

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LAW AND GOVERNMENT

Room 400, City Hall
Philadelphia, Pennsylvania
Monday, May 16, 2016
10:20 a.m.

PRESENT:

COUNCILMAN WILLIAM K. GREENLEE, CHAIR
COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILMAN DEREK S. GREEN
COUNCILWOMAN HELEN GYM
COUNCILMAN DAVID OH

BILL 160072 - An ordinance amending Chapter
9-1100 of The Philadelphia Code, entitled
"Fair Practices Ordinance: Protections
Against Unlawful Discrimination," by adding a
section prohibiting employers from obtaining
or using credit-related information regarding
employees and job applicants in certain
circumstances...

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1
2 COUNCILMAN GREENLEE: Good
3 morning, everyone. This is the Committee
4 on Law and Government. We have obtained
5 a quorum with Councilman Green, Vice
6 Chair of the Committee; Council President
7 Clarke; and Councilwoman Gym; and myself,
8 Bill Greenlee.

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

12 THE CLERK: Bill No. 160072, an
13 ordinance amending Chapter 9-1100 of The
14 Philadelphia Code, entitled "Fair
15 Practices Ordinance: Protections Against
16 Unlawful Discrimination," by adding a
17 section prohibiting employers from
18 obtaining or using credit-related
19 information regarding employees and job
20 applicants in certain circumstances,
21 under certain terms and conditions.

22 COUNCILMAN GREENLEE: Thank
23 you.

24 Council President Clarke, this
25 is your bill. Would you like to make a

1 5/16/16 - LAW & GOV. - BILL 160072

2 statement?

3 COUNCIL PRESIDENT CLARKE:

4 Thank you, Mr. Chairman. Thank you very
5 much.

6 Mr. Chairman, this is a bill
7 that we have looked at for some time. As
8 you know, there are significant
9 challenges for individuals to get
10 employment, and what we need not to do is
11 allow companies, for no reason, to place
12 another burden as it relates to an
13 individual's opportunity for employment.

14 So working with our consumer
15 specialist, Lance Haver, and a number of
16 advocates for this particular area,
17 Ms. Rue Landau, I want to thank you all
18 for helping us craft this legislation
19 that will remove an additional impediment
20 as it relates to our ability to move
21 forward.

22 So I thank you so much for your
23 anticipated support, Mr. Chairman.

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

1 5/16/16 - LAW & GOV. - BILL 160072

2 Anybody else have a statement?

3 (No response.)

4 COUNCILMAN GREENLEE: Seeing

5 none, our first witness?

6 THE CLERK: Rue Landau.

7 COUNCILMAN GREENLEE: Thank

8 you.

9 (Witness approached witness

10 table.)

11 COUNCILMAN GREENLEE: Good

12 morning.

13 MS. LANDAU: Good morning,

14 Chairman Greenlee and members of the

15 Committee on Law and Government. I'm Rue

16 Landau, Executive Director of the

17 Philadelphia Commission on Human

18 Relations. As you know, the Commission

19 is a City agency that administers and

20 enforces the Fair Practices Ordinance,

21 the City law protecting people from

22 unlawful discrimination in employment,

23 public accommodations, and housing and

24 real property. Bill No. 160072 will

25 amend the Fair Practices Ordinance to ban

1 5/16/16 - LAW & GOV. - BILL 160072
2 the discriminatory use of credit reports
3 in hiring and employment decisions.

4 I would like to recognize
5 Council President Clarke for introducing
6 this bill and for the opportunity to
7 testify in favor of it.

8 Studies show that almost half
9 of employers use credit reports to make
10 hiring decisions for some or all of their
11 jobs, even when the positions have
12 nothing to do with the finances of the
13 company.

14 Across the country, people are
15 telling their stories of being qualified
16 for jobs but being denied simply due to
17 poor credit. Whether it was a bankruptcy
18 due to an unexpected medical condition,
19 school debt from a predatory for-profit
20 school or being laid off during the Great
21 Recession, the stories of people
22 struggling to meet life's needs and being
23 barred from employment by this
24 inappropriate job screen are
25 heart-wrenching.

1 5/16/16 - LAW & GOV. - BILL 160072

2 There is no correlation between
3 credit and a person's ability to perform
4 at work or to succeed in the workplace.
5 In fact, in 2010, a representative of
6 TransUnion, one of the big three credit
7 bureaus, admitted under oath, quote, "We
8 don't have any research to show any
9 statistical correlation between what's in
10 somebody's credit report and their job
11 performance or their likelihood to commit
12 fraud."

13 And even when a person has good
14 credit, mistakes on credit reports are
15 pervasive. In 2013, a Federal Trade
16 Commission study estimated that as many
17 as one in four Americans have, quote, "at
18 least one potentially material error on
19 at least one of their three credit
20 reports," end quote. And since there are
21 many different credit bureaus, fixing an
22 error is a difficult process that may not
23 be successful.

24 Moreover, using credit reports
25 for employment purposes may also be

1 5/16/16 - LAW & GOV. - BILL 160072
2 discriminatory. Research shows that
3 African American and Latino households
4 tend to have more problematic credit
5 histories than white households. Thus,
6 using credit reports for employment
7 purposes likely will have a disparate
8 impact on those communities. Sadly, in
9 Philadelphia, we know too well how many
10 Philadelphians' credit histories have
11 suffered as a result of predatory and
12 discriminatory practices in lending and
13 housing.

14 Given the lack of correlation
15 between credit history and job
16 performance, the inaccuracies of credit
17 reports, and the potential discriminatory
18 impact, states and municipalities across
19 the country are passing laws to protect
20 people from the abuse of using credit
21 reports in employment decisions. As of
22 December 2015, 11 states and New York
23 City have passed such laws, and
24 legislation is pending in Congress to ban
25 the practice nationwide.

1 5/16/16 - LAW & GOV. - BILL 160072

2 In Philadelphia, Bill No.
3 160072 would make it unlawful
4 discrimination under the City's Fair
5 Practices Ordinance for most employers,
6 subject to certain exceptions.

7 In addition, the bill parallels
8 the requirements of the Fair Credit
9 Reporting Act by requiring employers
10 exempted from the bill who obtain and use
11 credit reports to provide a written
12 notice to the applicant or employee, with
13 a copy of the report, explaining the
14 potential adverse action and gives the
15 affected person an opportunity to
16 respond.

17 Philadelphia jobseekers and
18 employees already struggle to get or
19 maintain decent, stable employment in
20 this tough job market. We must remove as
21 many hurdles as possible from the
22 employment process so that we can get
23 people back to work and providing for
24 their families.

25 Thank you for this opportunity

1 5/16/16 - LAW & GOV. - BILL 160072
2 to testify today. I'm happy to answer
3 any questions that members may have.

4 COUNCILMAN GREENLEE: Thank
5 you, Ms. Landau.

6 First, please let the record
7 reflect Councilman Oh, a member of the
8 Committee, is present.

9 Are there any questions for Ms.
10 Landau?

11 (No response.)

12 COUNCILMAN GREENLEE: Seeing
13 none, thank you. See how persuasive you
14 are, Rue.

15 MS. LANDAU: Thank you very
16 much for the opportunity. Thank you.

17 COUNCILMAN GREENLEE: Thank you
18 very much.

19 Ms. Marconi, who else do we
20 have?

21 THE CLERK: Robert Coco, Tim
22 Styer, and John Calhoun.

23 COUNCILMAN GREENLEE: Why don't
24 you all come up together, whoever might
25 be here.

1 5/16/16 - LAW & GOV. - BILL 160072

2 (Witness approached witness
3 table.)

4 COUNCILMAN GREENLEE:

5 Mr. Styer, you're here first. Why don't
6 you identify yourself.

7 First, are either Mr. Coco or
8 Mr. Calhoun here?

9 MR. STYER: Not yet.

10 Mr. Calhoun said --

11 COUNCILMAN GREENLEE: Well,
12 they're not going to run a long time, but
13 anyway, you go, identify yourself and
14 proceed, please.

15 MR. STYER: My name is Tim
16 Styer and I'm a job developer for the
17 Philadelphia Unemployment Project. So
18 thank you for asking me to testify on
19 this very -- I consider it a very urgent
20 issue.

21 For over 40 years -- to give
22 you a little background on the
23 Philadelphia Unemployment Project. For
24 over 40 years, the Philadelphia
25 Unemployment Project has offered a

1 5/16/16 - LAW & GOV. - BILL 160072
2 supportive environment for unemployed
3 Philadelphians trying to find jobs. Our
4 Computer Lab offers 12 Internet-accessed
5 computer stations, a fax machine,
6 printers, and telephone. Staff and
7 volunteers assist jobseekers with basic
8 computer and Internet skills, as well as
9 job search techniques.

10 Our Jobs Club is a weekly
11 meeting where those looking for work can
12 exchange ideas, get tips, and job leads
13 and gives them something to do to help
14 counter some of the depression of being
15 out of work.

16 As a job developer, I work with
17 at least 200 clients a year, helping them
18 create a work search plan and improve
19 their resumes in one-on-one job
20 counseling sessions. Our Computer Lab
21 has over 7,000 instances of use each
22 year, and nearly 900 people attend our
23 Jobs Club.

24 A third of our jobseekers have
25 criminal backgrounds, trying to reenter

1 5/16/16 - LAW & GOV. - BILL 160072
2 the workforce, a very challenging task,
3 as you can see. We have an excellent
4 track record in helping them find jobs.
5 We are also one of a handful of KEYSPOTS
6 in Center City, a coalition of
7 community-based groups committed to
8 bringing Internet access, training, and
9 technology to all Philadelphia
10 communities, where 41 percent of
11 residents are not connected. And, by the
12 way, our job placement rate with some of
13 the hardest-to-employ people is about 27
14 percent, which is about 10 percent more
15 than what most other job placement
16 agencies attain.

17 Since the Great Recession, we
18 are seeing mostly those with multiple
19 barriers to employment, particularly
20 those who lost their jobs and began to
21 fall behind paying their bills. Most
22 have long ago exhausted their
23 unemployment benefits. Some are homeless
24 or on the brink of losing their homes or
25 apartments.

1 5/16/16 - LAW & GOV. - BILL 160072

2 To add insult to injury, many
3 of our jobseekers have reported that they
4 have been turned down for employment
5 because of their bad credit score.
6 Imagine, the very thing they need to get
7 back on their feet and begin to repair
8 their credit they are being turned down
9 for. We've seen people who have criminal
10 backgrounds apply to so-called "second
11 chance" employers and then get turned
12 down because of a consumer credit
13 background check.

14 This egregious practice makes
15 no sense, especially for jobs where
16 workers are not handling or working
17 around cash or securities. I know a
18 couple of our clients who got turned down
19 by a local employer -- and I won't
20 mention their name -- for jobs making
21 hoagies. Imagine getting turned down for
22 a job making hoagies that doesn't even
23 pay that much in the first place because
24 you have bad credit.

25 I urge City Council to support

1 5/16/16 - LAW & GOV. - BILL 160072
2 the legislation to require area employers
3 to end this insane practice, and let's
4 work together to get people back to work.
5 First things first, jobs in our city.

6 Thank you.

7 COUNCILMAN GREENLEE: Thank
8 you, Mr. Styer. I appreciate it.

9 Any questions?

10 (No response.)

11 COUNCILMAN GREENLEE: Seeing
12 none, thank you.

13 I understand there's one other
14 person that would like to testify.
15 Ma'am, please.

16 THE CLERK: Rhonda Parker.

17 COUNCILMAN GREENLEE: Okay.
18 And while she's coming up, for the
19 record, we have a letter from Amy Traub,
20 Senior Policy Analyst of Demos, Demos --
21 I don't know if I'm pronouncing that
22 right -- who are generally in favor of
23 the bill and have some issues with some
24 of the exceptions. That will be made
25 part of the record.

1 5/16/16 - LAW & GOV. - BILL 160072

2 (Witness approached witness
3 table.)

4 COUNCILMAN GREENLEE: Ma'am,
5 please identify yourself and proceed.

6 MS. PARKER: Yes. Good
7 morning. My name is Rhonda Parker. I am
8 from the Mount Airy section of
9 Philadelphia. That's District 8. And
10 I'm here today to speak about the
11 concerns of doing searches of your credit
12 scores in trying to find employment.

13 COUNCILMAN GREENLEE: Speak a
14 little bit more into the microphone,
15 please.

16 MS. PARKER: Certainly.
17 I just recently lost my job due
18 to downsizing. On top of all that, I
19 have a health condition, sarcoidosis of
20 the lungs, and as you can understand
21 right now, I just came from the ER,
22 trying to get oxygen. So please bear
23 with me.

24 COUNCILMAN GREENLEE: Take your
25 time.

1 5/16/16 - LAW & GOV. - BILL 160072

2 MS. PARKER: I have it also in
3 my skin and my spleen. And trying to
4 find work when I have major medical
5 bills, I've had this disease for two
6 years, and then having to pay your living
7 expenses, sometimes you must have to
8 juggle, prioritize what's more important.
9 Not saying that paying my medical bills
10 are not important, but when you have
11 medications that cost over \$100, \$150,
12 trying to maintain that and your
13 mortgage, your rent, your utilities,
14 finding work and your resume is
15 excellent, you get the job -- well, you
16 get the interview and then they go
17 through doing a credit background check.
18 I understand doing the background check
19 is definitely necessary, but if it's a
20 job that does not entail, I feel, dealing
21 with finances or companies' money, if
22 it's just maybe a customer service
23 position or executive secretary or
24 something of that sort, just trying to
25 get an income to work to pay bills and

1 5/16/16 - LAW & GOV. - BILL 160072

2 live, I don't feel that doing the search
3 of my credit score is important. And
4 each time they do this, it brings the
5 score down as well. So if I go on three
6 interviews and I'm a perfect fit for the
7 job and then they proceed to do a credit
8 search, each of those three times it
9 brings it down more and more and more.
10 So, of course, it's not going to look --
11 now, my credit is fair, but it could be
12 better if I had a job to pay the rest of
13 my medical bills and everything else. So
14 paying medical bills at the first time
15 it's due is hard when you have maybe
16 close to \$10,000 in medical bills.

17 So I just needed to give a
18 heartfelt speech about how important it
19 is for someone like myself and I'm sure
20 like a hundred other people out here in
21 the City that want to work, that can work
22 with few stipulations, but I'm always
23 straightforward with the employer. My
24 last job, like I said, they knew about my
25 condition and they were working with me,

1 5/16/16 - LAW & GOV. - BILL 160072
2 but the company decided to downsize and
3 phase out my position.

4 I have been on several
5 interviews since then, and I know my
6 credit score has been pulled down because
7 of the searches.

8 COUNCILMAN GREENLEE: Let me
9 ask you this: Did they actually tell you
10 that that's why you were rejected or
11 you're suspecting that to be the case?

12 MS. PARKER: No. I suspect it.
13 The first interview I had, everything was
14 great. The interview was great, and they
15 said they were going to take me to the
16 next phase and it was going to be with
17 the hiring director. I spoke with the
18 hiring director, and he said he will
19 contact me. They were going to do the
20 background checks and everything. Then
21 they came back and said they found
22 somebody that was a much better fit.
23 Now, that is possible, but if you get
24 that two, three, four times --

25 COUNCILMAN GREENLEE: You start

1 5/16/16 - LAW & GOV. - BILL 160072

2 to wonder.

3 MS. PARKER: You start to
4 wonder, yes.

5 COUNCILMAN GREENLEE: I got
6 you. I appreciate that.

7 MS. PARKER: Thank you so much.

8 COUNCILMAN GREENLEE: Thank
9 you. Stay here a second.

10 Councilman Green.

11 COUNCILMAN GREEN: I just want
12 to say, I want to thank you for coming
13 here to testify and sharing your story.
14 I think your story is echoed by a number
15 of people all around the City of
16 Philadelphia as well as the Commonwealth
17 in this nation, people who are actually
18 being penalized because they have either
19 health challenges in their life or with
20 their loved ones.

21 When I was a banker, that was
22 before FICO scores, before some of the
23 credit scoring, and when I went through
24 loan school, one of the things we were
25 taught is that when you're doing a loan,

1 5/16/16 - LAW & GOV. - BILL 160072

2 you look at the three C's. You look at
3 credit, collateral, but the last C is
4 character. And I think in an interview,
5 just like in any loan application or
6 process, you have to get a perspective on
7 that individual or that business on
8 whether they have the ability to pay that
9 loan, not just based on the financial
10 information but also based on that
11 interview, and the same thing with the
12 job.

13 And so the fact that I was not
14 a fan of credit scoring from a lending
15 perspective and I've seen how this use of
16 FICO scores have now gone to other type
17 of financial instruments like insurance
18 policies, people are not able to get
19 insurance unless they have a good credit
20 score, and now even going to employment,
21 how a person is dealing with bills,
22 especially if they have a medical issue,
23 has no determination on whether they have
24 a strong character and a strong work
25 ethic, and I think the blending of those

1 5/16/16 - LAW & GOV. - BILL 160072

2 two is based on analysis that someone
3 made at some point, feeling that one is
4 somehow indicative of how the other is.
5 And I feel it's unfortunate that you and
6 so many people in both the City of
7 Philadelphia, having such a large poverty
8 rate, and also the Commonwealth and this
9 nation have to be doubly penalized by
10 having the credit scores, which is
11 actually getting worse each time you go
12 on an interview because that inquiry
13 comes on your credit report and that
14 continues to reduce your credit score
15 when you're trying to do the best that
16 you can, juggling your bills and making
17 prioritizing decisions based on the
18 resources you have and all the challenges
19 that you have.

20 So I applaud you for coming
21 here, and I think your testimony speaks
22 volumes on why this legislation needs to
23 be introduced and passed.

24 MS. PARKER: Yes. Thank you.

25 COUNCILMAN GREENLEE: Thank

1 5/16/16 - LAW & GOV. - BILL 160072

2 you, Councilman. Well said. Thank you.

3 No other questions. Thank you,
4 ma'am. Thank you for coming down.

5 MS. PARKER: Thank you so much.

6 COUNCILMAN GREENLEE: And good
7 luck to you.

8 MS. PARKER: Thank you.

9 COUNCILMAN GREENLEE: Thank
10 you.

11 Anyone else here to testify on
12 this bill?

13 (No response.)

14 COUNCILMAN GREENLEE: Seeing
15 none, that will conclude the hearing of
16 the Committee on Law and Government and
17 momentarily we will go into the public
18 meeting.

19 (Brief pause.)

20 COUNCILMAN GREENLEE: Thank
21 you. This is now the meeting of the
22 Committee on Law and Government, and the
23 Chair recognizes Councilman Green.

24 COUNCILMAN GREEN: Thank you,
25 Mr. Chair. I move that Bill No. 160072

1 5/16/16 - LAW & GOV. - BILL 160072
2 be voted out of this Committee with a
3 favorable recommendation and that the
4 rules of Council be suspended so this
5 bill can be heard at our first reading of
6 Council.

7 (Duly seconded.)

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

10 All in favor of the motion
11 please say aye.

12 (Aye.)

13 COUNCILMAN GREENLEE: Opposed?

14 (No response.)

15 COUNCILMAN GREENLEE: Hearing
16 none, Bill No. 160072 is reported out of
17 this Committee favorably with a rules
18 suspension for first reading at our next
19 session of Council.

20 That concludes the business of
21 the Law and Government Committee today.

22 Thank you all for your
23 participation.

24 (Committee on Law and
25 Government concluded at 10:40 a.m.)

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CERTIFICATE

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

MICHELE L. MURPHY
RPR-Notary Public

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Committee on Law and Government
May 16, 2016

Page 1

A	8:12	8:10 9:1	3:9 19:19	22:16,22	23:6,19	December	1:17 2:19
a.m 1:7 23:25	applicants	10:1 11:1	21:18	23:2,17,21	Councilman	7:22	8:18
ability 3:20	1:17 2:20	12:1 13:1	challenging	23:24	1:10,11,12	decent 8:19	employer
6:3 20:8	application	14:1,23	12:2	Commonwe...	2:2,5,22	decided 18:2	13:19 17:23
able 20:18	20:5	15:1 16:1	chance 13:11	19:16 21:8	3:24 4:4,7	decisions 5:3	employers
abuse 7:20	apply 13:10	17:1 18:1	Chapter 1:14	communities	4:11 9:4,7	5:10 7:21	1:16 2:17
access 12:8	24:21	19:1 20:1	2:13	7:8 12:10	9:12,17,23	21:17	5:9 8:5,9
accommoda...	appreciate	21:1 22:1	character	community...	10:4,11	definitely	13:11 14:2
4:23	14:8 19:6	22:12,25	20:4,24	12:7	14:7,11,17	16:19	employment
accurately	approached	23:1,5,16	check 13:13	companies	15:4,13,24	Demos 14:20	3:10,13
24:5	4:9 10:2	bills 12:21	16:17,18	3:11	18:8,25	14:20	4:22 5:3,23
Act 8:9	15:2	16:5,9,25	checks 18:20	companies'	19:5,8,10	denied 5:16	6:25 7:6,21
action 8:14	area 3:16	17:13,14,16	circumstan...	16:21	19:11 21:25	depression	8:19,22
add 13:2	14:2	20:21 21:16	1:17 2:20	company	22:2,6,9,14	11:14	12:19 13:4
adding 1:15	asking 10:18	bit 15:14	city 1:2,6	5:13 18:2	22:20,23,24	DEREK 1:11	15:12 20:20
2:16	assist 11:7	blending	4:19,21	computer	23:8,13,15	determinati...	enforces 4:20
addition 8:7	attain 12:16	20:25	7:23 12:6	11:4,5,8,20	Councilwo...	20:23	entail 16:20
additional	attend 11:22	Brief 22:19	13:25 14:5	concerns	1:11 2:7	developer	entitled 1:14
3:19	aye 23:11,12	bringing 12:8	17:21 19:15	15:11	counseling	10:16 11:16	2:14
administers		brings 17:4,9	21:6	conclude	11:20	different 6:21	environment
4:19	B	brink 12:24	City's 8:4	22:15	counter 11:14	difficult 6:22	11:2
admitted 6:7	back 8:23	burden 3:12	Clarke 1:10	concluded	country 5:14	direct 24:23	ER 15:21
adverse 8:14	13:7 14:4	bureaus 6:7	2:7,24 3:3	23:25	7:19	director 4:16	error 6:18,22
advocates	18:21	6:21	5:5	concludes	couple 13:18	18:17,18	especially
3:16	background	business 20:7	CLERK 2:12	23:20	course 17:10	discriminat...	13:15 20:22
African 7:3	10:22 13:13	23:20	4:6 9:21	condition	craft 3:18	1:15 2:16	estimated
agencies	16:17,18	C	14:16	5:18 15:19	create 11:18	4:22 8:4	6:16
12:16	18:20	C 20:3	clients 11:17	17:25	credit 5:2,9	discriminat...	ethic 20:25
agency 4:19	backgrounds	C's 20:2	13:18	conditions	5:17 6:3,6	5:2 7:2,12	evidence 24:4
ago 12:22	11:25 13:10	Calhoun 9:22	close 17:16	2:21	6:10,14,14	7:17	excellent 12:3
Airy 15:8	bad 13:5,24	10:8,10	Club 11:10	Congress	6:19,21,24	disease 16:5	16:15
allow 3:11	ban 4:25 7:24	case 18:11	11:23	7:24	7:4,6,10,15	disparate 7:7	exceptions
amend 4:25	banker 19:21	cash 13:17	coalition 12:6	connected	7:16,20 8:8	District 15:9	8:6 14:24
amending	bankruptcy	Center 12:6	Coco 9:21	12:11	8:11 13:5,8	doing 15:11	exchange
1:14 2:13	5:17	certain 1:17	10:7	consider	13:12,24	16:17,18	11:12
American 7:3	barred 5:23	2:20,21 8:6	Code 1:14	10:19	15:11 16:17	17:2 19:25	executive
Americans	barriers	Certainly	2:14	consumer	17:3,7,11	doubly 21:9	4:16 16:23
6:17	12:19	15:16	collateral	3:14 13:12	18:6 19:23	downsize	exempted
Amy 14:19	based 20:9,10	CERTIFIC...	20:3	contact 18:19	20:3,14,19	18:2	8:10
analysis 21:2	21:2,17	24:2	come 9:24	contained	21:10,13,14	downsizing	exhausted
Analyst	basic 11:7	certification	comes 21:13	24:5	credit-related	15:18	12:22
14:20	bear 15:22	24:20	coming 14:18	continues	1:16 2:18	due 5:16,18	expenses 16:7
and/or 24:23	began 12:20	CERTIFY	19:12 21:20	21:14	criminal	15:17 17:15	explaining
answer 9:2	benefits	24:3	22:4	control 24:23	11:25 13:9	Duly 23:7	8:13
anticipated	12:23	certifying	Commission	copy 8:13	customer	E	F
3:23	best 21:15	24:24	4:17,18	correct 24:8	16:22	echoed 19:14	fact 6:5 20:13
Anybody 4:2	better 17:12	Chair 1:10	6:16	correlation	DARRELL	egregious	fair 1:15 2:14
anyway 10:13	18:22	2:6 22:23	commit 6:11	6:2,9 7:14	1:10	13:14	4:20,25 8:4
apartments	big 6:6	22:25	committed	cost 16:11	DAVID 1:12	either 10:7	8:8 17:11
12:25	bill 1:14 2:8	Chairman	12:7	Council 1:2	dealing 16:20	19:18	fall 12:21
applaud	2:10,12,25	3:4,6,23	Committee	1:10 2:6,24	20:21	employee	families 8:24
21:20	3:1,6 4:1,24	4:14	1:3 2:3,6	3:3 5:5	debt 5:19	8:12	fan 20:14
applicant	5:1,6 6:1	challenges	4:15 9:8	13:25 23:4		employees	favor 5:7
	7:1 8:1,2,7						

Committee on Law and Government
May 16, 2016

Page 2

14:22 23:10 favorable 23:3 favorably 23:17 fax 11:5 Federal 6:15 feel 16:20 17:2 21:5 feeling 21:3 feet 13:7 FICO 19:22 20:16 finances 5:12 16:21 financial 20:9 20:17 find 11:3 12:4 15:12 16:4 finding 16:14 first 4:5 9:6 10:5,7 13:23 14:5 14:5 17:14 18:13 23:5 23:18 fit 17:6 18:22 fixing 6:21 for-profit 5:19 foregoing 24:7,20 forward 3:21 found 18:21 four 6:17 18:24 fraud 6:12 fully 24:5 G generally 14:22 getting 13:21 21:11 give 10:21 17:17 Given 7:14 gives 8:14 11:13 go 10:13 16:16 17:5 21:11 22:17 going 10:12 17:10 18:15	18:16,19 20:20 good 2:2 4:11 4:13 6:13 15:6 20:19 22:6 GOV 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 Government 1:3 2:4 4:15 22:16,22 23:21,25 great 5:20 12:17 18:14 18:14 Green 1:11 2:5 19:10 19:11 22:23 22:24 Greenlee 1:10 2:2,8,22 3:24 4:4,7 4:11,14 9:4 9:12,17,23 10:4,11 14:7,11,17 15:4,13,24 18:8,25 19:5,8 21:25 22:6 22:9,14,20 23:8,13,15 groups 12:7 Gym 1:11 2:7 H half 5:8 Hall 1:6 handful 12:5 handling 13:16 happy 9:2 hard 17:15 hardest-to-... 12:13 Haver 3:15	health 15:19 19:19 heard 23:5 hearing 22:15 23:15 heart-wren... 5:25 heartfelt 17:18 HELEN 1:11 help 11:13 helping 3:18 11:17 12:4 hiring 5:3,10 18:17,18 histories 7:5 7:10 history 7:15 hoagies 13:21 13:22 homeless 12:23 homes 12:24 households 7:3,5 housing 4:23 7:13 Human 4:17 hundred 17:20 hurdles 8:21 I ideas 11:12 identify 10:6 10:13 15:5 Imagine 13:6 13:21 impact 7:8,18 impediment 3:19 important 16:8,10 17:3,18 improve 11:18 inaccuracies 7:16 inappropri... 5:24 income 16:25 indicative 21:4 individual	20:7 individual's 3:13 individuals 3:9 information 1:16 2:19 20:10 injury 13:2 inquiry 21:12 insane 14:3 instances 11:21 instruments 20:17 insult 13:2 insurance 20:17,19 Internet 11:8 12:8 Internet-ac... 11:4 interview 16:16 18:13 18:14 20:4 20:11 21:12 interviews 17:6 18:5 introduced 21:23 introducing 5:5 issue 10:20 20:22 issues 14:23 J job 1:17 2:19 5:24 6:10 7:15 8:20 10:16 11:9 11:12,16,19 12:12,15 13:22 15:17 16:15,20 17:7,12,24 20:12 jobs 5:11,16 11:3,10,23 12:4,20 13:15,20 14:5 jobseekers 8:17 11:7	11:24 13:3 John 9:22 juggle 16:8 juggling 21:16 K K 1:10 KEYSPOTS 12:5 knew 17:24 know 3:8 4:18 7:9 13:17 14:21 18:5 L L 1:10 24:14 Lab 11:4,20 lack 7:14 laid 5:20 Lance 3:15 Landau 3:17 4:6,13,16 9:5,10,15 large 21:7 Latino 7:3 law 1:3 2:4 3:1 4:1,15 4:21 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1,16,22 23:1,21,24 laws 7:19,23 leads 11:12 legislation 3:18 7:24 14:2 21:22 lending 7:12 20:14 let's 14:3 letter 14:19 life 19:19 life's 5:22 likelihood 6:11 little 10:22 15:14	live 17:2 living 16:6 loan 19:24,25 20:5,9 local 13:19 long 10:12 12:22 look 17:10 20:2,2 looked 3:7 looking 11:11 losing 12:24 lost 12:20 15:17 loved 19:20 luck 22:7 lungs 15:20 M ma'am 14:15 15:4 22:4 machine 11:5 maintain 8:19 16:12 major 16:4 making 13:20 13:22 21:16 Marconi 2:9 9:19 market 8:20 material 6:18 matter 24:7 means 24:22 medical 5:18 16:4,9 17:13,14,16 20:22 medications 16:11 meet 5:22 meeting 11:11 22:18 22:21 member 9:7 members 4:14 9:3 mention 13:20 MICHELE 24:14 microphone 15:14 mistakes 6:14 momentarily	22:17 Monday 1:7 money 16:21 morning 2:3 4:12,13 15:7 mortgage 16:13 motion 23:10 Mount 15:8 move 3:20 22:25 moved 23:9 multiple 12:18 municipalit... 7:18 MURPHY 24:14 N name 10:15 13:20 15:7 nation 19:17 21:9 nationwide 7:25 nearly 11:22 necessary 16:19 need 3:10 13:6 needed 17:17 needs 5:22 21:22 New 7:22 notes 24:6 notice 8:12 number 3:15 19:14 O oath 6:7 objections 24:4 obtain 8:10 obtained 2:4 obtaining 1:16 2:18 offered 10:25 offers 11:4 Oh 1:12 9:7 Okay 14:17 one-on-one	11:19 ones 19:20 opportunity 3:13 5:6 8:15,25 9:16 Opposed 23:13 ordinance 1:14,15 2:13,15 4:20,25 8:5 oxygen 15:22 P parallels 8:7 Parker 14:16 15:6,7,16 16:2 18:12 19:3,7 21:24 22:5 22:8 part 14:25 participation 23:23 particular 3:16 particularly 12:19 passed 7:23 21:23 passing 7:19 pause 22:19 pay 13:23 16:6,25 17:12 20:8 paying 12:21 16:9 17:14 penalized 19:18 21:9 pending 7:24 Pennsylvania 1:6 people 4:21 5:14,21 7:20 8:23 11:22 12:13 13:9 14:4 17:20 19:15 19:17 20:18 21:6 percent 12:10 12:14,14 perfect 17:6
---	---	--	---	--	---	--	--

Committee on Law and Government
May 16, 2016

Page 3

perform 6:3	7:12 8:5	21:8	residents	section 1:16	stories 5:15	testify 5:7 9:2	11:25 15:12
performance	predatory	read 2:10	12:11	2:17 15:8	5:21	10:18 14:14	15:22 16:3
6:11 7:16	5:19 7:11	reading 23:5	resources	securities	story 19:13	19:13 22:11	16:12,24
person 6:13	present 1:9	23:18	21:18	13:17	19:14	testimony	21:15
8:15 14:14	9:8	real 4:24	respond 8:16	see 9:13 12:3	straightfor...	21:21	turned 13:4,8
20:21	President	reason 3:11	response 4:3	seeing 4:4	17:23	thank 2:22	13:11,18,21
person's 6:3	1:10 2:6,24	Recession	9:11 14:10	9:12 12:18	strong 20:24	3:4,4,17,22	two 16:5
perspective	3:3,25 5:5	5:21 12:17	22:13 23:14	14:11 22:14	20:24	3:24 4:7	18:24 21:2
20:6,15	printers 11:6	recognize 5:4	rest 17:12	seen 13:9	struggle 8:18	8:25 9:4,13	type 20:16
persuasive	prioritize	recognizes	result 7:11	20:15	struggling	9:15,16,17	
9:13	16:8	22:23	resume 16:14	Senior 14:20	5:22	10:18 14:6	U
pervasive	prioritizing	recommend...	resumes	sense 13:15	Studies 5:8	14:7,12	understand
6:15	21:17	23:3	11:19	service 16:22	study 6:16	19:7,8,12	14:13 15:20
phase 18:3,16	problematic	record 9:6	Rhonda	session 23:19	Styer 9:22	21:24,25	16:18
Philadelphia	7:4	12:4 14:19	14:16 15:7	sessions	10:5,9,15	22:2,3,4,5,8	unemployed
1:2,6,14	proceed	14:25	right 14:22	11:20	10:16 14:8	22:9,20,24	11:2
2:14 4:17	10:14 15:5	reduce 21:14	15:21	sharing 19:13	subject 8:6	23:22	unemploy...
7:9 8:2,17	17:7	reenter 11:25	Robert 9:21	show 5:8 6:8	succeed 6:4	thing 13:6	10:17,23,25
10:17,23,24	proceedings	reflect 9:7	Room 1:6	shows 7:2	successful	20:11	12:23
12:9 15:9	24:4	regarding	RPR-Notary	significant	6:23	things 14:5	unexpected
19:16 21:7	process 6:22	1:16 2:19	24:15	3:8	suffered 7:11	19:24	5:18
Philadelphi...	8:22 20:6	rejected	Rue 3:17 4:6	simply 5:16	supervision	think 19:14	unfortunate
11:3	prohibiting	18:10	4:15 9:14	skills 11:8	24:23	20:4,25	21:5
Philadelphi...	1:16 2:17	relates 3:12	rules 23:4,17	skin 16:3	support 3:23	21:21	unlawful 1:15
7:10	Project 10:17	3:20	run 10:12	so-called	13:25	third 11:24	2:16 4:22
place 3:11	10:23,25	Relations	S	13:10	supportive	three 6:6,19	8:3
13:23	pronouncing	4:18	S 1:11	somebody	11:2	17:5,8	urge 13:25
placement	14:21	remove 3:19	Sadly 7:8	18:22	sure 17:19	18:24 20:2	urgent 10:19
12:12,15	property 4:24	8:20	sarcoidosis	somebody's	suspect 18:12	Tim 9:21	use 5:2,9 8:10
plan 11:18	protect 7:19	rent 16:13	15:19	6:10	suspecting	10:15	11:21 20:15
please 2:9 9:6	protecting	repair 13:7	saying 16:9	sort 16:24	18:11	time 3:7	utilities 16:13
10:14 14:15	4:21	report 6:10	school 5:19	speak 15:10	suspended	10:12 15:25	V
15:5,15,22	Protections	8:13 21:13	5:20 19:24	15:13	23:4	17:4,14	Vice 2:5
23:11	1:15 2:15	reported 13:3	score 13:5	speaks 21:21	suspension	21:11	volumes
point 21:3	provide 8:11	23:16	17:3,5 18:6	specialist	23:18	times 17:8	21:22
policies 20:18	providing	reporter	20:20 21:14	3:15	T	18:24	volunteers
Policy 14:20	8:23	24:24	scores 15:12	speech 17:18	table 4:10	tips 11:12	11:7
poor 5:17	public 4:23	Reporting	19:22 20:16	spleen 16:3	10:3 15:3	title 2:10	voted 23:2
position	22:17 24:15	8:9	21:10	spoke 18:17	take 15:24	9:2 15:10	W
16:23 18:3	pulled 18:6	reports 5:2,9	scoring 19:23	stable 8:19	18:15	23:21	want 3:17
positions 5:11	purposes	6:14,20,24	20:14	Staff 11:6	taken 24:6	top 15:18	17:21 19:11
possible 8:21	6:25 7:7	7:6,17,21	screen 5:24	start 18:25	task 12:2	tough 8:20	19:12
18:23	Q	8:11	search 11:9	19:3	taught 19:25	track 12:4	way 12:12
potential 7:17	qualified 5:15	representat...	11:18 17:2	statement 3:2	techniques	Trade 6:15	We've 13:9
8:14	questions 9:3	6:5	17:8	4:2	11:9	training 12:8	weekly 11:10
potentially	9:9 14:9	reproduction	searches	states 7:18,22	technology	transcript	went 19:23
6:18	22:3	24:21	15:11 18:7	stations 11:5	12:9	24:8,21	white 7:5
poverty 21:7	quorum 2:5	require 14:2	second 13:10	statistical 6:9	telephone	TransUnion	WILLIAM
practice 7:25	quote 6:7,17	8:8	19:9	Stay 19:9	11:6	6:6	1:10
13:14 14:3	6:20	requiring 8:9	seconded	stenographic	tell 18:9	Traub 14:19	witness 4:5,9
practices	R	research 6:8	23:7,9	24:6	telling 5:15	true 24:7	4:9 10:2,2
1:15 2:15	rate 12:12	7:2	secretary	stipulations	tend 7:4	trying 11:3	15:2,2
4:20,25			16:23	17:22	terms 2:21		

Committee on Law and Government
May 16, 2016

Page 4

wonder 19:2	23:16						
19:4							
work 6:4 8:23	<u>2</u>						
11:11,15,16	200 11:17						
11:18 14:4	2010 6:5						
14:4 16:4	2013 6:15						
16:14,25	2015 7:22						
17:21,21	2016 1:7						
20:24	27 12:13						
workers							
13:16	<u>3</u>						
workforce							
12:2	<u>4</u>						
working 3:14	40 10:21,24						
13:16 17:25	400 1:6						
workplace	41 12:10						
6:4							
worse 21:11	<u>5</u>						
written 8:11	5/16/16 3:1						
	4:1 5:1 6:1						
<u>X</u>	7:1 8:1 9:1						
	10:1 11:1						
<u>Y</u>	12:1 13:1						
year 11:17,22	14:1 15:1						
years 10:21	16:1 17:1						
10:24 16:6	18:1 19:1						
York 7:22	20:1 21:1						
	22:1 23:1						
<u>Z</u>							
	<u>6</u>						
<u>0</u>							
	<u>7</u>						
<u>1</u>	7,000 11:21						
10 12:14							
10,000 17:16	<u>8</u>						
10:20 1:7	8 15:9						
10:40 23:25							
100 16:11	<u>9</u>						
11 7:22	9-1100 1:14						
12 11:4	2:13						
150 16:11	900 11:22						
16 1:7							
160072 1:14							
2:12 3:1 4:1							
4:24 5:1 6:1							
7:1 8:1,3							
9:1 10:1							
11:1 12:1							
13:1 14:1							
15:1 16:1							
17:1 18:1							
19:1 20:1							
21:1 22:1							
22:25 23:1							