

1 COUNCIL OF THE CITY OF PHILADELPHIA  
2 COMMITTEE ON LICENSES and INSPECTIONS

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4 Room 400, City Hall  
Philadelphia, Pennsylvania  
Wednesday, June 15, 2011, 1:20 p.m.

5 - - -

6 BILL 100613 - An Ordinance amending Chapter  
9-2800 of The Philadelphia Code, entitled  
7 "Universities, Property Owners or Managers and  
Students," by amending Section 9-2805, entitled  
8 "Zoning Compliance," by providing for additional  
penalties for certain violations with respect to  
9 properties located within Educational Housing  
Districts, all under certain terms and  
10 conditions.  
11

12 COMMITTEE MEMBERS PRESENT:

13 Maria Quiñones-Sanchez, Chair

14 Bill Green

15 William K. Greenlee

16 Curtis Jones, Jr.

17 Jack Kelly

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22  
23  
24

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COUNCILWOMAN SANCHEZ: Good

afternoon. The Committee on Licenses and Inspections will begin its public hearing with a quorum being established with Councilman Jack Kelly, Councilman Bill Greenlee, and temporary appointment of Councilman Curtis Jones, and myself as the chair, Councilwoman Quiñones-Sanchez.

We have several folks on these panels. If folks have written testimony that they want to submit for the record, we will make sure that it's on the record, and they can summarize their testimonies. That would be greatly appreciated.

And we will begin with the  
reading of the bill.

THE CLERK: Bill 100613, an ordinance amending Chapter 9-2800 of The Philadelphia Code, entitled "Universities, Property Owners or Managers and Students," by amending Section 9-2805, entitled "Zoning Compliance," by providing for additional

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2                   penalties for certain violations with  
3                   respect to properties located within  
4                   Educational Housing Districts, all under  
5                   certain terms and conditions.

6                   COUNCILWOMAN SANCHEZ: Thank  
7                   you.

8                   Before we take testimony, the  
9                   bill's sponsor will open up with some  
10                  comments.

11                  COUNCILMAN JONES: Thank you,  
12                  Madam Chair and members of the committee.

13                  I, along with Councilman  
14                  Darrell Clarke, want to amend the code to  
15                  provide a process in which landlords,  
16                  property owners, and often offenders will  
17                  face the revocation of their rental  
18                  license through an effective, yet fair,  
19                  three-strikes rule.

20                  Bill No. 100613 I like to  
21                  affectionately call "a good-neighbor  
22                  bill." This good-neighbor bill will  
23                  allow new and existing residents to  
24                  coexist in a better -- with a better  
25                  coexistence in neighborhoods.

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2                   Most importantly the goal of  
3                   this amendment is not to go after and  
4                   punish violators but to improve the  
5                   quality of life for those Philadelphians  
6                   who live in Educational Housing  
7                   Districts. This amendment seeks to be  
8                   more effectively administer existing  
9                   Zoning Code laws that call for three  
10                  non-related members of a household to  
11                  coexist within a domicile.

12                  Too often, property owners get  
13                  away with illegal housing of as many as  
14                  six, seven, eight non-related members in  
15                  a single-family household, housing  
16                  students often because of the increases  
17                  in population attributed to things that  
18                  I'm not against. I've been a college  
19                  student for the record, but sometimes  
20                  their exuberance gets out of control, and  
21                  existing neighbors, long-term neighbors,  
22                  have suffered. And you will hear  
23                  testimony to that effect.

24                  We've tragically seen  
25                  intoxicated students often become victims

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2           of crime. In fact, in 19 -- in 2007, I  
3           had the problem-some distinction of  
4           picking a St. Joe's student out of my  
5           neighbor's bushes after being robbed and  
6           then shot. He went on and then  
7           recovered, I want to say for the record,  
8           but that trauma followed him throughout  
9           the course of his college experience.

10                   So this is not just for  
11           residents, this is not just about  
12           property owners; this is about the  
13           students as well.

14                   So what we hope to do today is  
15           a couple of things. One, we've  
16           circulated an amendment that deals with  
17           the length of time that violations occur  
18           and over what period of time that would  
19           be. And also, then, what the subsequent  
20           length of revocation of a renter's  
21           license would be, which is up to three  
22           years.

23                   I want to state for the record,  
24           Madam Chair, that HAPCO has submitted  
25           testimony. They have not chose to come

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2                   here, but they have submitted written  
3                   testimony, and they are against this bill  
4                   for their own reasons.

5                   But I think what we will hear  
6                   is a number of stakeholders, from  
7                   universities to community groups to  
8                   individual residents, who have had to  
9                   live with this.

10                  I'd like to also acknowledge,  
11                  Madam Chair, that this didn't start with  
12                  my election to City Council. Another  
13                  Councilperson from the Fourth started  
14                  this process; he went on to become mayor  
15                  but had to deal with a lot of the issues  
16                  from the Overbrook Farms side to the  
17                  Wynnefield side to the Manayunk side to  
18                  the East Falls side, dealing with a  
19                  number of universities in between. And  
20                  so, we are building upon the shoulders of  
21                  giants that have had to live with this  
22                  before and have had to legislate before.

23                  So I thank you for your  
24                  indulgence, Madam Chair.

25                  COUNCILWOMAN SANCHEZ: Thank

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2                   you.

3                   We will now proceed with the

4                   Administration testifying first.

5                   Miss Maura Kennedy, Director of Strategic

6                   Initiatives, at the Department of

7                   Licenses and Inspections.

8                   (Witnesses come forward.)

9                   COUNCILWOMAN SANCHEZ: Good

10                  afternoon.

11                  MS. MAURER: Good afternoon,

12                  Madam Chair and members of the Committee

13                  on Licenses and Inspections. My name is

14                  Maura Kennedy, Director of Strategic

15                  Initiatives for the Department of

16                  Licenses and Inspections.

17                  I appreciate the opportunity to

18                  present testimony on Bill No. 100613,

19                  which was introduced by Councilman Jones,

20                  and to answer any questions that you may

21                  have.

22                  The Administration supports the

23                  bill, with the proposed amendments

24                  offered by the bill's sponsor. The

25                  proposed ordinance amends a portion of

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2           the code related to Educational Housing  
3           Districts in order to hold landlords who  
4           repeatedly violate City laws related to  
5           housing more accountable

6                   The goal of this legislation is  
7           twofold: It prevents landlords who  
8           repeatedly break the law from being able  
9           to benefit from their behavior by cutting  
10          off the source of their income. It also  
11          provides neighbors relief from the daily  
12          quality-of-life issues that can be caused  
13          by noncompliant rental properties.

14                  Under the proposed ordinance,  
15          property owners that have been found by  
16          the courts to be in violation of the  
17          provisions contained in the Educational  
18          Housing District Code three times within  
19          three years will immediately have their  
20          property-management-related licenses  
21          revoked. The revocation will also occur  
22          should the property owner fail to pay  
23          fines or fail to comply with any orders  
24          related to previous offenses.

25                  In addition to the immediate

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2           revocation of the licenses held by the  
3           scofflaw property owner, the ordinance  
4           provides that no new property-management  
5           license shall be granted to that property  
6           for a period of three years after the  
7           revocation. This three-year prohibition  
8           runs with the property in order to avoid  
9           the straw transfer of the property to  
10          circumvent the ordinance

11                   A person that purchases a  
12          property subject to the prohibition can  
13          reapply for the necessary housing  
14          licenses and can strike the prohibition  
15          from the property by producing a realty  
16          transfer tax receipt as evidence of a  
17          legitimate purpose.

18                   I'd like to thank Councilman  
19          Jones and his staff for working with the  
20          Administration in crafting the language  
21          for this proposed amendment

22                   I'm happy to answer any  
23          questions that you may have at this time.  
24          Thank you

25                   COUNCILWOMAN SANCHEZ:

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2           Commissioner, did you want to add  
3           something?

4                   DEP. COMM. MAENNER:   No.

5                   COUNCILMAN JONES:   I'm going to  
6           limit -- my chairperson says less is more  
7           by way of comment, but I want to, for the  
8           record, say the Administration has worked  
9           from day one to help this situation,  
10          whether with residents from the community  
11          working on a task force, a strike force  
12          that has paid particular attention to  
13          some of the town-and-gown issues. The  
14          university has cooperated to the degree  
15          that they can.

16                   And so, I am thankful for the  
17          cooperation. And on behalf of the  
18          residents of the Fourth Councilmatic  
19          District, we hope that this is a step in  
20          the right direction to send a signal that  
21          we take these things seriously.

22                   We welcome new neighbors and we  
23          want them to enjoy everything that  
24          college experience has to offer. We even  
25          want them to stay beyond their

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2           educational experience and become  
3           residents. But we want them to be  
4           respectful of folk that have made a  
5           commitment, a permanent commitment to  
6           these communities.

7                   So I just want to thank you for  
8           your insight and letting us know about  
9           unintended consequences and sharpening  
10          our pencils to the legislation.

11                   So thank you.

12                   MS. MAURER: You're welcome.

13                   COUNCILWOMAN SANCHEZ: I have  
14          one question as it relates to this, as  
15          stipulated in HAPCO's letter around the  
16          legality of it.

17                   Could you speak to that? They  
18          have a concern. I don't know if you have  
19          a copy of the letter that HAPCO  
20          submitted.

21                   MS. MAURER: Yes.

22                   COUNCILWOMAN SANCHEZ: 'Cause  
23          they challenge our ability to have the  
24          power to implement this ordinance, that  
25          this -- that only the General Assembly.

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2           Can you, for the record, state whether  
3           this is true?

4                   MS. MAURER:   Which section of  
5           the letter are you referencing?

6                   COUNCILWOMAN SANCHEZ:   On page  
7           2 of the HAPCO letter, it says "concerns  
8           about the legality of the proposed  
9           amendment, specifically around the Home  
10          Rule Charter delineates the City's  
11          powers."   And they're saying that in  
12          that, the General Assembly is the only  
13          one that would have the power to  
14          legislate this around the denial of the  
15          license.

16                   I just want for the record --  
17          I'm assuming this issue came up with the  
18          initial bill that created the Student  
19          Housing Districts, so I just wanted to  
20          clarify that for the record.

21                   Have we been challenged in the  
22          student housing bills before?   Has  
23          anybody legally challenged us in the  
24          past?

25                   MS. MAURER:   To my knowledge,

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2                   no.

3                   COUNCILWOMAN SANCHEZ: Okay.

4                   MS. MAURER: And revoking HILs  
5 is something we do do regularly.

6                   COUNCILMAN JONES: Also, Madam  
7 Chair, if I may.

8                   For the record, HAPCO submitted  
9 this letter this morning, and we  
10 immediately called the Law Department to  
11 check on that.

12                  COUNCILWOMAN SANCHEZ: Okay.

13                  COUNCILMAN JONES: And they  
14 assured us that that would be like if a  
15 license in a store, because of a  
16 violation, was revoked, that we had, we  
17 are well within our purview to do this.  
18 But, obviously, that's why we have the  
19 City Solicitor's Office that will  
20 safeguard our interests as a municipality  
21 in this regard.

22                  COUNCILWOMAN SANCHEZ: Okay.

23 Thank you.

24                  I just wanted that for the  
25 record in response to that, because I

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2           would think that HAPCO, if there were  
3           some concerns around the initial creation  
4           of the housing districts, that they would  
5           have challenged us before versus now.  
6           And if nothing like that's happened, then  
7           I just wanted to make sure that that was  
8           the case.

9                   Okay. Well, thank you. Thank  
10          you, Commissioner.

11                   DEP. COMM. MAENNER: Thank you.

12                   COUNCILWOMAN SANCHEZ: Next we  
13          have a panel from the community:

14                   Kevin Maurer;

15                   Michael Reid, from Wynnefield  
16          Residents Association and Overbrook  
17          Farms;

18                   Chris Roller, from Wissahickon  
19          Interested Neighbors;

20                   And a Tom Saurman from East  
21          Falls;

22                   And a Meg Greenfield.

23                   (Witnesses come forward.)

24                   COUNCILWOMAN SANCHEZ: We can  
25          start with three, and the other two can

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2                   stand by.

3                   MR. MAURA: Madam Chairperson,  
4                   I am Kevin Maura, President of the  
5                   Overbrook Farms Club, and I am here today  
6                   to testify in support of the bill.

7                   The Overbrook Farms community  
8                   is on the National Historic Register and  
9                   is a neighborhood single-family  
10                  residential homes with historical  
11                  significance.

12                  Due to our proximity to the  
13                  St. Joseph's University campus, we are  
14                  plagued with a number of rental  
15                  properties that do not stay within the R1  
16                  zoning requirements of no more than three  
17                  unrelated persons in a residence, and  
18                  have an adverse impact on our community.

19                  We support our councilman,  
20                  Curtis Jones, in this legislation because  
21                  within our neighborhood, our community  
22                  members have been continually reporting  
23                  violations to Licenses and Inspections,  
24                  in attempts to get the current zoning  
25                  enforced, with little success.

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2                   We have found that boarding  
3 houses in our community create hardship  
4 for the neighboring property owners due  
5 to the creation of insufficient parking  
6 and the trash and noise that typically  
7 spill from these properties.

8                   The City is also missing out on  
9 tax revenue that is owed because many of  
10 these priorities are unlicensed and are  
11 not paying taxes on the revenue they  
12 produce.

13                  The single-family house located  
14 next to mine has been used to house up to  
15 eight St. Joseph's University students  
16 for the past seven years, resulting in  
17 calls to the police for underage drinking  
18 and excessive noise; and, in two cases,  
19 an assault on my family and damage to our  
20 property after students came over our  
21 fence, into our yard to escape the  
22 police.

23                  Clearly, the current law does  
24 not prevent the abuses that Overbrook  
25 Farms and other neighborhoods that are in

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2           close proximity to a university campus  
3           are experiencing at the hands of these  
4           landlords, many of whom don't even live  
5           in the City.

6                   As taxpayers and voters in the  
7           City of Philadelphia, the residents of  
8           Overbrook Farms and the Overbrook Farms  
9           Club would like to see more stringent law  
10          and enforcement that is being proposed by  
11          Councilman Jones passed by the  
12          Philadelphia City Council.

13                   Thank you.

14                   COUNCILWOMAN SANCHEZ: Thank  
15          you.

16                   Michael Reid.

17                   MR. REID: Yes, Madam Chair.  
18          My name is Michael Reid, and I live at  
19          2341 North 52nd Street, in Wynnefield. I  
20          am Vice President of the Wynnefield  
21          Residents Association, and I'm here to  
22          support Bill No. 100613.

23                   I'd like to state for the  
24          record that I live -- next door to me, a  
25          house was bought in 2009 by a Kimberly

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2           Wannop. And when I met Ms. Wannop, she  
3           told me, in 2009, that she had no plans  
4           to put students in there. Well, six  
5           months later, here comes eight students  
6           moving.

7                   In 2009, I called L&I. L&I's  
8           been very helpful. They came and  
9           inspected the property on August 2009,  
10          and they were found to be more than three  
11          unrelated persons there. A reinspection  
12          was done on 11/18/09, and the property  
13          was found noncompliant, and the inspector  
14          immediately sent the case to court.

15                  This case was heard in the  
16          Court of Common Pleas on May 13th, and  
17          the judge found the owner out of  
18          compliance and handed a \$10,000  
19          injunction to be imposed if they ever  
20          were found to have that situation again.

21                  Well, that didn't deter the  
22          owner. In fact, two weeks after that,  
23          two more students moved in. Licenses and  
24          Inspections returned to the house and  
25          found it to be out of compliance. The

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2                   case was brought back to court.

3                   Not to belabor. What happened  
4                   was, it went to court again, and the  
5                   judge gave the owner three, four weeks to  
6                   comply to get the house down into  
7                   compliance. Well, what the owner did was  
8                   brought pictures back that showed that  
9                   there were -- three of the rooms  
10                  padlocked.

11                  We live in a neighborhood where  
12                  there's single-family homes, and there's  
13                  six to seven bedrooms per house. Well,  
14                  the judge said he did not like the law,  
15                  and he was not going to impose the fine  
16                  because he did not like the law.

17                  So consequently, when they  
18                  brought the pictures back, the judge said  
19                  he was satisfied, and the case was  
20                  dismissed. So we get no help even from  
21                  the courts.

22                  It appears L&I does their jobs;  
23                  the community leaders, we do our jobs.  
24                  Subsequently now, these students live --  
25                  they look at us with disdain and with the

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2           behavior as "We can do what we want to  
3           do, and there's nothing you can do about  
4           it."

5                   We have to clean trash up on  
6           Saturdays and Sundays from after parties.  
7           There's no parking on our block; and not  
8           only on my block; there's quite a few  
9           houses in Wynnefield that are in the same  
10          condition.

11                   So we are strongly in favor of  
12          the bill so that, hopefully, we can get  
13          some relief.

14                   COUNCILWOMAN SANCHEZ: Thank  
15          you.

16                   I have someone that was added,  
17          a Charles Dennis.

18                   COUNCILMAN JONES: Saurman, I  
19          think.

20                   COUNCILWOMAN SANCHEZ: Okay.  
21          You can proceed. I just want to make  
22          sure I don't miss out on the community  
23          residents.

24                   MR. SAUERMAN: Sure. Members  
25          of the committee, my name is Tom Saurman,

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2                   and I am President of the East Falls  
3                   Community Council. The Council  
4                   represents and advocates for the  
5                   residents of our community, and we are  
6                   dedicated to the improving the quality of  
7                   life of all of those who live in East  
8                   Falls.

9                   We very much appreciate the  
10                  support of Councilman Jones in this  
11                  regard. The bill that he has introduced,  
12                  as amended, will strengthen the tools L&I  
13                  has at its disposal. Then it will be a  
14                  question of enforcement.

15                 I don't know where each of you  
16                 lives, but I think if you lived in one of  
17                 the approximate 3,000 rowhomes in East  
18                 Falls, you would be sitting up here at  
19                 this table, testifying along with us.

20                 I will talk to you about the  
21                 general conditions in our neighborhood.  
22                 And our Zoning and Land Use Chairperson,  
23                 Meg Greenfield, will address the proposed  
24                 amendments and how we believe that the  
25                 bill can even be further strengthened.

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East Falls is the home of Philadelphia University, Eastern University, and Drexel University School of Medicine. Our quality housing, good public transportation, and location attract other students from Temple University, St. Joe's, LaSalle, and many other schools around the City. Well located, East Falls is a great place to live while attending school.

And I must commend at this point Philadelphia University for its willingness to work with the community and to address the problems presented by its students whenever we bring those students or the situations to the University's attention.

However, college students are not always the best neighbors. Their landlords frequently do nothing to help protect our neighbors from typical problems: All-night parties that often spill out into the street; students urinating wherever they are so inclined;

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2           the destruction of neighboring  
3           properties; and that list goes on.

4                   All too often, the students  
5           exceed the City's limit of no more than  
6           three unrelated persons in one  
7           residential unit. Each of those students  
8           is often likely to have their own car,  
9           and those cars crowd our streets. And  
10          many of those cars, because they can walk  
11          to school, those cars remain stationery  
12          all week long in a block of solid  
13          rowhouses.

14                   In one three-block area of  
15          Stanton and Calumet Streets, there are 67  
16          rental houses, many of which are occupied  
17          by students.

18                   And while the actions of the  
19          college students are often the cause of  
20          the complaint, the source of the problem  
21          is the landlord. Many East Falls  
22          landlords do not bother to obtain rental  
23          licenses, as shown on the attached list  
24          compiled by L&I, after we supplied it  
25          with the list of the addresses of known

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2           rentals.

3                   If you look at that sheet, you  
4           will see three pages of single-spaced  
5           listings of landlords who rent. The  
6           majority of those landlords do not pay  
7           their renter's license fees. This is a  
8           problem.

9                   The students are a part of the  
10          problem, but the source of the problem is  
11          clearly the landlord, who ignores every  
12          rule and regulation.

13                  Many landlords do not comply  
14          with either the housing -- the  
15          Educational Housing Ordinance or the no  
16          more than three unrelated persons per  
17          unit in the City code.

18                  We have contacted many of these  
19          landlords to request their cooperation  
20          only to be met, in most cases, with  
21          silence. Those that do respond say,  
22          "Well, I only leased it to three," or  
23          they deny the presence of more than  
24          three, even though they're there  
25          sometimes to collect rent or to solve a

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2                   problem. Or they say, Oh, they didn't  
3                   know. They very rarely take remedial  
4                   action, and the problems continue.

5                   We commend Councilman Jones for  
6                   trying to address these problems with his  
7                   bill, as amended.

8                   Meg Greenfield has a few  
9                   additional comments and questions of the  
10                  committee.

11                  Thank you very much.

12                  COUNCILWOMAN SANCHEZ: Thank  
13                  you.

14                  You may proceed.

15                  MS. GREENFIELD: My name is Meg  
16                  Greenfield. I chair the Zoning and Land  
17                  Use Committee of East Falls Community  
18                  Council, and I appreciate, Madam Chair,  
19                  and Councilman Jones and Councilman  
20                  Greenlee, the opportunity to speak to you  
21                  today.

22                  I have worked for a number of  
23                  years with neighbors who suffer through  
24                  the problems that Tom has described and  
25                  Philadelphia University and the Police

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2           Department to deal with the students who  
3           are not good neighbors; and, I should  
4           say, to deal with the landlord who are  
5           not good neighbors.

6                   We need your help to deal with  
7           the landlords who fail to register their  
8           rental properties and fail to abide by  
9           the ordinances of the City. The  
10          violations have resulted in anguish on  
11          the part of longtime residents and the  
12          departure of newer residents who had  
13          hoped to stay and raise families here.  
14          And those are very significant losses.

15                  We appreciate the support of  
16          Councilman Jones in trying to address our  
17          problems which are shared with our  
18          friends who live near St. Joe's  
19          University.

20                  I want to address the  
21          amendments proposed by Councilman Jones.  
22          Enforcement of all code requirements for  
23          licensing is key to improving compliance.  
24          Any landlord who repeatedly violates any  
25          of the rules, whether by not obtaining a

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2           license, not adhering to the no-more-  
3           than-three-unrelated-persons-in-a-  
4           residential-unit rule, which is across  
5           the City and not merely in Educational  
6           Housing Districts, or failure to comply  
7           with the other terms of the Educational  
8           Housing Ordinance, or failure to pull a  
9           permit when he's doing construction,  
10          should not be allowed to continue to rent  
11          the property in question to anyone.

12                   We suggested, and our  
13          councilman agreed, that three strikes is  
14          a good rule, whether you're fined or not.  
15          A violation is a violation; three  
16          strikes, and you're out of the game for  
17          three years.

18                   But it's unclear to me whether  
19          safety violations would trigger this  
20          three-strike rule. They clearly should.

21                   Whether it's the failure to  
22          have working smoke detectors, failure to  
23          meet the fire code, or construction done  
24          without required permits or inspections,  
25          each of these presents a safety hazard to

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2           the tenants and to all neighbors in a row  
3           of attached houses.

4                   Each such violation should be a  
5           strike against you under this ordinance;  
6           and to the extent it's not, I would ask  
7           for further amendment.

8                   I have a question for the  
9           panel, and I don't know whether you know  
10          the answer, and I'm sorry that L&I has  
11          left.

12                   COUNCILWOMAN SANCHEZ: They're  
13          here.

14                   MS. GREENFIELD: Maybe they can  
15          tell us.

16                   Does L&I share a list of rental  
17          properties, licensed or otherwise, with  
18          the Revenue Department so that the  
19          Revenue Department can make sure that the  
20          income is being reported and taxes paid?  
21          L&I should be required to do so, and the  
22          Revenue Department should be required to  
23          follow up.

24                   I suspect strongly, though I  
25          can't prove it, that the people who don't

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2           bother to pull licenses are also not  
3           reporting their income to the feds, the  
4           State, or the City. The cost of the  
5           license is too little; unless, of course,  
6           they don't want to be inspected and found  
7           otherwise out of compliance.

8                   So I ask that that information  
9           be shared on a regular basis and that  
10          whenever L&I finds an unlicensed  
11          property, it immediately reports that  
12          property owner to the Revenue Department  
13          for follow-up.

14                   We commend Councilman Jones for  
15          this bill. We urge your support in  
16          making this bill as strong as can be.

17                   We need one more thing from  
18          you: A mandate for enforcement. A part  
19          of our problem is the landlord's  
20          perception that L&I cannot, or will not,  
21          enforce the rules. And that means it  
22          needs the support of the City Solicitor's  
23          Office. Please give L&I the tools, and  
24          make sure that enforcement happens.

25                   Perceptions and reality must

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2           change for the health, safety, and peace  
3           of mind of the neighbors and tenants and  
4           to preserve and improve our  
5           neighborhoods.

6                   Thank you for the opportunity  
7           to appear before you.

8                   COUNCILWOMAN SANCHEZ: Thank  
9           you.

10                   I don't know if anybody else  
11           has any testimony. I don't know if  
12           Miss Kennedy wants to come back and  
13           clarify for the record, 'cause we do do a  
14           cross reference with the Revenue  
15           Department and recently, over the last  
16           couple of years, have strengthened that.  
17           But I don't know if she wants to put that  
18           on the record so folks get that  
19           clarified.

20                   And if you could please stay,  
21           because councilman Greenlee has some  
22           questions for the panel, so you can stay.

23                   (Ms. Kennedy and Deputy  
24           Commissioner Maenner return to witness  
25           table.)

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2                   COUNCILWOMAN SANCHEZ: But I  
3 just wanted Miss Kennedy to --

4                   MS. MAURER: Thank you,  
5 Councilwoman.

6                   We do cross-reference when find  
7 that someone is not in compliance and  
8 does not have a housing inspection  
9 license. We make them -- you know, they  
10 have to come in into compliance and get  
11 one.

12                  And before you can do that, you  
13 need to obtain a business-privilege  
14 license and a Philadelphia tax ID number,  
15 and that's the mechanism through which  
16 Revenue, and that's the mechanism through  
17 which Revenue enforces the fact that they  
18 are paying taxes.

19                  And also, to address the  
20 previous panel's other question regarding  
21 what types of violations would fall under  
22 this enforcement tool: All types of  
23 violations.

24                  So any violations that are  
25 adjudicated by the courts, you know, to

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2                   be deemed an issue would fall under this,  
3                   whether they're a fire code or you know,  
4                   property maintenance issues.

5                   COUNCILWOMAN SANCHEZ: Thank  
6                   you. I thought that was important to say  
7                   for the record.

8                   I want to acknowledge  
9                   Councilman Bill Greenlee.

10                  COUNCILMAN GREENLEE: Thank  
11                  you, Madam Chair.

12                  Actually, two questions. One  
13                  you brought up. Just so I'm clear on the  
14                  bill, these are violations that the  
15                  strikes, if you will, they go just on the  
16                  written violations, or when they go to  
17                  court? I'm not clear.

18                  MS. MAURER: So this would be  
19                  triggered by three types -- three issues  
20                  that are adjudicated by the courts and  
21                  found to be an issue, so deemed out of  
22                  compliance by the courts.

23                  COUNCILMAN GREENLEE: So they  
24                  have to go to the court.

25                  MS. MAURER: Right.

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2                   COUNCILMAN GREENLEE: So in  
3                   that case, Mr. Reid's issue, that  
4                   wouldn't have counted as a strike because  
5                   the judge threw out the violation,  
6                   correct?

7                   MS. MAURER: Yes.

8                   COUNCILMAN GREENLEE: Am I  
9                   right?

10                  MS. MAURER: Right.

11                  COUNCILMAN GREENLEE: Okay.

12                  MS. MAURER: So our procedure  
13                  is that we issue three citations, three  
14                  violations.

15                  COUNCILMAN GREENLEE: Right,  
16                  right.

17                  MS. MAURER: And then after  
18                  that, we take them to court.

19                  COUNCILMAN GREENLEE: Mm-hmm.

20                  MS. MAURER: And then it's in  
21                  the court's hands to decide what the next  
22                  appropriate action is.

23                  COUNCILMAN GREENLEE: So --  
24                  wait a minute. Just so I'm clear, so  
25                  that strike doesn't count until there's a

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2                   judgment by the court; am I right?

3                   MS. MAURER: Right.

4                   COUNCILMAN GREENLEE: Okay. I  
5                   wasn't clear on that 'cause I -- and I  
6                   don't -- judging by Ms. Greenfield's  
7                   face, I don't think she understood that  
8                   either.

9                   MS. GREENFIELD: Yeah, I  
10                  didn't. And may I say that that bothers  
11                  me, because all the landlord has to do is  
12                  say, Okay, you're right, I did it, I'll  
13                  pay my fine. And it never goes to court,  
14                  and he never get three strikes.

15                 COUNCILWOMAN SANCHEZ: No, no,  
16                  no. I think the clarification is that  
17                  once there's some sort of judgment issued  
18                  in Equity Court. So a fine is a  
19                  demonstration of a definite strike.

20                 MS. GREENFIELD: Yeah, but if  
21                  I'm a landlord, and I agree with your  
22                  finding, and it never goes to court, then  
23                  it won't count, from what I understand  
24                  her to be saying.

25                 MS. MAURER: So if we went

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2                   through the court process and they came  
3                   into compliance after the court process  
4                   has been started, we would have a  
5                   negotiated guilty plea, and that would  
6                   still count as a strike in that case.

7                   MS. GREENFIELD: And suppose  
8                   the person agrees with you before you  
9                   ever get to the court process? You serve  
10                  a notice of violation, and the person  
11                  says, "You're right."

12                 COUNCILWOMAN SANCHEZ: That's a  
13                  guilty plea. That's what her point is.

14                 (Indiscernible; parties talking  
15                  over each other.)

16                 MS. MAURER: If you come into  
17                  compliance prior to we escalate it to  
18                  court, that would be our end goal there.  
19                  The property would be back into  
20                  compliance with the Property Maintenance  
21                  Code standards.

22                 MS. GREENFIELD: And that would  
23                  be the end of it, and it wouldn't count.  
24                  And yet, they could do that over and over  
25                  and over again.

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2                   COUNCILMAN GREENLEE: No.

3                   Madam Chair?

4                   COUNCILWOMAN SANCHEZ: Go

5                   ahead.

6                   COUNCILMAN GREENLEE: I'm  
7                   trying to help straighten this out. The  
8                   fine doesn't happen till there starts to  
9                   be a court action, right?

10                  MS. MAURER: Right.

11                  COUNCILMAN GREENLEE: I mean,  
12                  when your initial violation is written --

13                  MS. MAURER: Fines are imposed  
14                  by the court.

15                  COUNCILMAN GREENLEE: Okay,  
16                  right. So if they paid a fine,  
17                  Miss Greenfield, they would be --

18                  MS. GREENFIELD: I know -- I  
19                  understand that. I had understood that  
20                  we were no longer going to require a fine  
21                  in order to be found -- or an order to  
22                  have a strike.

23                  Now I -- because it is my  
24                  understanding that sometimes the courts  
25                  do not impose fines. They may find you

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2                   guilty not impose a fine.

3                   COUNCILWOMAN SANCHEZ: But the  
4                   guilty is the trigger.

5                   MS. MAURER: Right.

6                   (Indiscernible; parties talking  
7                   over each other.)

8                   MS. GREENFIELD: And that's  
9                   what my problem is, that it requires a  
10                  guilty plea of some kind at the court  
11                  level, even if it's by agreement, in  
12                  order to be a strike.

13                  And, therefore, you could have  
14                  a landlord who, three times in three  
15                  years, rents to five kids, gets caught,  
16                  comes into compliance conveniently at the  
17                  end of the school year, and does it all  
18                  over again at the next year. And he will  
19                  never lose his license.

20                  COUNCILMAN JONES: Well, let's  
21                  clarify. I think it's important; that's  
22                  why we have hearings, to clarify what a  
23                  strike is.

24                  And so, for the record, so that  
25                  it is encoded in the law, that a strike

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2                   means that you have cited him, and that  
3                   they have gone to court irrespective -- I  
4                   guess, Miss Greenfield's issue is, if I  
5                   negotiate it out of court, I said, Well,  
6                   you know, that fire extinguisher was not  
7                   there; I just went and got one. Is that  
8                   a strike?

9                   DEP. COMM. MAENNER: No.

10                  MS. MAURER: Not all violations  
11                  are strikes. Only ones that have been  
12                  adjudicated by the courts are strikes.

13                  MS. GREENFIELD: That's my  
14                  problem.

15                  COUNCILMAN JONES: All right.

16                  COUNCILWOMAN SANCHEZ: Duly  
17                  noted.

18                  Councilman Greenlee had another  
19                  question.

20                  COUNCILMAN GREENLEE: Okay.  
21                  And just to add to that, there's probably  
22                  a legal reason why it has to be that way,  
23                  I think.

24                  MS. GREENFIELD: Not if they  
25                  agree.

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2                   (Indiscernible; parties talking  
3 over each other.)

4                   COUNCILWOMAN SANCHEZ: Wait,  
5 wait, wait, wait.

6                   MS. MAURER: We always need to  
7 give the owner the legal right --

8                   COUNCILMAN GREENLEE: Yeah.  
9 There has to be a process.

10                  MS. MAURER: -- to comply with  
11 the violation before we can take  
12 enforcement action.

13                  COUNCILMAN GREENLEE: Right.  
14 And let me just ask another question  
15 while you're up here. I was thinking  
16 about it and forgot it before you  
17 finished your testimony.

18                  What are the kind of things  
19 that you look for, or an inspector looks  
20 for, to determine if you're violating the  
21 more than three persons. Like in  
22 Mr. Reid's thing, it was kind of obvious  
23 that there's six bedrooms, and they all  
24 look occupied. But I know there are some  
25 that aren't maybe as clear-cut. You

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2                   know, maybe, you know, two or three  
3                   people staying in a bedroom that's only a  
4                   two- or three-bedroom house. You know,  
5                   that kind of thing.

6                   MS. MAURER: Yes.

7                   COUNCILMAN GREENLEE: So I'm  
8                   wondering what you kind of look for.

9                   MS. MAURER: I'll defer to  
10                  Deputy Commissioner Maenner for this  
11                  question.

12                 COUNCILMAN GREENLEE: All  
13                  right.

14                 DEP. COMM. MAENNER: Good  
15                  afternoon.

16                 COUNCILMAN GREENLEE: Good  
17                  afternoon.

18                 DEP. COMM. MAENNER: My name is  
19                  Mike Maenner. I'm Deputy Commissioner of  
20                  Licenses and Inspections.

21                 The inspector goes into the  
22                  field, they can walk through a property.  
23                  They look for personal items --

24                 COUNCILMAN GREENLEE: Right.

25                 DEP. COMM. MAENNER: -- of more

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2           than three people; maybe pictures, books,  
3           computers.

4                   They look for a lease, whether  
5           it's signed by three or less people.

6                   There are many properties that  
7           do have four bedrooms.

8                   COUNCILMAN GREENLEE: Right.

9                   DEP. COMM. MAENNER: I have  
10          four bedrooms in my house, but there's  
11          only three people that live there. So  
12          you can't go by the number of bedrooms.

13                  COUNCILMAN GREENLEE: Mm-hmm.

14                  DEP. COMM. MAENNER: So they do  
15          their due diligence in trying to  
16          ascertain how many people live in the  
17          property.

18                  COUNCILMAN GREENLEE: Yeah.

19          The reason I bring that up, I know  
20          sometimes that's a dispute. And,  
21          obviously, these problems are more  
22          intense, I think, around universities.

23                  But it's really all over the  
24          City. I know in my area, we have a lot  
25          of that. You know, students live in

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2           houses; they're renters. Oftentimes the  
3           renters, like in Mr. Reid's case and, I'm  
4           assuming, in East Falls from the evidence  
5           you gave, they don't live anywhere near  
6           the community, so they don't really care  
7           a heck of a lot about what goes down  
8           there. It's kind of an income-producing  
9           thing.

10                   So, okay. I just wanted to  
11           make clear what you kind of look for in  
12           determining, you know, what decides  
13           whether there's more than three people  
14           there, 'cause I know sometimes in my  
15           area, we got this thing, "Well, this is  
16           my brother. He's staying over for a  
17           couple of days."

18                   COUNCILWOMAN SANCHEZ: Mm-hmm.

19                   COUNCILMAN GREENLEE: Or "This  
20           is my girlfriend, who stayed over  
21           tonight." You know, that kind of thing,  
22           you know.

23                   So I guess in some ways it has  
24           to be a judgment call, I guess.

25                   DEP. COMM. MAENNER: Well, you

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2                   understand the difficulties.

3                   COUNCILMAN GREENLEE: Yeah, no.

4                   That's what I mean. That's why I sort of

5                   wanted to get it on the record.

6                   All right. Thank you.

7                   Thank you, Madam Chair.

8                   COUNCILMAN JONES: Madam Chair?

9                   COUNCILWOMAN SANCHEZ: Yes,

10                  Councilman Jones.

11                  COUNCILMAN JONES: One of the

12                  things we have to clarify -- and I see

13                  Meg's point -- is that when we have

14                  that -- where there is a citation and

15                  then there is a remediation, that that

16                  fire extinguisher was not there, and

17                  then, you know, we allow them opportunity

18                  to correct it, that still doesn't

19                  mitigate the strike.

20                  And how do we -- the question

21                  becomes: How do we then maintain that?

22                  Even though the court interprets that you

23                  should have a time to correct the

24                  violation or remove the problem. But

25                  it's still a cited problem that we have

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2                   memorialized somehow.

3                   And I don't know how -- speak  
4                   freely.

5                   DEP. COMM. MAENNER: Sometimes  
6                   property owners are victims of vandalism;  
7                   for instance, graffiti. The property  
8                   owner didn't put the graffiti. Now, in a  
9                   case like that, they may be victimized  
10                  twice.

11                  COUNCILMAN JONES: Mm-hmm.

12                  DEP. COMM. MAENNER: Somebody  
13                  could come by and tear down their copper  
14                  downspout; now the property owner gets  
15                  victimized twice.

16                  So it's clear that when a court  
17                  or a negotiated guilty plea happens, then  
18                  that's a strike.

19                  COUNCILMAN JONES: Okay. What  
20                  I would like to do is work with Judge  
21                  Dembe to have a different -- there's two  
22                  things that have to happen in concert  
23                  with this law:

24                  One, enforcement. That's one  
25                  shoe that has to fall that we are going

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2           to vigorously go out and look for these  
3           things.

4                   And then the second thing is  
5           that once it gets into the court system,  
6           that there is a greater emphasis placed  
7           on the concerns of town-and-gown issues  
8           in the court.

9                   And I think that may be a  
10          meeting that we will have over the summer  
11          with Judge Dembe, to try to kind of  
12          sensitize the courts to some of the  
13          gravity of the issues.

14                   And I don't know if there's a  
15          way to tighten it without -- tighten the  
16          law today without violating the rights of  
17          the property owners, which I do not want  
18          to do.

19                   But I want to kind of intensify  
20          what the potential loss is, and I think  
21          this bill does that.

22                   But what we have to do is two  
23          prongs: Enforcement and also the  
24          interpretations of the court on how  
25          serious this is.

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2                   Thank you, Madam Chair.

3                   COUNCILWOMAN SANCHEZ: I have  
4 one more question.

5                   Do you have another questions,  
6 Councilman Greenlee?

7                   COUNCILMAN GREENLEE: Yeah,  
8 just one thing on a kind of a follow-up  
9 if I could.

10                  I guess maybe a legal problem  
11 could be -- and I'm just throwing this  
12 out there as a thought. Basically, the  
13 L&I violations, I guess, could almost be  
14 called "accusations" against the owner.

15                  And until it gets to the court,  
16 you can't really probably make that  
17 legally enforceable as far as these  
18 penalties. Am I saying that kind of  
19 right?

20                  I mean, they're violations but,  
21 they're -- you know, they're contestable,  
22 I guess is the --

23                  DEP. COMM. MAENNER: They're  
24 contestable, correct.

25                  COUNCILMAN GREENLEE: It isn't

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2                   until they get to court or pay the fine  
3                   that they're actually guilty.

4                   DEP. COMM. MAENNER: Correct.

5                   COUNCILMAN GREENLEE: I mean,  
6                   am I saying that sort of right?

7                   DEP. COMM. MAENNER: Yes.

8                   COUNCILMAN GREENLEE: Okay.

9                   MS. GREENFIELD: And my,  
10                  question with all due respect, is whether  
11                  there this is a way that this can be  
12                  shaped so that at least certain  
13                  violations, where the landlord is clearly  
14                  in violation and in control; I'm not  
15                  talking about downspouts, which are  
16                  outside.

17                  But a landlord should have some  
18                  responsibility for figuring out how many  
19                  people are living in his house. And a  
20                  landlord has an uncontestable  
21                  responsibility for putting certain things  
22                  in his lease under the terms of the  
23                  Educational Housing Act and doing certain  
24                  things there; which, if he doesn't do  
25                  them, he can't blame on somebody else.

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2                   And I don't think it should  
3                   turn on whether he's gotten a fine or  
4                   whether he kind -- to make it a strike,  
5                   or whether he brought himself into  
6                   compliance and does so repeatedly only  
7                   after he's caught, when he cannot blame  
8                   anyone but himself.

9                   And there has to be some kind  
10                  of presumption, at least for some of  
11                  these violations, that you didn't do it,  
12                  and you should have done it, and you  
13                  don't have any excuse, and you can't  
14                  blame anyone else, and you've been told,  
15                  and you had notice, and you haven't  
16                  proven to us that it didn't happen.  
17                  You're not contending it didn't happen.  
18                  And it goes on over and over and over  
19                  again.

20                  Now, I've never drafted  
21                  legislation. I don't remember enough  
22                  from law school to be able to say whether  
23                  it's draftable to cover this kind of  
24                  situation.

25                  But for chronic evaders, there

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2           ought to be something we can do short of  
3           having to go to court. The resources it  
4           takes to do that. Maybe we need an  
5           administrative procedure, which is a  
6           formal hearing. And then if they want to  
7           appeal to the court, fine, but they've  
8           had their day in court and the  
9           administration process. And that is used  
10          in many areas.

11                   COUNCILMAN JONES: I'm sorry,  
12          Madam Chair.

13                   Two parts of your question.  
14          Are there violations that you deem so  
15          serious that there's a cease-and-desist  
16          right away?

17                   DEP. COMM. MAENNER: Yes.

18                   COUNCILMAN JONES: Pardon me?

19                   DEP. COMM. MAENNER: Yes.

20                   COUNCILMAN JONES: All right.  
21          So what are they?

22                   DEP. COMM. MAENNER: We have a  
23          cease-operations policy. Severe  
24          life-safety issues, structural  
25          instability of a building, violations of

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2                   putting up an addition without a permit.

3                   COUNCILMAN JONES: So those  
4                   things we still have as tools right away,  
5                   that if we came on a building and that  
6                   was in violation of those particular  
7                   categories, we could shut 'em down right  
8                   away.

9                   DEP. COMM. MAENNER: And that's  
10                  still subject to a temporary restraining  
11                  order. The person could get a temporary  
12                  restraining order against our action.

13                  COUNCILWOMAN SANCHEZ: I want  
14                  to recognize Councilman Green.

15                  I guess one of the  
16                  frustrations, and we see it all the time  
17                  sitting at this side of the table, is  
18                  that we write laws for the bad guys. And  
19                  bad guys are bad guys. And so then, you  
20                  have all of these good guys and then you  
21                  have all of these bad guys.

22                  My question is, if you can  
23                  clarify, cause, for instance, I'm looking  
24                  at the list provided by Mr. Saurman. And  
25                  there's a William H. Ross III who has

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2                   eleven properties. No licenses.

3                   And I think the frustration is,  
4                   what are we --

5                   MS. GREENFIELD: That's just in  
6                   the three-block area.

7                   COUNCILWOMAN SANCHEZ: That's  
8                   just in the three-block area?

9                   MS. GREENFIELD: He owns a lot  
10                  more than that.

11                  COUNCILWOMAN SANCHEZ: So I  
12                  guess the question is, notwithstanding  
13                  this legislation that obviously has to  
14                  pass legal muster: What do we do with  
15                  these chronic of kind violators?

16                  DEP. COMM. MAENNER: That list  
17                  is approximately a year, a year-and-a-  
18                  half old. I can provide an updated list  
19                  for --

20                  COUNCILWOMAN SANCHEZ: So he's  
21                  come into compliance for all these  
22                  properties?

23                  DEP. COMM. MAENNER: I don't  
24                  know.

25                  COUNCILWOMAN SANCHEZ: Okay.

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2                   So that's the frustration.

3                   (Indiscernible; parties talking  
4                   over each other.)

5                   COUNCILMAN JONES: Madam Chair,  
6                   you're right on point. There are two  
7                   things that we have to do. We have to  
8                   tighten the laws and then  
9                   administratively tighten the screws.

10                  COUNCILWOMAN SANCHEZ: Mm-hmm.

11                  COUNCILMAN JONES: And to be  
12                  able to kind of take this a little more  
13                  seriously.

14                  We've got a lot of other  
15                  problems as a municipality but these are  
16                  problems that are the quality-of-life  
17                  problems that drive people out of the  
18                  City.

19                  COUNCILWOMAN SANCHEZ: I agree.  
20                  Councilman Green you wanted to  
21                  add?

22                  COUNCILMAN GREEN: Yeah.

23                  Mr. Maenner, can you explain  
24                  why a list has been floating around with  
25                  a landlord that does not have rental

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2           licenses, and we don't know the answer  
3           for this hearing of whether or not the  
4           person is in compliance?

5                   In other words, isn't a large  
6           part of the frustration of communities  
7           the complete lack of enforcement of the  
8           laws that we do pass and that exist. And  
9           isn't that just as likely to be the case  
10          when we pass this law?

11                   DEP. COMM. MAENNER: I didn't  
12          see that list until I came into this  
13          room.

14                   MS. GREENFIELD: I received it  
15          from you, Mr. Maenner.

16                   DEP. COMM. MAENNER: A  
17          year-and-a-half ago.

18                   MS. GREENFIELD: A year-and-a-  
19          half ago.

20                   COUNCILWOMAN SANCHEZ: Okay.

21                   MS. GREENFIELD: And you can't  
22          tell us whether --

23                   (Indiscernible; parties talking  
24          over each other.)

25                   COUNCILWOMAN SANCHEZ: Okay.

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2                   This back-and-forth is not appropriate.

3                   Let the Commissioner respond.

4                   DEP. COMM. MAENNER: We've  
5                   provided updates since then. I don't  
6                   have the updated list with me.

7                   But yes, we go out -- every  
8                   time we get a complaint, we go out and we  
9                   make an inspection of that property.

10                  COUNCILMAN GREEN: So I  
11                  personally would like to get to see  
12                  what -- if you could provide to the Chair  
13                  a copy of that list updated to today,  
14                  with any violations that were issued  
15                  during that time period.

16                  I mean, the fundamental problem  
17                  here is one of enforcement. And you  
18                  won't answer the question, not because --  
19                  'cause you can't, 'cause of the position  
20                  you're in. But I'll answer it for you.

21                  And the answer is: We don't  
22                  have enough inspectors. Inspectors don't  
23                  work on weekends usually. They have  
24                  to -- okay, our problem is, we're not  
25                  investing the resources in L&I, in

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2           Revenue, in the departments that really  
3           are in charge of quality of life in  
4           neighborhoods. And so, I think that's  
5           part of the problem.

6                   With respect to your issue  
7           about the law, I'm not sure we can do  
8           something on a violation. It has to be  
9           proven to actually be true, so there'd  
10          have to be a hearing process.

11                  So I think the way the law is  
12          written works. And if it doesn't work,  
13          then we can amend the law. But let's see  
14          if we can make some progress here, is  
15          what I would suggest.

16                  So those are my only comments.  
17          Thank you.

18                  MS. GREENFIELD: Thank you very  
19          much, Councilman.

20                  DEP. COMM. MAENNER: Just to  
21          add to that, we have an R2 program. And  
22          what do is, we get a delinquent list of  
23          licenses, and our inspectors go to those  
24          properties to make the -- sometimes the  
25          license is -- the property was bought by

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2                   a property owner and it's no longer a  
3                   rental property.

4                   But we do -- we are proactive  
5                   in the delinquent licensing list.

6                   MS. MAURER: One other thing I  
7                   wanted to add too is that you probably  
8                   saw an announcement we made a couple  
9                   weeks ago about our lapsed license  
10                  project.

11                  We're actually just taking the  
12                  time right now to cull through all of  
13                  our -- there's approximately 65,000 HILs  
14                  along with all of our other different  
15                  types of licenses. We contact the owners  
16                  of the lapsed licenses, go out there and  
17                  reinspect, and try get those people back  
18                  on our rolls.

19                  So we are attempting to improve  
20                  our data and improve our inspections.

21                  COUNCILWOMAN SANCHEZ:  
22                  Councilman Jones, did you have something  
23                  to add?

24                  COUNCILMAN JONES: The only  
25                  thing I would say is: Again, it's a

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2           three-pronged strategy. Tighten the laws  
3           that exist up to be more detrimental to  
4           property owners that do not comply, which  
5           is what we're attempting to do today.

6                   That does not work unless we on  
7           the enforcement side actually go out and  
8           knock on some doors and do some detective  
9           work to prove these violations.

10                   And the third is to sensitize  
11           the courts to what this means to the  
12           average person who has to live next to  
13           this.

14                   And I just personally -- at  
15           56th and Windell, the first time I ever  
16           saw a keg roll down the street at 2:00 in  
17           the morning. It can disturb your sleep.  
18           So we have to sensitize the courts.

19                   COUNCILWOMAN SANCHEZ: We have  
20           one more neighbor, I believe, Charles  
21           Dennis, and now he's going to testify.

22                   And I just want to add and I  
23           think it's important. I mean, I agree  
24           with Councilman Green that we need more  
25           inspectors, and this becomes a budgetary

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2                   issue. And as Chair of L&I, I constantly  
3                   fight about how L&I has been gutted over  
4                   the last few years.

5                   And it's one of those things  
6                   that if quality of life is important to  
7                   us, we're going to have to give L&I some  
8                   additional resources so that these issues  
9                   can be resolved. I just had to put that  
10                  the on the record because it's one of the  
11                  budgets that we constantly cut at all the  
12                  time.

13                  MR. SAUERMAN: Madam  
14                  Chairperson, can I ask one question in  
15                  terms of the license? Is the license  
16                  considered a strike if the --

17                  DEP. COMM. MAENNER: Yes.

18                  MR. SAUERMAN: -- if they have  
19                  not done a license?

20                  COUNCILMAN JONES: Yes.

21                  MR. SAUERMAN: So if they buy  
22                  the license immediately afterwards, does  
23                  that negate the strike? Or the fact that  
24                  they've been out of compliance  
25                  potentially for years, does that apply?

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2                   COUNCILWOMAN SANCHEZ: I'll let  
3 the Commissioner respond to that.

4                   DEP. COMM. MAENNER: I would  
5 say it would. It's a violation.

6                   MS. GREENFIELD: But there's no  
7 judgment.

8                   MR. SAUERMAN: Well, that's the  
9 question. That's why I was wondering.  
10 Because it is a license versus a physical  
11 violation.

12                   DEP. COMM. MAENNER: It would  
13 have to be adjudicated by the courts.

14                   MR. SAUERMAN: Okay, all right.  
15 Thank you.

16                   COUNCILWOMAN SANCHEZ: So,  
17 obviously, we have a little bit more work  
18 to do. I think Councilman Jones is very,  
19 very much committed to working through --

20                   COUNCILMAN JONES: These are  
21 good points.

22                   COUNCILWOMAN SANCHEZ: --  
23 potential loopholes that we're finding  
24 here.

25                   I just want to get through the

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2           rest of the list 'cause we have three  
3           more people.  
4                   MS. GREENFIELD: Thank you very  
5           much.  
6                   COUNCILWOMAN SANCHEZ: Thank  
7           you so very much.  
8                   We have three additional  
9           people.  
10                  And I want to invite up the  
11           local universities:  
12                  Rob Skomorucha, from  
13           Philadelphia University, Director of  
14           Corporate and Foundation Relationships;  
15                  John Henfy, from St. Joseph's  
16           University, Director of Public Safety and  
17           Security;  
18                  And then after that, I have our  
19           good friend Phil Lord, who lives there.  
20                  I don't know if there's anybody  
21           else.  
22                  As soon as we finish with the  
23           universities, then I'll ask Mr. Charles  
24           Dennis to join Phil Lord, who will be our  
25           final witness.

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2                   (Witnesses come forward.)

3                   COUNCILWOMAN SANCHEZ: Please  
4                   proceed.

5                   MR. SKOMORUCHA: Good  
6                   afternoon, Madam Chair and members of the  
7                   committee. I am Robert Skomorucha, the  
8                   Director of Corporate Foundation and  
9                   Government Relations at Philadelphia  
10                  University.

11                  And I ask to revise and extend  
12                  my written testimony because I need to  
13                  correct something with regard to how I  
14                  spelled Madam Chair's name.

15                  COUNCILWOMAN SANCHEZ: (Laughs.)  
16                  You see? That's okay. Don't worry about  
17                  it. It will be reflected in the record.

18                  MR. SKOMORUCHA: Allow me to  
19                  express appreciation to Councilmember  
20                  Jones for his public service and  
21                  representation of the citizens of the  
22                  Fourth District, which includes  
23                  Philadelphia University, and I'm grateful  
24                  that he and the members of his staff,  
25                  especially his Chief of Staff, Al Spivey,

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2                   and his Public Affairs Coordinator,  
3                   Morgan Sefus, engaged Philadelphia  
4                   University in a dialogue regarding this  
5                   bill and invited us to present testimony  
6                   today on its behalf.

7                   My testimony is plain and  
8                   direct: Philadelphia University supports  
9                   Bill No. 100613.

10                  Philadelphia University  
11                  endorses the effort to ensure compliance  
12                  with the Philadelphia Code, including  
13                  that owners of rental properties abide by  
14                  the proper license and certification  
15                  requirements, especially those requiring  
16                  that no more than three unrelated persons  
17                  may live in a single household unit. It  
18                  is hoped that the adoption of this bill  
19                  will assist in strengthening the  
20                  relationship among Philadelphia  
21                  University, our students, and our  
22                  community neighbors.

23                  Please know that at the  
24                  University, we place great importance on  
25                  educating our students about their

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2           personal responsibility and advising our  
3           neighbors on the University's policies  
4           regarding student accountability.

5                   And as part of that program of  
6           engagement and education, we promote  
7           awareness of the Education District Act.  
8           We require that our students register  
9           local addresses and motor vehicles, and  
10          we remind all to obey state and local  
11          ordinances regarding disturbing the  
12          peace, drinking laws, and parking  
13          restrictions.

14                   To the landlords in our  
15          community, we encourage that they observe  
16          and comply with all local ordinances,  
17          especially occupancy restrictions. And  
18          in addition, on those occasions when we  
19          interact with landlords, we remind them  
20          to acquire rental licenses from the  
21          Philadelphia Department of Licenses and  
22          Inspections.

23                   We support the men and women of  
24          the Philadelphia Police Department,  
25          especially the 39th District, which

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2           responds to violators of laws in our  
3           community. And we, without hesitation,  
4           remind everyone to call the police when  
5           disturbances or violations of the law  
6           arise.

7                   While we have limited  
8           jurisdiction for responding to off-campus  
9           disturbances by our students, we may  
10          hold, and we have held, students  
11          accountable under the community standards  
12          policies in our student handbook for any  
13          violation of the law. And that handbook  
14          is available online at  
15          philau.edu/studenthandbook.

16                   I'd like you to know that our  
17          Philadelphia University Dean of Students,  
18          Dr. Mark Govoni, along with Captain Steve  
19          Gwenn of the 39th Police District, meet  
20          with civic and community leaders on a  
21          quarterly basis. Through these and other  
22          meetings with neighbors and civic  
23          leaders, Philadelphia University works to  
24          establish effective communication  
25          channels to achieve mutual respect and a

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2           high quality of life for our community.

3                   Which leads us this to this  
4           point: At its core, the adoption of Bill  
5           No. 100613 would reaffirms the intention  
6           of our City leaders when they passed  
7           Philadelphia's first zoning code in 1933  
8           and established that single-family  
9           dwellings would be defined as "the home  
10          or residence of one family," and that a  
11          family will be defined "a person living  
12          independently, or a group of persons  
13          living as a single household unit, using  
14          housekeeping facilities in common, not to  
15          but include more than three persons  
16          unrelated by blood, marriage, or  
17          adoption."

18                   The continuing effort to  
19          promote and enforce compliance with the  
20          Philadelphia Code regarding single-family  
21          dwellings through this bill will, in our  
22          anticipation, help to sustain the  
23          residential characteristics of  
24          neighborhoods and contribute towards  
25          vibrant and strong communities throughout

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2           the City.

3                   Certainly the overwhelming  
4           proportion of property owners and  
5           managers, students and university  
6           officials demonstrate a pride in our city  
7           that is reflected in acts of personal  
8           responsibility and respect for our laws.

9                   And for that reason, it's often  
10          the case that a single-family dwelling  
11          may contain more than three unrelated  
12          tenants, including students, and those  
13          units pose little or no problem.

14                  However, it is almost always  
15          the case that when problems arise, it can  
16          be demonstrated that a disregard for our  
17          civic laws by property owners to rent to  
18          single-family units to more than three  
19          unrelated people is a leading and  
20          contributing factor.

21                  For that reason, Philadelphia  
22          University endorses the bill and its  
23          provisions to promote and enforce  
24          long-established the Philadelphia Code  
25          regarding single-household units.

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2                   We submit that such an effort  
3                   will directly promote the safety and  
4                   security of our students who choose to  
5                   live off-campus and in the community.  
6                   And we're confident that the adoption of  
7                   the bill will promote the strength and  
8                   well-being of community neighborhoods.

9                   Thank you for your  
10                  consideration, and I'd be happy to answer  
11                  any questions.

12                 COUNCILWOMAN SANCHEZ: Thank  
13                  you.

14                 Any questions from the members?

15                 COUNCILMAN GREENLEE: Real  
16                  quick.

17                 COUNCILWOMAN SANCHEZ:  
18                  Councilman Greenlee.

19                 COUNCILMAN GREENLEE: Thank  
20                  you, Madam Chair.

21                 I just was wondering. In your  
22                  testimony, you talk about, in addition,  
23                  on those occasions when we interact with  
24                  landlords. Do you make any attempt -- I  
25                  know there's one university in the City

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2           who has tried this, and I know you have  
3           to have the landlord's cooperation in  
4           this, to have some kind of formal  
5           interaction, maybe a group of landlords  
6           that you meet with and go over problems,  
7           that kind of thing?

8                   Have you tried that, or is that  
9           something that, you know, you think could  
10          happen?

11                   MR. SKOMORUCHA: In my relative  
12          newness to Philadelphia University, I do  
13          nonetheless have a lot of familiarity  
14          with this particular law and its  
15          application in Philadelphia and asked a  
16          lot of those questions upon my arrival at  
17          Philadelphia University.

18                   COUNCILMAN GREENLEE: Mm-hmm.

19                   MR. SKOMORUCHA: And I've been  
20          advised by Presidents Spinelli and  
21          Dr. Mark Govoni and Dr. Jeff Cromarty  
22          that yes, we have engaged landlords in  
23          formal and informal dialogues. In some  
24          ways, it still continues.

25                   COUNCILMAN GREENLEE: Mm-hmm.

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2                   MR. SKOMORUCHA: It is, to take  
3 a quote from the national stage, "a  
4 coalition of the willing."

5                   COUNCILMAN GREENLEE: Sure.

6                   MR. SKOMORUCHA: And so, that  
7 is one reason, and a strong reason, why  
8 we enforce the additional enforcement  
9 opportunities associated with this bill.

10                  COUNCILMAN GREENLEE: And I  
11 guess another question. Has there been  
12 much willingness on the part of the  
13 landlords, in your opinion? In general.  
14 I mean, I'm just --

15                  MR. SKOMORUCHA: Well, in  
16 general, yes. The overwhelming majority  
17 of folks want to do the right thing.

18                  COUNCILMAN GREENLEE: Mm-hmm.

19                  MR. SKOMORUCHA: And,  
20 certainly, for those who are relying on  
21 priority managers for an investment where  
22 they may be far afield from  
23 Philadelphia --

24                  COUNCILMAN GREENLEE: Mm-hmm.

25                  MR. SKOMORUCHA: -- some can be

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2           characterized as absentee landlords. But  
3           other ones, a large majority of them,  
4           want a solid, reliable investment  
5           property, with no problems, and they want  
6           to make sure that they're doing the right  
7           next thing.

8                   So they want the University to  
9           keep them informed, they want the  
10          students to be operating properly. They  
11          expect property enforcement from L&I, and  
12          they expect their property manager to be  
13          doing the right thing. It is not to  
14          their financial interest to have that  
15          happen.

16                   However, we can observe the  
17          same kind of things we noticed in the  
18          previous panel about those particular  
19          landlords that are on the most popular  
20          list.

21                   COUNCILMAN GREENLEE: Okay. I  
22          gotcha.

23                   Okay, thank you.

24                   COUNCILWOMAN SANCHEZ:  
25          Councilman Jones.

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2                   COUNCILMAN JONES: Just to  
3 touch on that a bit further. You have a  
4 combination of issues. Sometimes it's  
5 the students, sometimes it's the  
6 landlords. Sometimes it's the students  
7 and the landlords.

8                   MR. SKOMORUCHA: Right.

9                   COUNCILMAN JONES: The point  
10 is, who's responsible and who is going to  
11 be held accountable?

12                   And what we found in some cases  
13 is that there are landlords that entered  
14 into three leases, complied with the law  
15 as they knew it. And then some  
16 enterprising young people decided, you  
17 know, I'm going to get my cousin over  
18 here and sublet, and this is going to be  
19 off the books.

20                   But that does not relinquish  
21 the responsibility of the property owner  
22 to maintain what the law says.

23                   And so, a lot of people have  
24 hidden behind the fact, Well, no, here  
25 are my three leases, I thought I was

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2           doing -- no, you have to come back, you  
3           have to be responsible, you have to be  
4           vigilant. If there are more than those  
5           people, you're held accountable.

6                   And your financial loss, the  
7           potential -- as cumbersome as the court  
8           process may be, you could lose three  
9           years' worth of income. And that's what  
10          is at risk.

11                   Because, you know, based on the  
12          infrequency of sometimes inspection, it's  
13          worth it to do the Russian roulette and  
14          say, When I get caught, I'll just pay the  
15          fine.

16                   But what we're trying to do is  
17          increase that level of penalty so that is  
18          onerous to the property owner.

19                   MR. SKOMORUCHA: May I? I hope  
20          that I conveyed complete support for that  
21          idea. By offering up the larger  
22          exceptions I wanted to set them aside so  
23          that we focus on the problems.

24                   And I want to take a moment of  
25          personal privilege. I distinctly

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2           remember -- I was the -- I had an  
3           opportunity in a previous career to work  
4           with the former Councilman who is now in  
5           a different position, who started this  
6           bill.

7                   And I distinctly remember the  
8           conversation, at around 11 o'clock one  
9           evening, about our ability to reach back  
10          to that 1933 law about the application of  
11          enforcement for keeping no more than  
12          three unrelated people in a building,  
13          because I thought then and I'm encouraged  
14          to see these many years later, that this  
15          is an avenue of pursuit for enforcement.  
16          It seems to be right here for us to use.

17                   We encourage it heartily.

18                   COUNCILWOMAN SANCHEZ: I will  
19          remind folks that this committee recently  
20          passed a law requiring owners who don't  
21          live in the City to have someone  
22          registered in the City. And I say that  
23          to say that we have tried every which way  
24          around to go around this.

25                   Unfortunately, sometimes, as

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2           the Mayor has done in the past with tax  
3           delinquency, we got to shame some of  
4           these folks.

5                   COUNCILMAN JONES: Yes.

6                   COUNCILWOMAN SANCHEZ: And as a  
7           stakeholder in the community,  
8           notwithstanding your formal and informal  
9           attempts, when you have some really bad  
10          actors, you may want to step up your game  
11          and really tell your students, Don't rent  
12          from these people. These people are not  
13          good neighbors.

14                   Because they're only -- the  
15          only way we get 'em into compliance is  
16          when we hurt their pockets. And for us,  
17          it becomes a very expensive endeavor  
18          'cause we got to go to Equity Court, we  
19          got to go through that process.

20                   So, you know, I encourage you  
21          to look at ways that you could help us  
22          with the bad actors, especially when you  
23          have folks who have numerous properties.  
24          And they're popular because they may be  
25          cheap.

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2                   MR. SKOMORUCHA: Right.

3                   COUNCILWOMAN SANCHEZ: And the  
4 fact that you have to tell your student  
5 population that they also have a  
6 responsibility to the neighborhood, you  
7 know, 'cause it's reflected back on you.

8                   When the students are a  
9 problem, none of the neighbors remember  
10 the students' names; they just remember  
11 that they attended Philadelphia  
12 University and that Philadelphia  
13 University students continue to live  
14 there.

15                   So, you know, not easy to deal  
16 with, but I think the one thing we've  
17 learned from the testimony this afternoon  
18 is that all stakeholders are going to  
19 have to -- we're all going to have to  
20 step up our game on this one 'cause it's  
21 such a big issue.

22                   So with that, Mr. John Henfy,  
23 from St. Joseph's University.

24                   MR. HENFY: Madam Chair,  
25 Councilman Jones, Councilman Greenlee,

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2           Councilman Green, good afternoon. My  
3           name is John Henfy, and I serve as the  
4           Director of Public Safety and Security at  
5           St. Joseph's University.

6                   I'm here on behalf of the  
7           University to indicate the University  
8           support for the intent of Bill No.  
9           100613, amending Chapter 9-2805, entitled  
10          "Zoning Compliance."

11                   St. Joseph's University  
12          believes it is a good neighbor and, in  
13          this regard, shares the City's desires to  
14          enhance the quality of life for all  
15          residents of the Fourth Councilmatic  
16          District, including the University  
17          students, faculty, and staff, as well as  
18          the Philadelphia region overall.

19                   St. Joseph's University  
20          supported the original version of the  
21          Educational Housing District bill.

22                   Although the vast majority of  
23          our students who reside off-campus are  
24          good neighbors, we also know that  
25          students, as they evolve into their

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2           adulthood, may not always make the same  
3           decisions we might. It is the  
4           University's mission to educate students  
5           not only as persons but as responsible  
6           citizens.

7                   It is in this spirit that the  
8           University is attentive to its students'  
9           conduct, whether on or off-campus. For  
10          example, SJU informs all students via the  
11          web, printed materials, and one-on-one  
12          meetings that more than three unrelated  
13          persons living in a household is in  
14          violation of the Philadelphia Housing  
15          Code.

16                   Recently, we have cooperated  
17          with the office of Councilman Jones, the  
18          Philadelphia Police Department, Licenses  
19          and Inspections, and others to create a  
20          Community Task Force dedicated to reduce  
21          off-campus events, including parties and  
22          related noise.

23                   Notwithstanding the  
24          University's commitment as an educator to  
25          its students and through being a good

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2           neighbor, the proposed bill focuses the  
3           issue of off-campus housing, where it  
4           begins and where it can most effectively  
5           be addressed: On the landlords who  
6           violate the code by renting to more than  
7           three individuals, whether they be  
8           students or others.

9                   Thank you.

10                  COUNCILWOMAN SANCHEZ: Thank  
11           you.

12                  Any questions for this witness?

13                  (No questions.)

14                  COUNCILWOMAN SANCHEZ: Thank  
15           you so very much again for coming here  
16           and testifying and being good neighbors.

17                  Our last panel will include:

18                  Mr. Charles Dennis, who's the  
19           with the neighbors of the 5600 block of  
20           Woodcrest Avenue;

21                  And our friend Phil Lord, from  
22           the Tenant Union Representative Network.

23                  (Witnesses come forward.)

24                  COUNCILWOMAN SANCHEZ: And as  
25           Councilman Jones mentioned, Darryl Zaslow

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2           from HAPCO has submitted written  
3           testimony that will be put in the record.

4                   Mr. Dennis, if you would.

5                   MR. DENNIS: If I may, madam  
6           Chair and members of the committee, I say  
7           good afternoon.

8                   COUNCILWOMAN SANCHEZ: Good  
9           afternoon.

10                  MR. DENNIS: I have submitted a  
11          written statement of my concerns for --  
12          that I've experienced as a resident of  
13          the 5600 block of Woodcrest Avenue.

14                  And as has already been  
15          indicated, my name is Charles Dennis.  
16          I'm an attorney, and I've been a resident  
17          of the 5600 block of Woodcrest Avenue for  
18          a period of just about 42 years.

19                  And I'm here to, you know,  
20          offer any support that I can with respect  
21          to the amendment to Bill No. 100613 and  
22          any legislation that's going to offer  
23          some type of relief for the communities  
24          of Wynnefield and its surrounding areas,  
25          'cause I think it's very important.

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2                   But I've been told that my  
3 presentation should be limited to  
4 anywhere from two to three minutes, so  
5 I'm going to try to abide by that  
6 mandate.

7                   But I'm going to go through my  
8 statement, and I think it's important for  
9 me to do that, even though you have a  
10 copy of it for the purpose of --

11                  COUNCILWOMAN SANCHEZ: Excuse  
12 me. Who did you give that copy to?

13                  MR. DENNIS: Miss Morgan? I  
14 thought she had made copies of it.

15                  COUNCILWOMAN SANCHEZ: She  
16 might be making copies of it now. That's  
17 fine. Thank you. We'll make sure we  
18 give it to the stenographer.

19                  MR. DENNIS: I'm going to start  
20 out my presentation with a question and  
21 follow it with an answer. The question  
22 is: What incentive do college students  
23 have to maintain the esthetic values of  
24 the community? And what incentives do  
25 the new owners of the priorities have as

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2           well to keep the properties in check?

3           Neither actually lives in the community

4           and, therefore, have no reason to

5           maintain what we've been doing for years:

6           Keeping our properties up and keeping our

7           communities clean and free of trash and

8           other debris.

9                   I have lived on Woodcrest

10          Avenue since 1969 and have never had to

11          endure what we're facing now. Since the

12          influx of students, I have recorded in

13          excess of 400 rodents being caught since

14          the summer of 2010. Raccoons have been

15          observed walking up and down the street

16          as though they own the place. And my

17          brother has called me "The Pied Piper of

18          Woodcrest Avenue."

19                   In addition, I have presented

20          to Councilman -- then-Councilman Nutter a

21          video of students urinating in the

22          streets, with no intent on being

23          discreet. There are parties that last

24          well into the early mornings. I have

25          seen female partygoers so intoxicated

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2                   that they need help standing. Then there  
3                   are the red beer cups all over the  
4                   street, vomit on the sidewalk, damage to  
5                   automobiles parked on the block after the  
6                   partying is over.

7                   Now, with respect to that type  
8                   of damage, whether a student did it or  
9                   not, I can't say, but what I can say is  
10                  that we did not have many of the problems  
11                  that we're experiencing now prior to the  
12                  influx of students moving in.

13                  And I hate to bring forth the  
14                  things that I've been told, because I  
15                  believe that's pure unadulterated  
16                  hearsay, but I will do nevertheless, but  
17                  I've been told that students have been so  
18                  intoxicated that females have taken off  
19                  their blouses and other clothing and have  
20                  ran seminude in the streets while the  
21                  young men screamed and encouraged them  
22                  on.

23                  And students have been seen  
24                  jumping from the porch roof of their  
25                  residence onto the lawns. And other

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2           students sitting, in fact, across from  
3           where I live, on the roof and using the  
4           roof as though it were a patio.

5                   Now, I could probably go on and  
6           on, but as I indicated, I am limited.

7                   Then what have we, as  
8           residents, done to try to solve the  
9           problems? We have met with  
10          representatives from the universities,  
11          representatives from City Council,  
12          representatives from the Police  
13          Department. And all we get is promises,  
14          promises, and nothing has changed.

15                  And I did have a notation in  
16          here that we often try to call the 3-1-1  
17          number, but that stands out as somewhat  
18          of a joke, because anything short of a  
19          shooting or someone getting seriously  
20          mugged, you can't rely on the police  
21          responding until maybe one, two, or more  
22          hours later.

23                  But we, the residents of the  
24          5600 block of Woodcrest Avenue, have  
25          every right to the peaceful enjoyment of

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2           our homes, but that cannot happen when  
3           owners are not being held accountable,  
4           students are not being held accountable,  
5           and the University not being held  
6           accountable.

7                   The City Ordinance Chapter  
8           10-1800, entitled "Vicarious Liability  
9           for Student Conduct," spells out what  
10          should be done when there is a complaint  
11          about student conduct.

12                   We have tried. Why do you  
13          suppose, Madam Chair, that families are  
14          selling out to the real-estate investors?  
15          They throw up their hands and disgust  
16          after seeing that nothing is being done.  
17          And it's not "If you can't beat 'em, join  
18          'em it." Is, rather, a total defeat, a  
19          total frustration, and let's leave.

20                   After one meeting with the  
21          University, they started sending vehicles  
22          marked "public safety" into the  
23          neighborhood. Recently, I attempted to  
24          speak to a driver about something that  
25          was going on at the time and was told

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2                   that this was not his problem; it was a  
3                   police matter, call the police. No help.  
4                   At this point, it's total frustration.

5                   But I've been living there for  
6                   so long, and I just refuse to give up,  
7                   'cause I love my neighborhood and will  
8                   continue to speak out against,  
9                   quote/unquote, the injustice of it.

10                  Maybe, just maybe, Bill No.  
11                  100613 will provide some help. To do it,  
12                  it needs teeth, it needs someone to take  
13                  a bite out of what's happening. And I  
14                  once heard that gumming it won't put a  
15                  dent in the situation.

16                  We need your help to -- and are  
17                  asking that Licenses and Inspections,  
18                  with your help, will look into how these  
19                  houses -- look into whether these houses  
20                  are but warehouses for students.  
21                  Cramming as many into each house as  
22                  possible, gluttonning their pockets with  
23                  \$1,000 to \$1500 per month per student,  
24                  and at least believing that they can do  
25                  it with impunity.

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2                   We need this bill, we need the  
3                   help of the committee, we need the help  
4                   of the City Council, because this is  
5                   something that has to be taken care of,  
6                   and it's been way too long.

7                   Now, in addition, as I  
8                   indicated, I have submitted the written  
9                   statement, but I was given some  
10                  photographs. I don't know if it's  
11                  appropriate for me to submit those, but I  
12                  would like to submit 'em because I've  
13                  always learned that -- and it's six  
14                  photographs. I've learned that a picture  
15                  speaks 1,000 words or 10,000 words or  
16                  something like that. So if that be the  
17                  case, then I have either 6,000 or 60,000  
18                  words here.

19                 COUNCILWOMAN SANCHEZ: Are they  
20                 X-rated?

21                 (Laughter.)

22                 MR. DENNIS: It depends on your  
23                 interpretation of them, but if you  
24                 consider trash -- I would consider them  
25                 X-rated 'cause that's trash.

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2                   COUNCILWOMAN SANCHEZ: And  
3                   thank you. We appreciate your coming  
4                   forth today and testifying.

5                   We're going to end with Phil  
6                   Lord. I don't know if anybody else is  
7                   left to testify. If not, Phil.

8                   MR. LORD: Thank you. Thank  
9                   you for the opportunity to testify.

10                  We have written testimony so  
11                  we're going to try to be very brief like  
12                  everyone else.

13                  I think you all are familiar  
14                  with TURN, so I don't have to go into  
15                  details on that. We do have, as you  
16                  know, tenants' rights classes, and they  
17                  are attended by students. They come from  
18                  around the City to see us, and there's  
19                  some consultation.

20                  We also got some money from the  
21                  Philadelphia Foundation a couple years  
22                  ago to do a survey, and we did a survey  
23                  of students about their housing needs and  
24                  what they like in terms of meeting those  
25                  needs.

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2                   To put it in context, we heard  
3                   about the party motive. I just want to  
4                   let you know about the profit motive, and  
5                   I think we need to be clear that a lot of  
6                   these units are overcrowded because  
7                   landlords are making extraordinary  
8                   amounts of money.

9                   A lot of times, tenants are  
10                  being put into units, given rooms  
11                  essential, and they're being treated like  
12                  rooming houses when, in fact, they're not  
13                  zoned to be that. And landlords are  
14                  saying, Here's your new roommate and  
15                  (indiscernible).

16                 So I'm very concerned that we  
17                 not think about it as merely a way to get  
18                 tenants to party less. It really is  
19                 important to make sure that landlords do  
20                 not overcrowd or compromise the privacy  
21                 of the people they are renting to.

22                 And a lot of student tenants  
23                 don't realize they have a right to the  
24                 whole site, and people can't be brought  
25                 in involuntarily into their unit.

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2                   I did want to speak to some of  
3                   the enforcement issues as well, though.  
4                   That's not in our testimony, but given  
5                   what's been said already, I think I'd  
6                   like to share a little bit about my  
7                   interpretation of the educational  
8                   district situation and the enforcement.

9                   First of all, the law, as it  
10                  stands now on Educational Districts, I  
11                  believe, has never been enforced. I  
12                  think it's safe to say that the  
13                  requirement of having an inspection 90  
14                  days before the license renewal has not  
15                  been imposed ever. And I could be wrong  
16                  about that if you want to check with L&I  
17                  about that.

18                 And, secondly, the way I -- as  
19                 it gets amended, it would, of course,  
20                 relate now to even a broader scope. But  
21                 the current law already provides that if  
22                 someone gets a violation cited against  
23                 them and it gets reinspected and it's not  
24                 cured, then the license can be suspended.  
25                 It doesn't require a court hearing, it

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2           does not require adjudication.

3                   It now provides -- my  
4           interpretation of 102.7.2 is that right  
5           now, you can get a license suspended  
6           simply by virtue of a reinspection of a  
7           violation.

8                   It has to be reinspected  
9           because, obviously, it may not be your  
10          fault, but if you get cited for having an  
11          overcrowded situation and the inspector  
12          goes back and it's not cured, you can be  
13          sited at that point, and that can be a  
14          strike. That's under the current law.

15                  Those strikes only add up to  
16          one year's suspension. This provides for  
17          three years' suspension. I think,  
18          though, that language in the current law  
19          can be very helpful to make sure this law  
20          is more adequately enforced.

21                  And, of course, we agree that  
22          those that think that and believe for a  
23          long time that L&I needs more inspectors.  
24          And, you know, there are a lot fewer than  
25          there were 15 years ago, and we need to

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2           cure that problem.

3                   And, finally, we need to be  
4           realistic about what a suspension of  
5           license means. In this current context,  
6           I have also never seen a person -- a  
7           landlord fined solely for not having a  
8           license.

9                   The way licenses get enforced  
10          in Philadelphia, from my knowledge, is  
11          that when a landlord tries to evict a  
12          tenant, he has to get a license. So they  
13          go down to get a license at that point.

14                  And the good judges say, Well,  
15          you can't get rent for the time period  
16          during which you didn't have a license.  
17          Some judges in Municipal Court don't even  
18          enforce it to that extent.

19                  But the bottom line is that  
20          suspending licenses aren't enough if  
21          there aren't actual penalties for not  
22          having a license and if judges don't  
23          consistently enforce the law that  
24          requires a landlord to have a license to  
25          collect rent. We want to make sure

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2                   that's very clear.

3                   COUNCILWOMAN SANCHEZ: Thank  
4                   you.

5                   Any questions for the witness?  
6                   Councilman Jones.

7                   COUNCILMAN JONES: Yeah. I  
8                   just wanted to say thank you, residents,  
9                   for your patience; attorneys, for your  
10                  advice; civic associations, for keeping  
11                  the situation as manageable as possible.

12                  But let me say this: If this  
13                  bill is a part of a process, that's going  
14                  to require that continued cooperation  
15                  with all of the stakeholder.

16                  We are going to take a course  
17                  over the summer to work with L&I and work  
18                  with the courts on a task force. This  
19                  model has worked well in limited  
20                  situations. When we worked with the  
21                  Wynnefield residents to do a strike force  
22                  during known party times, both in  
23                  midterms and finals, we did an  
24                  anticipated air strike, if you will,  
25                  which helped quelled things a little bit,

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2           but there were other instances that  
3           popped up.

4                   It worked well with the bike  
5           race when we incorporated that with LCB  
6           and the night courts, where we, for the  
7           first time, got them to take seriously  
8           the unruly drinking that was happening,  
9           which resulted into 32 violations the  
10          weekend before, which sent the signal to  
11          some of the party houses that were  
12          raided.

13                   So this is a arrow in the  
14          quiver to deal with the issue and  
15          shooting at the target. And we're going  
16          to continue to tighten it up.

17                   I've talked to some of my  
18          colleagues up here off the record that  
19          said we need to look at other areas to  
20          kind of create these kind of floating  
21          task forces to look at different areas  
22          that have similar problems. So this is a  
23          good step in the right direction.

24                   And I really appreciate you.  
25          I've heard some of the frustrations where

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2           it got really macho, like you're not  
3           going to disrespect my property anymore,  
4           and I worked all my life for this, and  
5           you're not going to just urinate on my  
6           lawn.

7                   So I appreciate your restraint,  
8           your restraint and patience in a lot of  
9           situations. And I know of personal cases  
10          where you've shown great restraint. And  
11          I just want to thank you for it.

12                   MR. DENNIS: May I say one more  
13          thing before I conclude?

14                   And I have to -- living on the  
15          5600 block of Woodcrest Avenue, I have  
16          some of my neighbors here, and they  
17          wanted me to say this, and if I don't say  
18          it, I don't know how I'm going to go back  
19          on the 5600 block of Woodcrest Avenue.

20                   They wanted me to remind the  
21          panel, and I don't have to do it because  
22          it's somewhat redundant, and that is:

23                   Because of the large number of  
24          students that are coming into the area,  
25          it is also bringing a large number of

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2           automobiles into our block, and it is  
3           posing a problem for the residents of at  
4           least our block and not only the 5600  
5           block of was Woodcrest Avenue but, I'm  
6           sure, other areas as well.

7                   COUNCILWOMAN SANCHEZ: Thank  
8           you very much.

9                   This concludes our hearing, and  
10          we will now enter into our public  
11          meeting.

12                   I do agree with the neighbors.  
13          I do travel to the Fourth, even when my  
14          councilman doesn't invite me. My  
15          brother-in-law lives off the university  
16          area. So as I listen to the neighbors,  
17          those are things that I've personally  
18          witnessed as I travel on University  
19          Avenue to -- I think he's in Overbrook  
20          Farms so I have been witness to it.

21                   So with that, we are going to  
22          go into our public meeting. I am going  
23          to ask for a motion from the bill's  
24          sponsor, Councilman Jones, on the  
25          amendment to Bill No. 100613.

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2                   COUNCILMAN JONES: Thank you,  
3           Madam Chair.

4                   I make a motion to amend Bill  
5           No. 100613.

6                   (Motion duly seconded.)

7                   COUNCILWOMAN SANCHEZ: All in  
8           favor?

9                   (None opposed.)

10                  The amendment to Bill No.  
11           100613 has been moved.

12                  I now recognize Councilman  
13           Jones for a motion on the amended Bill  
14           No. 100613.

15                  COUNCILMAN JONES: Thank you,  
16           Madam Chair.

17                  I make a motion to move, as  
18           amended, Bill No. 100613 out of committee  
19           with a favorable recommendation and a  
20           suspension of the rules to allow for  
21           first reading at the next scheduled  
22           meeting.

23                  (Motion duly seconded.)

24                  COUNCILWOMAN SANCHEZ: The bill  
25           has been properly moved and seconded.

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2                   All in favor?

3                   Any oppositions?

4                   (None opposed.)

5                   Bill No. 100613, as amended,  
6           will be moved out of committee, with a  
7           favorable recommendation and that the  
8           Council rules will be suspended to allow  
9           for first reading at our next session.

10                  Thank you all.

11                  (Proceedings end at 2:33 p.m.)

12                  \*   \*   \*

## 1 C E R T I F I C A T E

2  
3 I HEREBY CERTIFY that the  
4 proceedings of the City of Philadelphia  
5 Council Committee on Streets and Services are  
6 contained fully and accurately in the  
7 stenographic notes taken by me on Wednesday,  
8 June 15, 2011, and that this is a true and  
9 correct statement of same.

10  
11  
12

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13 JOSEPHINE CARDILLO

14 Registered Professional Reporter

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