25 to appear, to discuss, to vocalize our

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2 concerns, and we assure you that if this
3 bill passes, assuming that it passes,
4 HAPCO will diligently work to implement
5 the terms of this bill as City Council
6 may ordain.

7 I do want to take a moment to
8 attempt to clarify this 60/90/30-day
9 business that seems to be floating around
10 this morning.

11 The bill, as originally
12 written, said 90 days notice from the
13 landlord. The tenant had to respond in
14 30 days if they were staying or not. As
15 a compromise, because many were
16 uncomfortable with being required to
17 provide 90 days notice, the bill was
18 rewritten, amending to allow the landlord
19 to give 60 days notice, with the tenant
20 still having the same 30-day notice to
21 respond. That's certainly important for
22 tenants, because lease agreements now
23 routinely provide a ten-day notice. The
24 landlord notifies the tenant, I'm raising
25 your rent, and many lease agreements say

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2 you have ten days to respond. You don't
3 respond, that's all the time that you
4 get. And Councilman Greenlee's bill is
5 tripling that time to 30 days, and we
6 understand from the tenant's perspective
7 even 30 days can sometimes be short, but
8 as the Councilman so eloquently states
9 and has made it the purpose of this bill
10 to be fair to landlords and tenants,
11 increasing the time to 30 days, which
12 from our perspective, triples the average
13 time, is fair to all sides.

14 The issue which has arisen is
15 under the language of the bill, which I
16 believe is very clear, but perhaps should
17 be clarified. The owners of the larger
18 rental buildings, big apartment complexes
19 are saying from their perspective that
20 the 60/30-day scenario wherein they give
21 the tenant 60 days notice of a rent
22 increase and the tenant responds within
23 30 days does not give them enough time to
24 prepare the unit for sale. They want to
25 give the tenant less notice per se. The

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2 bill allows for that as written, and I
3 would point out to the Committee the
4 language of the bill which is very clear
5 when it says unless -- and I'll read from
6 what will become Section 11 (a). It's on
7 Page 2 of the bill. It says, "Notice
8 requirement. Landlord Notice to Tenant
9 of Rent Increase. Unless the lease
10 provides for a longer period of time for
11 the landlord to notify the tenant of an
12 increase in rent, at least 90 days prior
13 to the effective date" -- of course, the
14 amendment makes that 60 days -- then the
15 30 days has to be provided. The language
16 of "unless the lease provides for a
17 longer period of time" is critical,
18 because as the bill has been written, if
19 the landlord is providing more than 60
20 days, the landlord is giving 90 days, the
21 tenant still has 30 days to respond if
22 they're staying in the unit or not. The
23 same 30 days applies. The concern of the
24 other testimony, which was only submitted
25 in written form, is they don't want it to

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2 be read that even if they provide 90 days
3 notice, the tenant only has to respond
4 within 30 days from the end of the lease
5 agreement. That is not how the bill
6 reads. The bill reads unless a longer
7 period of time is provided, and once a
8 long period of time is provided, the
9 lease provision here, the notice
10 provision doesn't kick in, and I'd like
11 to confirm that other people testifying
12 today concur in that.

13 Ms. Landau from the Fair
14 Housing Commission has submitted her
15 written testimony. I'm not sure if she's
16 arrived here or not. She specifies that
17 the proposed legislation of the bill
18 would amend the Fair Housing Ordinance to
19 require a landlord to provide a minimum
20 of 60 days notice. The legislation would
21 also require the tenant to respond to the
22 rent increase notice within 30 days.
23 That's Ms. Landau in her support of the
24 bill, making it clear that from her
25 reading of it, the legislation requires

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2 the tenant to respond to the rent
3 increase notice within 30 days. So if
4 the landlord is giving 90 days, the
5 tenant still has 30 days and the landlord
6 will now have 60 days to do what they
7 need to do.

8 Mr. Lord in his fine testimony
9 said a similar statement. He says the
10 bill requires that the tenant receiving
11 notice respond within 30 days, and we
12 agree with that. The issue as specified
13 in my friend George Gould's testimony was
14 that the tenant must give the landlord 30
15 days written notice prior to the end of
16 the lease term, and that is where the
17 discrepancy and the disagreement is
18 coming in. We do not agree with that. I
19 think that Mr. Gould in his oral
20 testimony changed that just a bit to
21 recognize that if the landlord is giving
22 90 days, that the tenant still has 30
23 days and the landlord now has the 60 days
24 that they want if they want it.

25 That all being said, I believe

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2 the language of the bill based upon the
3 "unless" clause is clear enough. If the
4 Council would like to clarify to say that
5 if the landlord gives 90 days notice, the
6 tenant must respond within 60 days of
7 that notice, that would certainly clarify
8 it. But everyone who is testifying here
9 is recognizing that the Councilman's bill
10 is increasing the time that a tenant has
11 to respond to a notice of a rent increase
12 to 30 days and that they must get at
13 least 60 days and they could have 90 days
14 if the landlord wants to provide that,
15 but that's the landlord's option, but he
16 still may not give the tenant less than
17 30 days to respond.

18 So, Mr. Chairman, I'm not sure
19 how that can or should be clarified by an
20 amendment. We leave that to your
21 discretion.

22 COUNCILMAN GREENLEE:

23 Mr. Zaslow, let me interrupt you just a
24 second on that while you're talking about
25 that. What I'd like to do is have this

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2 bill moved today. Obviously it can't be
3 voted for at least another ten days or
4 something like that. So we'll have a
5 little more discussion. If we need some
6 clarification, discussion with both sides
7 on this, we'll do that. So we'll deal
8 with that. I understand what you're
9 saying. But I would like to at least
10 move this out of Committee today.

11 MR. ZASLOW: We support it. We
12 see the fairness in what the Council is
13 proposing to do.

14 COUNCILMAN GREENLEE: Thank
15 you.

16 MR. ZASLOW: I need to specify
17 for the record. I won't read my entire
18 testimony. It's a legal treatise on
19 landlord and tenant law, but I do need to
20 stress it.

21 I would like the record to be
22 clear as to why we are not opposing this
23 bill because we see the fairness, where
24 the opposition had first came from, and
25 that really came on two separate issues.

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2 One is the Freedom of Contract between
3 landlords and tenants. It used to be
4 that the landlord/tenant relationship was
5 governed for a thousand years of the
6 common law under the principles of
7 property law, and the Lord of the land,
8 he was truly the Lord of the land, he
9 owned the property, everything was under
10 property law. In the modern era, since
11 the 1800s or 1900s, that has been changed
12 and certainly in the 20th century to
13 recognize that landlord/tenant
14 relationships is akin to a contractual
15 relationship based upon the principles of
16 contract law, not property law. And
17 under contract law, both parties give and
18 both parties get and you negotiate a
19 contract.

20 The concern of property owners
21 is is that the interference -- I will
22 call it that, because that's what the law
23 calls it. It calls it governmental
24 interference with the law of private
25 contract -- (continued) that sometimes

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2 government can go too far in interfering
3 with the relationship of a
4 landlord/tenant lease. We're not saying
5 this does or does not, and we are not
6 opposing it. But I want to make that
7 clear for the record, that overriding
8 concern.

9 And the second concern is our
10 sense of -- and, again, not in opposition
11 to this bill, but in general -- that
12 these issues of landlord/tenant relations
13 are much better handled on the
14 Commonwealth level by the State of
15 Pennsylvania. Our fear is not here in
16 this exalted Home Rule Charter, City of
17 Philadelphia, the largest in the state,
18 but rather if it is determined that every
19 municipality, whether it's the largest
20 one, Philadelphia, or some little
21 township which has 1,000 residents,
22 starts preparing their own laws of
23 landlord/tenant relationship, we find
24 that to be dangerous.

25 We also would take one last

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2 liberty, and that is to suggest from the
3 property owner standpoint, that the
4 legislative findings of the law, while
5 specifying the needs of the tenants and
6 being fair to the landlords, as
7 Councilman Greenlee has said, tends to
8 use the issue of taxes and say that we
9 have all kinds of programs to help
10 owner-occupants of real estate to reduce
11 their tax bill, but we're lamenting that
12 tenants don't have the same opportunity,
13 because when the landlord on his property
14 gets a notice of tax increase and passes
15 some part of it onto the tenant, that the
16 tenant has no relief, and that is
17 correct. And it is the tenants that are
18 being discriminated against here, because
19 the landlords who own property are not
20 receiving the same tax breaks that
21 owner-occupants receive. It used to be
22 in the State of Pennsylvania we had the
23 Uniformity Clause. All taxation has to
24 be uniform. You have two identical
25 houses next door to each other. You

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2 can't charge one property more tax than
3 the one next door. That is now changing
4 here in the 21st century to say we're
5 going to give a tax break to an
6 owner-occupant. We're going to give them
7 a LOOP program. We're going to reduce
8 long-term people who have owned their
9 property. We understand the value to
10 that in many senses, but we believe it is
11 unfair certainly to the landlord. It is
12 also unfair to the tenant.

13 So we thank you for your
14 indulgence in that discussion. The
15 bottom line is, Mr. Greenlee, may we
16 thank you again for your effort in
17 working this through and your assurance
18 that this last snafu, which I think we're
19 all on the same page, assuming you pass
20 this out of Committee today, we can get
21 it resolved in time for final passage.

22 COUNCILMAN GREENLEE: Thank
23 you, Mr. Zaslow. And I would certainly
24 not even attempt to debate legal theory
25 with you, trust me, because we'll be here

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2 a long time, and I probably won't know
3 what I'm talking about.

4 Yes, sir.

5 MR. SEWARD: My name is Willie
6 Seward. I'm a real estate broker. I've
7 been in business more than 50 years.

8 COUNCILMAN GREENLEE: A little
9 closer to the microphone, please. It's a
10 little hard to hear sometimes.

11 MR. SEWARD: Willie Seward.
12 I'm a real estate broker. I've been
13 involved with real estate for more than
14 50 years.

15 I find that this bill is fair
16 and I agree with it. Matter of fact,
17 it's what I've been doing basically, not
18 90 days but the 30 days, for the last 50
19 years.

20 COUNCILMAN GREENLEE: Thank
21 you, sir.

22 MR. SEWARD: Thank you.

23 MR. ZASLOW: Thank you.

24 COUNCILMAN GREENLEE: Come back
25 any time. Thank you. Thank you.

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2 Any questions?

3 (No response.)

4 COUNCILMAN GREENLEE: No.

5 Thank you very much, Mr. Zaslow.

6 Now, I see Ms. Landau is here.

7 Your testimony has already been made part

8 of the record, unless you really want to

9 add something, because we are a little

10 backed up. Maybe quickly, please. And

11 then we're ready for the tenants, and

12 then we're going to go to the wage theft.

13 I know everybody over there is on that.

14 (Witness approached witness
15 table.)

16 MS. LANDAU: Thank you. So I'm
17 Rue Landau, Executive Director of the
18 Fair Housing Commission. And if you
19 could, if I could just give you two
20 seconds about the Fair Housing Commission
21 and just also respond to a thing or two.

22 The Fair Housing Commission was
23 established in 1962 to handle certain
24 unfair rental practices in the City and
25 also to help resolve unhealthy and

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2 unsanitary conditions in the City through
3 the Commission's adjudicatory and
4 subpoena power and investigative power.
5 So we appreciate very much being here.
6 Obviously this bill will amend the Fair
7 Housing Ordinance, which we enforce.

8 Our staff sees four to five
9 hundred cases a year, many of them are
10 adjudicated, and we often see cases of
11 rental increases, many of which are
12 caused by the high rental market now and
13 various issues of revitalization and
14 gentrification being passed onto the
15 tenant, where the tenant does not have
16 any relief.

17 Just a small response. First
18 thing, we love having Philadelphia
19 regulate Philadelphia. We think that's a
20 good thing here.

21 COUNCILMAN GREENLEE: I second
22 that motion.

23 MS. LANDAU: We know what's
24 best for our residents. We clearly have
25 done it with our Property Maintenance

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2 Code and various other provisions where
3 we want to make sure we have, as best as
4 we can, safe, decent, and sanitary
5 housing for everybody in Philadelphia.

6 This bill sets, as we see, the
7 minimum requirements for notices for rent
8 increases. My personal opinion is, I
9 wish they were higher, and that is
10 because it is very costly to move. It is
11 very hard for low-income people to move
12 who are often hampered by this, but at
13 the minimum, we are setting the baseline
14 foundation of a standard of notice
15 requirements that tenants should get.

16 In our commission, we see many
17 leases, oftentimes sometimes they have
18 notice requirements in them and
19 oftentimes they are poorly drafted form
20 leases or oral leases where there is no
21 notice requirement at all, and because of
22 that and because of the inconsistency, we
23 think this is a great bill to at least
24 set the floor and the foundation of the
25 notice that should be given to tenants

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2 and keep moving ourselves in Philadelphia
3 on the way to making sure that housing is
4 safe and fair and equitable for everyone.

5 Thank you.

6 COUNCILMAN GREENLEE: Okay.

7 Thank you, Ms. Landau. I appreciate it,
8 and I appreciate all the work you do.

9 And I'll just go on record as
10 saying, look, when you do legislation,
11 you try to find a middle ground here.
12 Obviously we like the bill as we first
13 introduced it too, but in negotiations, I
14 think we're still working on a fair
15 compromise for all concerned.

16 Now, I'm sorry. I know I kept
17 the tenants waiting. Whoever would like
18 to speak, please -- Mr. Lord, I don't
19 want to go back and forth, because then
20 you'll say something, then Mr. Zaslow
21 will say something.

22 MR. LORD: No. We're going to
23 coordinate the tenants a little bit so
24 it's quicker.

25 COUNCILMAN GREENLEE: Pardon

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2 me?

3 MR. LORD: I want to speed up
4 the tenants a little bit.

5 COUNCILMAN GREENLEE: That's
6 fine. If you're speeding something up,
7 that's good. Please.

8 (Witnesses approached witness
9 table.)

10 COUNCILMAN GREENLEE: While
11 they're sitting down, I just want to note
12 for the record there will be written
13 testimony submitted by Christine
14 Young-Gertz from the Pennsylvania
15 Apartment Association on record opposing
16 this bill. I think Mr. Zaslow clearly
17 stated her concerns, and hopefully we can
18 rectify them through some possible
19 amendments.

20 Please.

21 MR. LORD: I just want to make
22 clear we've asked the tenants who we've
23 asked to be here to focus on the
24 consequences of the rent increase rather
25 than the whole history of what happened

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2 and may happen. So they just talk about
3 what the results have been of the rent
4 increase.

5 COUNCILMAN GREENLEE: And if I
6 could ask everybody to just be as brief
7 as possible, because we do have a lot of
8 people still waiting.

9 Please identify yourself.
10 Speak right into the microphone, please.

11 MS. ALLEN: Yes. Good morning.
12 My name is Gabrielle Allen and I used to
13 reside at 4821 Germantown Avenue. In
14 April, I requested heat -- hot water. In
15 May, I received a written notice telling
16 me that beginning June 1st, my rent would
17 be increased to \$150 per day. I did not
18 comply, and on July 4th, I came home from
19 a barbecue and the police knocked at my
20 door. As a result of my refusing to
21 leave, the landlord had told the police
22 officers that I was setting fires in the
23 property and was a danger to myself and
24 others, and I was taken to Germantown
25 Hospital and then to Belmont

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2 Comprehensive Center until I could have a
3 mental health hearing. That occurred on
4 June 7th.

5 On June 7th, once they realized
6 that I was not setting fires and that
7 there were a lot of falsehoods and
8 untruths, I was released from the
9 hospital. However, when I returned home,
10 I had been locked out. All the locks had
11 been changed.

12 The day that I received the
13 written notice that my rent would be
14 increased, I contacted the inspector of
15 the Northwest Detective Division because
16 I feared for my safety, as I was being
17 harassed by other tenants as well as the
18 landlord. And this is just an
19 important -- I just can't stress how
20 important this is, because things like
21 this, especially I felt violated, because
22 I've been a tenant rights advocate for
23 over 20 years, and to be put in that
24 position myself and not be able to defend
25 it myself was heart-wrenching.

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2 Thank you.

3 COUNCILMAN GREENLEE: Thank
4 you.

5 MS. MOORE: Good morning. My
6 name is Barbara Moore, and I really
7 wasn't going to come down here today, but
8 I felt it was important. I'm a little
9 bit embarrassed and ashamed to say that I
10 could not pay the rent increase that they
11 had requested. They gave me like 30
12 days. With the help of TURN, I was able
13 to buy myself some time.

14 I walked out of my apartment
15 August the 4th into a homeless shelter.
16 I'm 66 years old, a college graduate, a
17 retired school teacher. I went into a
18 homeless shelter at 48th and Haverford.
19 They had one toilet for 47 women. I
20 slept on the floor. They only had eight
21 cots. I mean, this is a true story that
22 I lived. And what happened, like I went
23 there one day, because we had to leave
24 every morning at like 4:00 in the morning
25 and be back by 3:00 in the afternoon and

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2 they didn't have a bed for me and I had
3 to ride SEPTA all night long. I'm 66
4 years old. So I was able -- I had a
5 little bit of money, so I -- not enough
6 to get an apartment, though, right? Not
7 enough. So I got a room, and I lived in
8 that shelter for 28 days, and I walked
9 out of there and I got a room in West
10 Philadelphia, \$100 a week, which I had
11 never done. I never had to live like
12 this before. And you know what? Just
13 this past August the 4th, I was able to
14 get out of that room. I was there for
15 one year to the day and I have an
16 apartment now.

17 And I just want to say this
18 bill is very, very important. I'm
19 ashamed and embarrassed to be here, but I
20 felt it was important. And I love TURN,
21 and I just hope that you will pass this
22 bill.

23 Thank you very much.

24 COUNCILMAN GREENLEE: Thank
25 you, ma'am. And you don't have to be

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2 embarrassed by being here, trust me.

3 MR. SEAWRIGHT: Yes. My name
4 is Sheldon Seawright. I live in the 4500
5 block of North Green Street. On
6 September the 20th, I received a letter
7 saying that my rent would be increased on
8 October the 1st. And I'm on a very fixed
9 income. So on October the 1st, from the
10 20th to the 1st, I'm scrambling around
11 trying to get the extra funds.

12 COUNCILMAN GREENLEE: I'm
13 sorry. Say it again. You were notified
14 on what day?

15 MR. SEAWRIGHT: September the
16 20th.

17 COUNCILMAN GREENLEE: And it
18 was going to be increased on October 1st?

19 MR. SEAWRIGHT: October the
20 1st.

21 COUNCILMAN GREENLEE: Okay.

22 MR. SEAWRIGHT: So I am
23 scrambling around trying to get the extra
24 monies to pay the rent. In the process,
25 I was two days late paying the rent.

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2 Then I was hit with a late charge. Now
3 I'm really in the hole.

4 So this bill would help us a
5 lot.

6 COUNCILMAN GREENLEE: Great.
7 Thank you. And that's the idea, give
8 people a little bit more time. We can
9 debate on how much is enough, but
10 certainly giving people more time that
11 they can stay, because, again, in a
12 situation where either you don't think
13 you can move or you're satisfied with
14 where you are, it might be to the benefit
15 of everybody that you're given that time
16 to --

17 MR. SEAWRIGHT: Well, I can't
18 afford to move.

19 COUNCILMAN GREENLEE: Okay.
20 Thank you.

21 Thank you all very much. I
22 really appreciate you coming down here.

23 Councilman Jones.

24 COUNCILMAN JONES: And thank
25 you for having this hearing,

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2 Mr. Chairman, and moving on this issue.

3 But no one has to feel ashamed.

4 What we are finding out, this bill

5 impacts people on every different income

6 level. Notice is notice, time is time,

7 and relocation is relocation. Now,

8 there's an urgency when you don't have

9 the means and there's a bit more

10 protection when you don't have it, but no

11 one should feel ashamed about where life

12 leads you. It's what you do once you get

13 there that matters.

14 Thank you.

15 COUNCILMAN GREENLEE:

16 Absolutely. Thank you. And that is the

17 idea behind this. It isn't targeting one

18 type of tenant or one type of landlord.

19 An increase of \$30 could be a lot to some

20 people. An increase obviously of \$300 is

21 a lot to some people. And that's what

22 we're hoping, just proper notice will

23 address those issues.

24 No one else here to testify on

25 this bill?

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2 (No response.)

3 COUNCILMAN GREENLEE: Thank
4 you. We'll now move to our final bill.

5 Ms. Marconi, please read the
6 title of it, please.

7 THE CLERK: Bill No. 150741, an
8 ordinance amending Title 9 of The
9 Philadelphia Code, entitled "Regulation
10 of Businesses, Trades and Professions,"
11 by creating a wage theft coordinator for
12 the City and adding definitions, duties,
13 penalties, fees, procedural requirements,
14 a private right of action and other
15 related items regarding wage theft; all
16 under certain terms and conditions.

17 COUNCILMAN GREENLEE: Thank
18 you.

19 I think our first witnesses are
20 Pat Eiding and Carlos Canales, if I'm
21 pronouncing that. If I'm not, I
22 apologize. From PhilaPOSH.

23 While Mr. Eiding is coming
24 forward, I just want to say the reason
25 behind this bill for the record, I think

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2 it's based on a very simple premise: Pay
3 the people what they're supposed to get
4 paid. If they're supposed to get paid a
5 certain amount, pay them that. Don't
6 cheat them in overtime, don't cheat them
7 in tips, don't shortchange them in any
8 way. And that sounds like something that
9 would be hard to be against. Obviously
10 there's always devil in the details, and
11 we're working some things out in the
12 bill, but I think fighting wage theft and
13 having the City, the local authority,
14 address that I think is the best way and
15 the fairest way to do that.

16 (Witnesses approached witness
17 table.)

18 COUNCILMAN GREENLEE: So with
19 that, Mr. Eiding, I know you can state it
20 way better than I did, so please proceed.

21 MR. EIDING: Thank you,
22 Mr. Chairman and Committee members.
23 Thank you for allowing me this
24 opportunity, and I thank you
25 for addressing a tragic situation that

1 10/27/15 - LAW & GOV. - BILL 140716, etc.
2 has been well hidden and gone on for
3 many, many years for the workers probably
4 who need help more than anybody else in
5 our city.

6 So I'll start by saying good
7 morning. My name is Pat Eiding. I am
8 the President of the Philadelphia Council
9 AFL-CIO, which represents over 150,000
10 working families in our region. I have
11 served on the Board of Labor Standards
12 for the City of Philadelphia for over 30
13 years, so I have firsthand knowledge of
14 employers stealing wages through
15 deception and intimidation.

16 The Philadelphia Council
17 AFL-CIO strongly supports passage of an
18 effective, aggressively enforced law to
19 address wage theft in our city.

20 Organized labor has always
21 fought to win justice for working people.
22 The injustice of employers deliberately
23 cheating their own workers out of the
24 wages they've earned speaks for itself.
25 In fact, that kind of outright theft is

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2 one of the reasons workers organize to be
3 part of a union.

4 But wage theft unfortunately
5 fits into a broader story about wage
6 stagnation in our country. A recent
7 study of the Economic Policy Institute
8 revealed some pretty shocking facts.

9 Over the last 40 years, the productivity
10 of the American worker has increased 74.5
11 percent. Over the same time, the wages
12 of American workers have risen only 9.2
13 percent.

14 Now, there are a lot of reasons
15 that American workers aren't getting paid
16 their fair share anymore. Fewer workers
17 belong to unions now than they did in the
18 first couple of decades after World War
19 II. Globalization and automation have
20 made a huge impact also. But as
21 Professor Lee will tell you, wage theft
22 makes up a significant part of that
23 story.

24 Wage theft is more than just an
25 injustice against individual workers.

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2 When workers are cheated out of their
3 wages, Philadelphia suffers. Families
4 can't pay rent or their mortgages.
5 Parents can't buy clothes or school
6 supplies for their kids. Customers can't
7 patronize businesses in our city.
8 Philadelphia's government loses tax
9 revenue as well.

10 It's very tough for City
11 Council to affect U.S. trade policy or
12 the global trends towards automation.
13 But City Council can do something about
14 wage theft in our city. Passing a law
15 that punishes wage theft efficiently,
16 consistently, and effectively will help
17 working people and help our entire
18 community.

19 I will tell you that our
20 Executive Board and our delegates were
21 unanimously enthusiastic about supporting
22 an effort by City Council to address wage
23 theft, but they expressed two concerns.
24 The first concern was that the law
25 wouldn't be enforced aggressively. It's

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2 extremely important that workers and
3 employers know that the office that's
4 responsible for enforcing this law has
5 the power and leadership to put these new
6 penalties into action and to recover
7 stolen wages.

8 The second concern was that the
9 workers would risk retaliation for filing
10 a complaint. We need to protect these
11 workers so that they do not lose their
12 jobs because they asked for help.
13 Without prompt investigations and strong
14 enforcement, workers will hesitate to
15 file complaints and we won't put much of
16 a dent into wage theft.

17 So I ask the Committee,
18 Chairman, I ask the Committee that we
19 join together to pass this strong, fair
20 ordinance that will help these workers
21 and stop what's been going on as wage
22 theft for many, many years.

23 Thank you for the opportunity.

24 COUNCILMAN GREENLEE: Thank
25 you, Mr. Eiding.

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2 Mr. Canales, why don't you go,
3 and then if we have any questions or
4 comments.

5 MR. CANALES: My name is
6 Carlos --

7 COUNCILMAN GREENLEE: A little
8 closer to the microphone.

9 MR. CANALES: My name is
10 Carlos. Good morning. My name is Carlos
11 Canales. I want to thank the Committee
12 on Law and Government, in particular
13 Councilman Greenlee, for this opportunity
14 to offer testimony on this important
15 proposed amendment to Title 9 of The
16 Philadelphia Code, entitled "Regulation
17 of Businesses, Trades and Professions."

18 My name is Carlos Canales and I
19 am currently on the staff of Philadelphia
20 Area Project on Occupational Safety and
21 Health, known as PhilaPOSH, as a
22 multilingual trainer and outreach
23 organizer. Also with me today is the
24 Executive Director of PhilaPOSH, who is
25 in the public.

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2 I previously worked for 17
3 years at different organizations and
4 worker centers throughout New York, New
5 Jersey, and basically other places in the
6 United States, primarily with Latino
7 immigrant workers. I am a member of
8 NDLO, which is the National Day Laborer
9 Organizing Network.

10 Into the testimony I want to
11 focus on a group of workers commonly
12 referred to as day laborers, which I'll
13 explain later, who are frequently victim
14 of wage theft, both in Philadelphia and
15 across the entire nation.

16 The term "day laborer"
17 describes any worker who accepts
18 employment for a limited period of time
19 and for a specific wage or defined
20 payment. It could be a man or a woman,
21 and it could be for a day or a week or
22 longer. The most visible and well known
23 of these workers known as day laborer get
24 work from contractor or homeowner at
25 retail parking lots like Home Depot.

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2 Less visible are workers who wait on the
3 street corners to pick up jobs or who
4 catch vans to transport them to temporary
5 jobs as far away as New Jersey, and some
6 of them go to New York. The majority of
7 these workers are recent immigrant and
8 refugee who have limited English speaking
9 skills.

10 In neighborhoods throughout the
11 City, you will also find lifelong
12 residents who have experienced persistent
13 unemployment or underemployment who
14 struggle to pick up day work on small
15 residential construction jobs and
16 renovation work. Given that many day
17 laborers do not even know whom they are
18 working, it is easy to understand the
19 greater likelihood that they will be
20 victim of wage theft. They are often
21 paid in cash.

22 These workers have a
23 determination to find work to support
24 themselves and their families, something
25 that should be applauded, not abused.

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2 When their wages are stolen from them by
3 employers, they often don't have the
4 knowledge of where to go to get help.

5 PhilaPOSH has been contacted by many of
6 them for help because they knew of us
7 from our trainings on safety and health.
8 We know that they have been threatened
9 and have experienced serious retaliation
10 just for demanding the wages owed to
11 them.

12 Based on my own experience with
13 day laborers and wage theft legislation
14 that has been enacted in other cities
15 where I have lived and worked, I have
16 several observation that I would like to
17 share with you.

18 First, PhilaPOSH supports
19 enactment of this bill as an important
20 way to help ensure the workers get
21 justice and are paid for the work that
22 they do and that the City gets its lost
23 revenue as well.

24 But there are some difficulties
25 that should be addressed.

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2 Effective enforcement is
3 critical if either of these goals are to
4 be realized. Justice delayed does in
5 fact become justice denied. I have seen
6 cases where bad employers simply
7 manipulate and delay the process so long
8 that the workers give up and move on. So
9 it will be very important to give this
10 new position the support that is needed
11 to move cases forward with results. That
12 includes good coordination with other
13 departments in terms of tracking down
14 employers that try to elude being found.

15 One specific recommendation is
16 to amend this bill to include the
17 creation of a representative Community
18 Advisory Committee. Such a committee
19 could proactively assist in public
20 outreach and education to inform workers
21 about their rights and where to go for
22 help. Such a committee could also give
23 the City's Managing Director important
24 feedback on problems, including specific
25 examples from the community which would

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2 assist in making this new program a
3 success.

4 Thank you for inviting me, and
5 PhilaPOSH is willing to help on this.

6 I would like to add that every
7 year, according to the survey that was
8 conducted for a national organization
9 that organize and help day laborers,
10 women or men, according to the survey
11 conducted in 2010, this year half of
12 these people that work as a day laborer
13 will not be paid from 300 to -- for three
14 to four days, and the next year will be
15 the same.

16 Thank you for the opportunity.

17 COUNCILMAN GREENLEE: Thank you
18 both.

19 Let me just make a couple
20 observations, and I think you both talked
21 about enforcement. I think one of the
22 reasons we're putting this with the City
23 is that we think that it can get handled
24 much more quickly and forcefully, if you
25 will, if the City is handling it, because

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2 right now the state has some mechanisms,
3 but I think we all know it doesn't work
4 certainly very quickly at all. And
5 certainly if you have to file lawsuits,
6 that obviously takes a long time as
7 you're going through the courts.

8 And on that same note,
9 obviously the enforcement and real work
10 on this bill is going to be on the next
11 Administration. I have been talking to
12 one of the candidates for Mayor next
13 week, and they have indicated certainly
14 their support of this issue and their
15 desire to make this a strong law, and one
16 of the reasons why it's in the Managing
17 Director's Office is, that particular
18 candidate is planning to make that
19 Managing Director's Office a much more
20 inclusive or stronger office. So that's
21 one of the reasons why we're doing that.
22 It's also a reason why we pushed the
23 effective date back to July 1st. Even
24 though we'd like to start a little
25 earlier, we want to make sure that

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2 there's proper funding and everything is
3 well thought out before we get this
4 going, because the last thing we want is
5 an office that doesn't have the teeth,
6 which is what I think, Mr. Eiding, you're
7 talking about.

8 And just one other thing. On
9 retaliation, it is specifically in the
10 bill. There's a section in the bill
11 about employers should not take
12 retaliatory personnel action or
13 discriminate against an employee because
14 the employee has exercised rights
15 protected under this Chapter. So that's
16 specifically mentioned in the law.

17 MR. EIDING: Mr. Chairman, if I
18 could, not to belabor it because you
19 covered it pretty well, but just a little
20 walk down history. The City of
21 Philadelphia being a first-class city was
22 always a first-class city in its
23 enforcement of laws and we had a Labor
24 Standards Enforcement Program in
25 Philadelphia that was probably better

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2 than any in the state, I know, than --
3 maybe any in the country, and I will tell
4 you that without proper financing and
5 proper leadership, those kinds of things
6 start to lose their effect and people get
7 away with things like wages being stolen
8 or people working for apprentice wages
9 while they're doing the work of a journey
10 person. So that's why we and our Council
11 and our Executive Board is very strong
12 for this bill. But a bill that doesn't
13 protect the workers, especially folks
14 like these who are going to have to come
15 out to let you know that their wages are
16 being stolen, we need to make sure that's
17 strong. And I, with you, would really be
18 anxious to look at the next
19 Administration along with this piece of
20 ordinance to make sure that happens.

21 Thank you.

22 COUNCILMAN GREENLEE: Thank
23 you.

24 Any other questions or
25 comments?

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2 (No response.)

3 COUNCILMAN GREENLEE: Seeing

4 none --

5 MR. CANALES: I just would like
6 to insist that I've been participating in
7 the political campaign of two, three
8 non-payment of wages, which we call it in
9 other places, and all of the committees
10 see a mistake, and I would like to
11 recommend that this legislation don't
12 make the same mistake, which is the
13 second part of it, which is the
14 structure, that we got the enforcement.
15 In the second part -- and this is in the
16 testimony -- is that there will no any
17 (unintelligible) group of people in the
18 community making sure and helping, that
19 the part of enforcement is being complied
20 with. So I will insist in those two
21 parts of the legislation.

22 COUNCILMAN GREENLEE: That's
23 the idea. The idea is to make this a
24 real law. We just don't want a piece of
25 paper.

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2 I think Councilwoman Tasco has
3 a question or comment.

4 COUNCILWOMAN TASCO: Yes. In
5 your testimony I think you talked about
6 day laborers. How do we address that
7 issue since the employer drives up to a
8 site and picks up workers to take to some
9 place to work? I mean, how are we going
10 to regulate that? For some of the issues
11 you raised around day laborers, I mean,
12 that's kind of hard to enforce, because
13 they probably don't have a license to do
14 business in the City and they just hire
15 people on a day-by-day basis and pay them
16 day by day. I think that's something we
17 have to look at. We're not going to
18 resolve it with this bill, but if you
19 have a wage coordinator, maybe as it
20 evolves, that that really is an issue
21 that we have to look at.

22 MR. CANALES: The specific
23 question is how to identify the employer
24 that hire these? I think one of the
25 ideas that I always have is that I see it

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2 at commercial court or small claim court,
3 is because it's difficult to find the
4 employer. They are ghost employer. So
5 one of the things that I deal with and
6 many people did nationally is that we
7 take the worker to the commercial court
8 or small claim court, and then usually
9 the small claim court send out
10 notification to the employer. So finally
11 he is in court. And most of it, I will
12 say that nine of out of ten cases, the
13 employer is persuasive that the worker is
14 in the right position. So they charge
15 fares in favor of the worker.

16 I will recommend that that part
17 is included in the legislation, that
18 anybody who went to small claim court and
19 won the case should be honored. That
20 court decision should be honored by the
21 legislation. It should be written there
22 in some part of the law. Because going
23 behind the employer is difficult. It's
24 difficult to find them. That would be my
25 comment and suggestion.

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2 COUNCILWOMAN TASCO: That's his
3 next bill, piece of legislation.

4 COUNCILMAN GREENLEE: Thank
5 you. Thank you both. Thank you both
6 very much.

7 The next group I have, if
8 they're here, is Jason McCarthy, Nitasha
9 Strait, and Natasha Maye.

10 It looks like they're here.

11 (Witnesses approached witness
12 table.)

13 COUNCILMAN GREENLEE: And if I
14 could ask everyone, because we still want
15 to speak, to try to be please as brief as
16 possible, and like in Mr. McCarthy's
17 case, we do have your -- I have a clock
18 here that we can use. I actually was
19 going to use it on Mayor Nutter. I was
20 waiting to do that, but he didn't show
21 up. But we won't use it right now, but I
22 would ask everybody to try to be as brief
23 as possible, please.

24 Whoever would like to go first,
25 please identify yourself, speak right

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2 into the microphone and proceed.

3 MS. STRAIT: Good morning. My
4 name is Nitasha Strait. I currently
5 reside in Philadelphia and I have --

6 COUNCILMAN GREENLEE: A little
7 closer and louder.

8 MS. STRAIT: I have two
9 Master's degrees and I'm working toward
10 my Ph.D., and in 2013 I worked for a
11 company for less than six months where I
12 quit due to not getting a month's worth
13 of pay. Because of where I fell in my
14 income after I quit, I was able to
15 qualify for Community Legal Services,
16 where I ended up getting part of my pay
17 back, but was later told by one of the
18 administrators at the previous agency
19 that I was owed more than was given to
20 me. And I luckily was able to qualify
21 for Community Legal Services. Some of my
22 other co-workers who quit and got a
23 different job didn't qualify, and the
24 amount of money that they were owed
25 wasn't worth the time and energy and

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2 resources that it would have taken to get
3 a lawyer.

4 So I believe that this bill
5 could be very helpful for the people who
6 kind of fall in the middle range of what
7 money is owed to them and what money and
8 energy they would have to put out.

9 Thank you.

10 COUNCILMAN GREENLEE: Thank
11 you.

12 Would you like to go next.

13 MS. MAYE: Good morning. My
14 name is Natasha Maye. I'm a certified
15 nurse's assistant, and I'm here to share
16 my story about my experience with wage
17 theft.

18 I worked for a previous
19 employer who did not pay me for travel
20 time nor did they pay me for a full day's
21 pay of work. It impacted my life so
22 badly that I could not feed my children.
23 I went a year without heat, and
24 eventually I ended up homeless and had to
25 move in with my mother.

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2 I ended up trying to get a
3 meeting with supervisors to try to find
4 out why I wasn't getting the money that I
5 was earning. I'm employed as a full-time
6 employee, but I'm not getting paid at
7 all. I was not able to pay my bills. I
8 was not able to do things that I was
9 supposed to do during a daily basis,
10 because I had no income. The proof was
11 not there that I was working.

12 Ultimately, we filed a class
13 lawsuit and I ended up getting the money
14 that I was entitled to, after fighting
15 this battle for over a year, and I had no
16 idea I was entitled to so much money. I
17 was able to literally pick up and move
18 ten minutes away from City Hall and not
19 look back.

20 Nobody should have to go
21 through this, especially with children,
22 knowing that they have a full-time job,
23 but the pay does not reflect. So I hope
24 that this bill can get passed so no one
25 else can ever have to deal with this

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2 experience. It was the worst experience
3 of my life and I would not wish this on
4 no one, and hopefully in the future we
5 could prevent this from happening to
6 anyone else.

7 Thank you.

8 COUNCILMAN GREENLEE: Before
9 Mr. McCarthy speaks, I just want to say,
10 you mentioned the time issue. That's one
11 of the things I think that is key here.
12 It shouldn't take that long to work
13 something -- I don't know all the
14 details, but it sounded like you were
15 just flat-out getting cheated.

16 MS. MAYE: Yes.

17 COUNCILMAN GREENLEE: So it
18 didn't seem to be a lot of controversy
19 there. So I think our idea behind this
20 local wage theft coordinator is somebody
21 you could go to quickly, contact would be
22 made with the employer. A lot of
23 employers, maybe they did it
24 unintentionally, but even the ones that
25 did it intentionally, once they feel

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2 somebody is on them, the City government
3 is on them, hopefully it can get resolved
4 pretty quickly. So we're trying to get
5 people so they don't have to go through a
6 year or -- if it's a court case, you were
7 probably lucky it was only a year. It
8 could be a lot longer. So that's one of
9 the ideas behind this bill. So thank
10 you.

11 Mr. McCarthy.

12 MR. McCARTHEY: Good morning,
13 members of Council. My name is Jason
14 McCarthy and I'm here as a member of the
15 Restaurant Opportunity Center, or ROC
16 Philly. Restaurant Opportunity Center is
17 a national non-profit organization
18 helping restaurant workers to earn
19 respect within our profession and a fair
20 living wage.

21 In the current situation within
22 the restaurant industry, employers have
23 the ability to take the low road, meaning
24 they pay less than the minimum wage or in
25 my case with a former employer, not even

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2 being paid the subminimum tipped wage of
3 \$2.83 an hour because she considered me a
4 probationary worker.

5 Last month I started a new job
6 as a server at a restaurant called Ti
7 Penso. Ti Penso is an Italian phrase
8 meaning "thinking of you," but as soon as
9 I saw my first paycheck, I realized the
10 owner wasn't thinking of me. She was
11 most definitely thinking of herself.

12 We didn't discuss what my rate
13 of pay would be because by law tipped
14 restaurant workers in Pennsylvania earn
15 \$2.83 an hour. It's expected. As it
16 turns out, this was not the case. She
17 created a policy whereby all servers were
18 hired for a probationary period of one
19 month and would not receive an hourly
20 wage at all. It was by design that
21 servers did not make it beyond the
22 probationary period and thus were not
23 paid the legal hourly rate for their
24 work. This happened to lots of people,
25 not just me.

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2 In addition, it was also her
3 policy for me to forfeit 20 percent of my
4 gratuities left by customers to
5 supplement the pay of the dishwasher,
6 expediter, and host. She also deducted
7 fees for credit card processing, all of
8 which is wage theft.

9 When I questioned her practice
10 of not paying me the hourly rate that I
11 earned and also taking a fifth of my tips
12 left by customers, she became very
13 defensive, accused me of being
14 disrespectful and fired me on the spot,
15 all for simply trying to have a
16 conversation about my pay or lack of pay.
17 So I was fired in retaliation for asking
18 for pay that was legally due.

19 Since I am in the hospitality
20 industry, it sometimes feels as though
21 there isn't really anyone on our side.
22 Everyone I know in the industry has had
23 something like this happen to them at
24 some point in their work history, but at
25 least here in Philadelphia we have ROC

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2 Philly and Councilman Bill Greenlee,
3 among others. I want to thank Councilman
4 Greenlee for introducing this wage theft
5 bill and I look forward to its passage.
6 In particular, I think the provision
7 against retaliation is very important,
8 both to encourage workers to come forward
9 who fear retaliation and as a message to
10 employers that they will be penalized by
11 the City if they retaliate. Also,
12 employers like mine who have done the
13 same thing to many workers should be
14 fined more. Her policies were not
15 mistakes. It was just the way she did
16 business.

17 Philadelphia needs this law.
18 We need this law to send a message that
19 we won't tolerate wage theft in this
20 city.

21 Thank you very much.

22 COUNCILMAN GREENLEE: Thank
23 you, Mr. McCarthey.

24 (Applause.)

25 COUNCILMAN GREENLEE: And I

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2 know we've gotten to know each other
3 through the sick leave bill and I know
4 you're an aggressive advocate for
5 workers. And let me just say I think at
6 least part of your problem here, your
7 particular problem with the tips, I think
8 is already covered in a law. So they
9 were -- I think it was Councilman
10 Kenney's law about the tips are supposed
11 to go directly to the worker, right? So
12 I mean they were violating the law
13 already, among other things.

14 MR. McCARTHEY: I think that
15 law was passed in 2002.

16 COUNCILMAN GREENLEE: Yeah.

17 MR. McCARTHEY: In the late
18 fall.

19 COUNCILMAN GREENLEE: Exactly.

20 MR. McCARTHEY: And I did have
21 to take an employer to court for taking
22 credit card tips from me and the entire
23 front of the house staff.

24 COUNCILMAN GREENLEE: Okay.

25 Well, again, the idea behind this bill is

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2 you won't have to go through the whole
3 court system, that we can have a little
4 quicker resolution. Things aren't always
5 as quick as we'd like, but we envision
6 this as something that should not take an
7 inordinate amount of time, because time
8 oftentimes just wears people down, you
9 know.

10 MR. McCARTHEY: It does wear
11 people down.

12 COUNCILMAN GREENLEE: You don't
13 either have the resources or the time.

14 MR. McCARTHEY: And the
15 Department of Labor tends to just slap
16 someone on the wrist and they continue
17 their practices, because it's worth it.

18 COUNCILMAN GREENLEE: Well,
19 again, we're looking to have some real
20 teeth in this and, again, I think we have
21 the support of the possible new
22 Administration.

23 So any questions?

24 (No response.)

25 COUNCILMAN GREENLEE: Seeing

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2 none, thank you all very much. Thank you
3 for coming.

4 Before I call the next group, I
5 do want to get on record there is a
6 letter here, written testimony, from the
7 Nutter Administration, and there is --
8 part of the record will be the members of
9 the Coalition to Stop Wage Theft Philly,
10 which is a very long list, including
11 Congressman Brady, Philadelphia AFL-CIO,
12 District Council 47, SEIU, Philadelphia
13 Unemployment Project, Women's Law
14 Project, among many, many others.

15 Our next ones that I have on
16 record here are Jennifer Lee and Daniella
17 Lees. Are they both here?

18 And is Reverend Holston here?

19 (No response.)

20 COUNCILMAN GREENLEE: I know
21 he's on my list, but I don't see him.

22 Okay. After these two
23 witnesses, anyone else here?

24 (No response.)

25 COUNCILMAN GREENLEE: These

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2 will be our last two then, I guess. And
3 I should have mentioned the Sheller
4 Center earlier, because I think their
5 studies -- I hope everybody listens to
6 this, because this is amazing to me.

7 (Witnesses approached witness
8 table.)

9 COUNCILMAN GREENLEE: Whoever
10 would like to start.

11 PROFESSOR LEE: Good morning,
12 members of the Committee. My name is
13 Jennifer Lee and I'm a Clinical Professor
14 of Law at Temple Law School. There I
15 work with students at the Sheller Center
16 for Social Justice.

17 And speaking of social justice,
18 wage theft is a pressing social justice
19 issue. We must fight for the right of
20 hard-working Americans to receive their
21 lawfully earned wages for a fair day of
22 work.

23 We represent low-wage workers
24 in our clinic, and from this, we know
25 firsthand how employers steal wages from

1 10/27/15 - LAW & GOV. - BILL 140716, etc.
2 their workers here in Philadelphia.
3 Employers fail to pay their workers
4 minimum wage and overtime. They take
5 unlawful deductions. They steal tips or
6 they simply fail to pay for work that was
7 performed.

8 We have also studied the issue
9 in order to better quantify the
10 prevalence of wage theft here in
11 Pennsylvania. In June of 2015, we
12 released a report called Shortchanged
13 where we found that there was a wage
14 theft epidemic among low-wage workers
15 here in Pennsylvania. We estimate in
16 Philadelphia that tens of thousands of
17 workers experience a wage theft violation
18 in a given work week.

19 COUNCILMAN GREENLEE: Say that
20 again.

21 PROFESSOR LEE: Right. I
22 actually was going to -- I'll say it
23 again. We estimate that tens of
24 thousands of workers, low-wage workers in
25 Philadelphia, experience a wage theft

1 10/27/15 - LAW & GOV. - BILL 140716, etc.
2 violation in a week, and what I wanted to
3 emphasize was the last part of that
4 sentence. It's in a week.

5 COUNCILMAN GREENLEE: Right.

6 PROFESSOR LEE: Not in a month,
7 not in a year.

8 We've also heard today about,
9 pretty eloquently, about the human cost
10 of wage theft on workers. But wage theft
11 also means that the City loses out on tax
12 revenue. It means that the local economy
13 is deprived of money that could be spent
14 by workers and that law-abiding
15 businesses are harmed by unfair
16 competition by employers who undercut the
17 bottom line by committing wage theft.

18 When you take a step back, it
19 tells us that wage theft is no accident.
20 It's not a few bad apple employers or a
21 few new businesses who don't understand
22 the law, but rather it's a calculated
23 approach by employers to maximize their
24 profits on the backs of their workers.

25 So I'm now going to turn it

1 10/27/15 - LAW & GOV. - BILL 140716, etc.
2 over to Daniella Lees, one of our law
3 students, who is going to speak further
4 about the issue.

5 MS. LEES: Thank you, Professor
6 Lee, and thank you to the Committee for
7 allowing me to be here today to testify.
8 As Professor Lee said, we've heard about
9 the tremendous --

10 COUNCILMAN GREENLEE: Just
11 state your name for the record.

12 MS. LEES: I'm Daniella Lees.
13 We've heard about the
14 tremendous human cost of wage theft and
15 the prevalence of wage theft in our city,
16 but what I'd like to highlight for the
17 Committee today is why wage theft is
18 occurring and how it is able to occur
19 with such frequency in Philadelphia.

20 There are three main reasons
21 why this is able to occur. First, the
22 current state wage and hour laws do not
23 adequately protect Philadelphia workers.
24 What I mean by this is, under the
25 Pennsylvania laws, there are not

1 10/27/15 - LAW & GOV. - BILL 140716, etc.
2 sufficient deterrents to stop employers
3 from committing wage theft. For example,
4 under the Pennsylvania Wage Payment and
5 Collection Law, penalties that may be
6 imposed against an employer are \$500 or
7 25 percent of the wages owed. Under the
8 Pennsylvania Minimum Wage Act, there are
9 no penalties imposed against an employer.
10 So when an employer stands to steal and
11 retain thousands of dollars in workers'
12 wages, these minimal penalties will not
13 stop them from committing present or
14 future unlawful conduct.

15 The second reason why employers
16 are able to steal workers' wages is that
17 the state enforcement agency simply does
18 not have the resources to enforce these
19 claims. The Pennsylvania Department of
20 Labor and Industry handles and closes
21 5,000 wage theft cases a year, but is
22 only able to collect wages for workers in
23 less than half of these cases, 2,000
24 cases in fact. This is a detriment to
25 Philadelphia's workforce.

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2 Third and finally, employers
3 are able to steal workers' wages because
4 employees simply do not know about their
5 rights under the law. The Pennsylvania
6 wage and hour laws are complicated.
7 There are a lot of industry-specific
8 rules and exemptions. The workers simply
9 do not know how their job fits in under
10 the law.

11 Additionally, those employees
12 that do know their rights do not have
13 access to private counsel. Non-profits
14 are not able to take many wage theft
15 cases a year, and private attorneys
16 simply only take cases where the wages
17 owed are more than \$10,000. This leaves
18 thousands of Pennsylvania workers without
19 a remedy for their wage theft violation.

20 So in response to these three
21 problems, Councilman Greenlee's proposed
22 ordinance does three important things to
23 try and combat the wage theft epidemic
24 here in Philadelphia.

25 First, Councilman Greenlee's

1 10/27/15 - LAW & GOV. - BILL 140716, etc.
2 ordinance would institute higher
3 penalties against employers and allow the
4 City of Philadelphia to deny, suspend or
5 revoke a business's license that has been
6 found to be practicing in the practice of
7 wage theft. This is the deterrent we
8 need under the law to stop workers from
9 committing wage theft.

10 Secondly, Councilman Greenlee's
11 proposed ordinance creates a wage theft
12 coordinator. This wage theft coordinator
13 would have the power to receive and
14 review wage theft complaints and make a
15 determination if a wage theft violation
16 occurred. If this determination is made,
17 the wage theft coordinator may order the
18 employer to pay the wages, in addition to
19 ordering the employer to pay penalties to
20 the employee. As Councilman Greenlee
21 noted earlier, this is huge for
22 Pennsylvania workers because it allows
23 them to avoid the costly and arduous
24 process of taking a wage theft complaint
25 to court and it allows them an easier and

1 10/27/15 - LAW & GOV. - BILL 140716, etc.
2 more efficient route to filing a wage
3 theft complaint to begin with than having
4 to go to the Department of Labor and
5 Industry.

6 Third and finally, Councilman
7 Greenlee's ordinance attempts to educate
8 Philadelphia's low-wage workforce about
9 their rights under the law. This wage
10 theft coordinator would oversee an
11 extensive public outreach program, as
12 well as provide referrals and
13 know-your-rights information to workers.

14 So while these are just three
15 of the many great things that Councilman
16 Greenlee's ordinance proposes, myself and
17 my colleagues at the Sheller Center
18 believe that this ordinance will have a
19 profound effect in protecting and
20 empowering Philadelphia's workforce.

21 Thank you.

22 COUNCILMAN GREENLEE: Thank you
23 very much. And just a comment. First,
24 Ms. Lee, the reason I asked you to repeat
25 those figures, especially to say per

1 10/27/15 - LAW & GOV. - BILL 140716, etc.
2 week, I'll be honest with you, when I
3 first saw it, I thought it was a typo. I
4 said it can't be that many per week. But
5 it just shows through your studies how
6 many people this affects. And I know
7 sometimes it's what we might think is a
8 relatively small amount, but as
9 Councilman Jones was saying off record to
10 me earlier, that's car fare or lunch or
11 something like that to somebody. It's an
12 important issue.

13 And, Ms. Lees, I'm glad you
14 particularly pointed out what I think are
15 the shortcomings of the state laws right
16 now. They talk about justice delayed is
17 justice denied. Sometimes it's almost
18 justice denied is justice denied, because
19 people just aren't feeling that they're
20 getting any real justice going through
21 the state.

22 So the whole idea, as I stated
23 before, is to have what we hope is a
24 strong but relatively simple way to deal
25 with this issue. And, again, I know it

1 10/27/15 - LAW & GOV. - BILL 140716, etc.
2 was brought out in the other bill about
3 trying to have the state -- everything
4 should be done through the state. That
5 sounds good, but Philadelphia last I
6 checked is different from a lot of the
7 rest of the state, and I think we need
8 to, where we can, enforce our own laws,
9 and I think having someone in the City
10 dealing with citizens' complaints I think
11 will be a lot stronger and a lot more
12 effective. And if it costs a little bit
13 more money, we'll deal with that. We'll
14 work on that.

15 Any other questions or
16 comments?

17 (No response.)

18 COUNCILMAN GREENLEE: Thank you
19 very much. Thank you for all the work
20 you did on this issue.

21 I should note for the record, I
22 just want to recognize the efforts of
23 Mr. Haver on all this and Ms. McDaniel,
24 who gave us the legal background on this,
25 even sometimes when we didn't want to

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1 10/27/15 - LAW & GOV. - BILL 140716, etc.

2 hear it, told us -- make this bill as
3 tight as possible.

4 So no one else here to testify
5 on these bills?

6 (No response.)

7 COUNCILMAN GREENLEE: Sounds
8 good. That concludes the hearing on the
9 Committee on Law and Government and we
10 will proceed with the meeting in 30
11 seconds.

12 (Brief pause.)

13 COUNCILMAN GREENLEE: Less than
14 30 seconds. This is the meeting of the
15 Committee on Law and Government.

16 The Chair recognizes
17 Councilwoman Tasco.

18 COUNCILWOMAN TASCO: Mr. Chair,
19 I move that Bill 150573 be reported out
20 of Committee and Resolution 150594 be
21 reported --

22 COUNCILMAN GREENLEE: With a
23 suspension.

24 COUNCILWOMAN TASCO: I'm
25 getting to that.

1 10/27/15 - LAW & GOV. - BILL 140716, etc.

2 COUNCILMAN GREENLEE: Oh, okay.

3 COUNCILWOMAN TASCO: That the
4 bills will be reported out of Committee
5 with a suspension of rules so that these
6 bills can be heard at Council's next
7 session.

8 (Duly seconded.)

9 COUNCILMAN GREENLEE: It's been
10 moved and seconded.

11 All in favor?

12 (Aye.)

13 COUNCILMAN GREENLEE: Opposed?

14 (No response.)

15 COUNCILMAN GREENLEE: Hearing
16 none, Bill No. 150573 reported out of
17 this Committee favorably with a rules
18 suspension and Resolution 150594 is
19 reported out of this Committee favorably.

20 And I will not interrupt
21 Councilwoman Tasco again.

22 Councilwoman Tasco.

23 COUNCILWOMAN TASCO:

24 Mr. Chairman, I move that we accept the
25 amendment to Bill 140716.

1 10/27/15 - LAW & GOV. - BILL 140716, etc.

2 (Duly seconded.)

3 COUNCILMAN GREENLEE: It's been
4 moved and seconded.

5 All in favor?

6 (Aye.)

7 COUNCILMAN GREENLEE: Opposed?

8 (No response.)

9 COUNCILMAN GREENLEE: Hearing
10 anyone, the amendment is adopted.

11 Councilwoman Tasco.

12 COUNCILWOMAN TASCO: I move
13 that Bill 140716, as amended, be reported
14 out of Committee with a favorable
15 recommendation and that the rules of
16 Council be suspended so this bill can be
17 heard at Council's next session.

18 (Duly seconded.)

19 COUNCILMAN GREENLEE: It's been
20 moved and seconded.

21 All in favor?

22 (Aye.)

23 COUNCILMAN GREENLEE: Opposed?

24 (No response.)

25 COUNCILMAN GREENLEE: Hearing

1 10/27/15 - LAW & GOV. - BILL 140716, etc.

2 none, Bill No. 140716, as amended,
3 reported out of this Committee favorably
4 with a rules suspension.

5 Councilwoman Tasco.

6 COUNCILWOMAN TASCO: Mr. Chair,
7 I move that Bill 150741, the amendment be
8 adopted.

9 (Duly seconded.)

10 COUNCILMAN GREENLEE: It's been
11 moved and seconded.

12 All in favor?

13 (Aye.)

14 COUNCILMAN GREENLEE: Opposed?

15 (No response.)

16 COUNCILMAN GREENLEE: Hearing
17 none, the amendment is adopted.

18 COUNCILWOMAN TASCO: I move
19 that Bill 150741, as amended, be reported
20 out of Committee with a favorable
21 recommendation and that the rules of
22 Council be suspended so this bill can be
23 heard at Council's next session.

24 (Duly seconded.)

25 COUNCILMAN GREENLEE: It's been

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1 10/27/15 - LAW & GOV. - BILL 140716, etc.

2 moved and seconded.

3 All in favor?

4 (Aye.)

5 COUNCILMAN GREENLEE: Opposed?

6 (No response.)

7 COUNCILMAN GREENLEE: Hearing

8 none, Bill 150741, as amended, reported

9 out of this Committee favorably with a

10 rules suspension.

11 That concludes the business of
12 the Law and Government Committee.

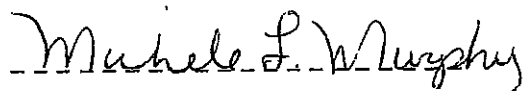
13 Thank you all for your
14 participation.

15 (Committee on Law and
16 Government concluded at 11:35 a.m.)

17 - - -

CERTIFICATE

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



MICHELE L. MURPHY

RPR-Notary Public

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