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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON LICENSES AND INSPECTIONS

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Room 400, City Hall
Philadelphia, Pennsylvania
Monday, February 6, 2006
10:10 a.m.

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PRESENT:

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COUNCILMAN RICHARD T. MARIANO, CHAIR
COUNCILMAN DARRELL L. CLARKE
COUNCILMAN JACK KELLY
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN FRANK RIZZO

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BILL 060010 - An ordinance amending Subcode
"PM" (the Philadelphia Property Maintenance
Code) of Title 4 of The Philadelphia Code (The
Philadelphia Building Construction and
Occupancy Code) by providing for a Certificate
of Rental Suitability to be provided by the
owner of any rental property prior to the
inception of any tenancy, and providing for a
private right of action by tenants to compel
compliance with the Code, all under certain
terms and conditions.

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Litigation Support Services
Eleven Penn Center
1835 Market Street, Suite 600
Philadelphia, Pennsylvania 19103
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COUNCILMAN MARIANO: The

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Committee on License and Inspections will

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come to attention, the public hearing.

5

Myself, Councilman Mariano. To my far

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right, Councilwoman Blondell Reynolds

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Brown, Councilman Clarke, Councilman

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Kelly and Councilman Rizzo.

9

Anthony, could you read the

10

ordinance.

11

THE CLERK: An ordinance

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amending Subcode "PM" (the Property

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Maintenance Code) of Title 4 of The

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Philadelphia Code (the Philadelphia

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Building Construction and Occupancy Code)

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by providing for a Certificate of Rental

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Suitability to be provided by the owner

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of any rental property prior to the

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inception of any tenancy, and providing

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for a private right of action by tenants

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to compel compliance with the Code, all

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under certain terms and conditions.

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COUNCILMAN MARIANO: Thank you.

24

You didn't give the bill number. It's

25

Bill No. 060010.

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2 The first person, License and
3 Inspections first. Is Otis here?

4 Otis, I knew you bet heavily on
5 Pittsburgh, but when I didn't see you in
6 the crowd, I didn't know it was that.

7 MR. HAIGLER: Sorry for the
8 delay.

9 COUNCILMAN MARIANO: That's all
10 right.

11 MR. HAIGLER: Good day,
12 Councilman Mariano, members of the
13 Committee. I am Otis Haigler, Jr.,
14 Director of Legislative Affairs for the
15 Department of Licenses and Inspections.

16 Today I am here to provide
17 testimony on Bill 060010, which, if
18 enacted, will amend the licensing
19 requirements of the Property Maintenance
20 Code to require that owners of rental
21 properties provide a Certificate of
22 Rental Suitability at the time of change
23 in tenancy of a rental unit.

24 As a Department whose mission
25 is to enforce the provisions of The

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2 Philadelphia Code related to fire and
3 building safety as well as property
4 maintenance, we support the basic tenants
5 of this bill, as it is in line with our
6 mission. The intent of Bill 060110 is to
7 provide new tenants of rental property
8 with needed information regarding the
9 rental license status of the premises and
10 whether the Department has recorded
11 violations against the premises which
12 would impact on the safety of its
13 occupants.

14 The certificate the Department
15 will issue in compliance with this new
16 requirement is similar to the one
17 currently issued for residential real
18 estate transactions as a requirement of
19 state law, where the seller of properties
20 are required to give to the buyer a
21 certificate as part of the real estate
22 transfer process. State law requires
23 that this certificate be given to the
24 buyer prior to settlement and that the
25 certificate list the legal zoning, as

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2 well as any recorded building or fire
3 safety violations the municipality has on
4 the premises.

5 Bill 060010 proposes to mirror
6 those requirements when the tenancy of
7 residential rental properties changes.
8 And in addition to the rental license
9 status of the premises, the certificate
10 will provide the tenant with information
11 on how to request a further inspection of
12 the property should the need arise after
13 they have begun occupancy of the
14 premises.

15 To provide landlords and
16 tenants with a broader understanding of
17 what documents are required to rent
18 properties in the City of Philadelphia
19 and the requirements of the City relative
20 to Code enforcement, this proposed bill
21 will mandate that landlords, in addition
22 to providing the Certificate of Rental
23 Suitability to new tenants, must also
24 provide them with a copy of the
25 publication Partners For Good Housing

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2 Handbook as published and distributed by
3 the Department. Contained within this
4 handbook are various Code requirements
5 related to residential rental property
6 that has been synopsisized into an
7 easy-to-read-and-understand format in
8 order to give landlords, tenants and
9 others a basic understanding of the laws
10 and requirements as enacted and enforced
11 by the City.

12 Also contained within the
13 handbook is the process for filing a
14 complaint with the Department by anyone
15 in the public who observes violations of
16 the City's requirements and the process
17 for filing appeals of violations notices
18 that have been issued to persons
19 subsequent to an inspection having been
20 conducted by the Department.

21 I also want to note and
22 emphasize that the Partners For Good
23 Housing Handbook has been translated into
24 four languages - English, Spanish,
25 Russian and Korean - so as to provide

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2 this information across ethnic and
3 cultural lines to better serve our City's
4 diverse population. Landlords may choose
5 to make download copies of the handbook
6 free of charge in one of the languages
7 mentioned from the City's website,
8 www.phila.gov.

9 To make the proposed bill
10 manageable for the Department to
11 implement and enforce, we have worked
12 closely with Councilman Mariano's office
13 to draft amendments to the bill, which
14 will be offered today.

15 Thank you for the opportunity
16 to provide the Department's testimony on
17 Bill 060010. I'll be happy to answer any
18 questions at this time.

19 COUNCILMAN MARIANO: Thank you,
20 Mr. Haigler.

21 Any questions from the
22 Committee?

23 (No response.)

24 COUNCILMAN MARIANO: Seeing
25 none, I'll take the next -- excuse me.

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2 Councilman Rizzo. Sorry.

3 COUNCILMAN RIZZO: Mr. Haigler,
4 the obvious point is taken by the people
5 that are in the business of renting
6 properties that this is just another
7 burden. I agree with the goal that we're
8 trying to achieve here, but have you
9 analyzed or has L&I looked at how we can
10 bring this together with something we
11 already do so we don't need to fill out
12 another form, that we don't need to pay
13 another fee, that we don't need to burden
14 the owners with more paperwork?

15 Not that we don't need to do
16 this. I agree with the concept here, but
17 how can we collapse this thing into
18 something that we already deal with to
19 not just add another task of filling out
20 and writing checks and on and on and on?

21 Recently there was an issue
22 with the smoke alarms, the central
23 systems, and more paperwork there where
24 they had to comply. I got lots of calls
25 about that a year or so ago.

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2 So what can L&I suggest to
3 maybe make this an easy thing to do?

4 MR. HAIGLER: Well, Councilman,
5 I have not personally analyzed the bill
6 to that extent and I don't think nobody
7 in the Department has. The bill recently
8 was introduced in the Council and the
9 hearing is roughly about maybe a week or
10 so after the bill was introduced. So we
11 really haven't had an opportunity to
12 really sit down and analyze any other
13 issues that this might fall into.

14 But we do say that the bill in
15 its present form does not add any undue
16 burden on the Department. That's really
17 what my, I guess, responsibility is.

18 COUNCILMAN RIZZO: How could it
19 not, Mr. Haigler? You're talking about
20 actual inspections, correct?

21 MR. HAIGLER: Well, no. We're
22 talking about the issuance of a
23 Certificate of Rental Suitability, not an
24 inspection. What we're talking about is
25 with the amendments that were being

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2 proposed, there are no inspection
3 requirements prior to the issuance of the
4 Rental Suitability Certificate. It's
5 similar to what we currently do with Real
6 Estate Transfer Certificates that we
7 issue. We basically give the person who
8 applies for those certificates
9 information as to what the legal status
10 is of the premises and whether or not we
11 have any recorded violations already on
12 file for the premises.

13 COUNCILMAN RIZZ0: So a person
14 that owns a rental property that gets the
15 certificate, there's no assurance other
16 than a piece of paper that the property
17 is --

18 MR. HAIGLER: Well, what we
19 also do is, we require the landlord to
20 provide to the tenant information from
21 our publication, the Partners For Good
22 Housing Handbook, and if the tenant so
23 chooses, they can contact the Department
24 or anybody can contact the Department at
25 any time to request an individual

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2 inspection of that premises.

3 COUNCILMAN RIZZO: Well, they
4 can do that today.

5 MR. HAIGLER: That's correct.

6 COUNCILMAN RIZZO: So that's
7 nothing new.

8 MR. HAIGLER: That's correct.

9 COUNCILMAN RIZZO: My point
10 being is -- again, I don't want to overdo
11 this, but my point is, is there a way
12 that we can keep the work to a minimum
13 and have this kind of hooked up with some
14 other process that we already do, rather
15 than -- I can imagine when it becomes
16 public, the landlords out there are going
17 to say, Here we go again, a bureaucracy
18 making it more difficult for us.

19 Again, I'm with the concept,
20 but I'm trying to make it as streamlined
21 as possible.

22 MR. HAIGLER: I really can't
23 answer that question at this time. I can
24 take it back to my administrative
25 superiors, commissioner, deputy

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2 commissioners, and discuss it.

3 COUNCILMAN RIZZO: Well, you
4 would think that any time we're adding a
5 burden to an operating department, that
6 the first reaction is, Yeah, how do we
7 keep it simple and how do we incorporate
8 it into something else we already do.
9 Are you looking for more work? I don't
10 know. But to me, I'd appreciate
11 knowing -- and whoever the sponsor of the
12 bill is, I think it's Councilman Mariano,
13 that he would hopefully support keeping
14 it simple.

15 COUNCILMAN MARIANO: Thank you,
16 Councilman.

17 Councilman, on that point --
18 and I want to recognize Councilman Kelly,
19 but first I just want to say, the reason
20 we're doing this bill is not for the
21 legitimate landlords to hurt anybody. If
22 we were ever going to do anything like
23 that, there wouldn't be any sense of even
24 coming in. But I appreciate your
25 interest in it, and I know your intention

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2 is well.

3 There's an underground market
4 of people renting apartments out in the
5 City and mostly all major cities. This
6 is going to give everybody a chance to be
7 able to have a certificate and call and
8 say this is legitimate. Right now you
9 can do that and -- it's all illegal, but
10 people still do it. I think we're going
11 to find if we hold most of our discussion
12 until the people that are in opposition
13 and the people that are in support of
14 this bill and where they come from,
15 they'll make it a little bit clearer what
16 the problems are. I think that will be
17 good.

18 Councilman Kelly.

19 COUNCILMAN KELLY: Thank you,
20 Mr. Chairman.

21 Mr. Haigler, I just want to
22 follow up on Councilman Rizzo's
23 questioning. If a tenant has a problem
24 right now and whether he gets your number
25 from the book or from anywhere, if he

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2 calls, what is the response time of an
3 L&I inspector going out there and taking
4 a look at the situation?

5 MR. HAIGLER: To my knowledge,
6 the response time is usually within five
7 days.

8 COUNCILMAN KELLY: Within five
9 days?

10 MR. HAIGLER: Within five days
11 to do an inspection.

12 COUNCILMAN KELLY: Once they do
13 the inspection, if they do issue a
14 citation, what is the follow-up on that?

15 MR. HAIGLER: Once a violation
16 notice has been issued to the property
17 owner, the property owner is given time
18 to correct that violation as prescribed
19 by law. If the property owner does not
20 correct the violation within the
21 prescribed time period, then further
22 enforcement action is taken against the
23 property owner, which means taking that
24 person to court, following it through the
25 enforcement process and recommending

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2 fines to a municipal court judge to
3 impose those fines against the property
4 owner for non-compliance of the Code.

5 Right now within the Code, the
6 fines can be anywhere from \$150 to \$300
7 per day per offense. There are certain
8 fines that were increased based on state
9 law recently enacted to allow for certain
10 fines to be increased up to, by the year
11 2009, \$2,000 for certain violations.

12 COUNCILMAN KELLY: Can you give
13 me a ballpark estimate on the time that
14 you would allow a landlord to make the
15 necessary repairs?

16 MR. HAIGLER: Generally it's 30
17 days.

18 COUNCILMAN KELLY: 30 days?

19 MR. HAIGLER: Generally it's 30
20 days.

21 COUNCILMAN KELLY: After 30
22 days, they would be reinspected?

23 MR. HAIGLER: Reinspected, and
24 if it's found to be in non-compliance,
25 then that issue is taken through the

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2 court process.

3 COUNCILMAN KELLY: And the
4 court process would take approximately?

5 MR. HAIGLER: It could take
6 based on the court's schedule as well as
7 the assignment to a judge and appearing
8 before the judge and testifying on that
9 matter.

10 COUNCILMAN KELLY: Okay. Thank
11 you.

12 Thank you, Mr. Chairman.

13 COUNCILMAN MARIANO: Thank you,
14 Councilman.

15 Fire Commissioner, since we
16 have no other questions, you can come up
17 now.

18 MR. HAIGLER: I would like to
19 give to the Sergeant-At-Arms copies of
20 the handbook that I mentioned in my
21 testimony and distribute it to the
22 Committee members, if they would like.

23 COUNCILMAN MARIANO: Thank you,
24 Mr. Haigler.

25 Commissioner, before we start,

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2 I just want to tell you that you're doing
3 an outstanding job with trying to get
4 these fire detectors in residences.
5 Being a person that represents a middle
6 to bottom income district, I've seen the
7 different trucks and your firemen out
8 there with their plungers and their
9 double-edged tape and their free smoke
10 detectors.

11 We all watch television, so we
12 all know how many people die in houses
13 because there's no -- how much is a
14 battery? You even give the batteries out
15 if you just need a battery. So there's
16 really no excuse. And with that
17 double-edged tape, even short people like
18 myself with a plunger can make it. So I
19 really appreciate it. Thank you.

20 COMMISSIONER AYERS: Good
21 morning to Councilman Mariano, other
22 distinguished Councilpersons. Thank you
23 for inviting me to testify at today's
24 hearing.

25 I commend and support the

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2 Committee's efforts to ensure suitable
3 living conditions and adequate fire
4 safety for tenants of residential
5 occupancies in our City. As Fire
6 Commissioner and as a concerned citizen
7 of the City, I desire that all
8 residential properties be protected from
9 hazards that may cause fire.

10 One of my top priorities as
11 Fire Commissioner was to ensure that the
12 City's Fire Code contained adequate
13 protection requirements to ensure that
14 City residents, owners and renters are
15 safe from fire in their homes. Our Fire
16 Code contains those requirements. The
17 Code requires fire alarm systems in
18 hotels and apartment buildings and smoke
19 alarms on each level of dwellings.

20 The Fire Department has a
21 program of giving and installing smoke
22 alarms where occupants cannot afford them
23 or have failed to provide them in their
24 homes. Fire companies replace batteries
25 in smoke alarms where found missing or

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2 dead. The Fire Department's Fire
3 Prevention Division and the local fire
4 companies provide fire safety education
5 programs for residents to ensure they
6 realize the dangers of fire and know what
7 to do if a fire occurs in their home.

8 The Fire Department's efforts
9 alone are not enough. Your bill provides
10 a mechanism to ensure that residences
11 will have the appropriate fire protection
12 equipment and other items and that they
13 will be maintained to protect tenants.
14 Periodic inspections to ensure compliance
15 and reminding tenants that they have the
16 right to take action against an owner for
17 lack of compliance helps to ensure that
18 tenants will have the appropriate fire
19 protection and adequate living
20 conditions.

21 I support passage of this bill,
22 and thank you for the opportunity to
23 speak on this matter today.

24 COUNCILMAN MARIANO: Thank you,
25 Commissioner.

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2 Anyone on the Committee have
3 any questions for the Commissioner?

4 (No response.)

5 COUNCILMAN MARIANO: Seeing
6 none, the only other comment,
7 Commissioner, is, the posters that you
8 have, I don't know if you notice, the
9 ones with your picture on them.

10 COMMISSIONER AYERS: Yes, sir.

11 COUNCILMAN MARIANO: The eyes
12 follow you when you go down the avenue.
13 I know that's on purpose. So they look
14 at you and say, Do you have smoke
15 detectors in your house, this man is
16 watching you. They really do. The one
17 on Frankford down by North Catholic on
18 Frankford right off of Torresdale, you go
19 by that, you see it. There's the
20 Commissioner looking. And I asked one of
21 your agents. He said, Yeah, that was
22 intended for that. I don't know if he
23 was kidding me or not, but I appreciate
24 it. Good job.

25 COMMISSIONER AYERS: Thank you.

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2 COUNCILMAN MARIANO: Thank you.

3 I know it never ends, but thanks.

4 COMMISSIONER AYERS: Thank you.

5 COUNCILMAN MARIANO: Seeing no

6 questions, we're going to go to the

7 third, the tenant unit representative,

8 Phil Lord. Is Phil here? And anybody

9 that's with them can please come up.

10 Tenant Union Representative Network. I

11 think I got it right.

12 MR. LORD: Good morning,

13 Councilman Mariano.

14 COUNCILMAN MARIANO: How are

15 you doing?

16 MR. LORD: Thank you very much.

17 My name is Phil Lord. I'm the Executive

18 Director of the Tenant Union

19 Representative Network, or TURN, and I'm

20 here with our counsel.

21 MR. GOULD: George Gould. I'm

22 an attorney and the managing attorney at

23 Community Legal Services for housing and

24 energy, and our office represents TURN.

25 COUNCILMAN MARIANO: Thanks for

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2 coming, gentlemen.

3 MR. LORD: Thanks again for
4 this opportunity to testify on behalf of
5 TURN regarding the Rental Suitability
6 Certification introduced by Councilman
7 Mariano on January 24, 2006.

8 TURN is a non-profit
9 organization which provides tenant
10 advocacy and housing counseling. We
11 provide a variety of services, including
12 tenants' rights classes, eviction defense
13 counseling, rental subsidy programs,
14 emergency assistance where people are
15 back in their rent. In this process, we
16 see thousands of people each year. Most
17 of our work is funded by the City of
18 Philadelphia. We most recently
19 contracted with the City to provide
20 housing for the Katrina survivors.

21 Our organizational experience
22 is relevant to the proposed legislation.
23 We have 600 households that are part of
24 our rental subsidy programs. We get
25 involved with contracting with them in

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2 regards to leases. Our programs require
3 that inspections be done before people
4 move into their properties. That is a
5 federal requirement for a lot of the
6 housing subsidy programs that we're
7 involved in. So we get to see the
8 process of renting. We get to see the
9 process of inspection. We also help
10 people interface with L&I and with the
11 City of Philadelphia, because they come
12 to our offices seeking assistance with
13 getting repairs and other kinds of things
14 done.

15 In talking about this
16 ordinance, I found that people are
17 shocked to learn that there is no law
18 against an owner offering substandard
19 property for rent. Like I said, there is
20 no law against an owner offering
21 substandard property for rent. All the
22 remedies that we have -- and there are a
23 lot of them, and I've been practicing
24 landlord-tenant law for over 30 years --
25 are after the fact. After you get in,

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2 you can do X, Y and Z. We know about
3 Pugh versus Holmes and the right to
4 withhold rent, repair and deduct, calling
5 L&I. All those things are remedies that
6 take place after you're already stuck in
7 the property. And we have people who
8 have moved into properties into dangerous
9 conditions only to find out after they
10 got in there that they're stuck. When I
11 say "stuck," they're worried about
12 retaliation from the landlords. We have
13 laws against that, but people are driven
14 to court. They're worried about that.
15 Particularly our senior citizens,
16 particularly our disabled people, who
17 have limited housing options, are very
18 much afraid of running into a situation
19 where they're stuck in some place and
20 they have nowhere to go.

21 This bill would give them a
22 warning before they go in. This bill
23 would let them know what some of the
24 problems are or make sure there aren't
25 problems of record before they go in, and

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2 that's very important.

3 The law right now is basically
4 what we call caveat emptor, which means
5 that buyer beware. Tenants have to take
6 it on their own selves to make sure that
7 the property is okay. Most people can't
8 afford an inspector to inspect the
9 property professionally before they move
10 in. If they see something wrong, they'll
11 tell the landlord about it. The landlord
12 will say, Okay, I'll fix it. Some of
13 them do fix it before you move in. A lot
14 of times, and we see people every day,
15 they do not.

16 People are moving in. They
17 have their truck at the door. The
18 landlord says, Don't worry about it, I'll
19 take care of it next week, next month,
20 and then years later, serious problems
21 are still there.

22 There's also the landlords,
23 very few landlords, who I think are
24 intending not to make the repairs, and
25 those people when they find they have

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2 serious problems in their properties and
3 it's not worth the money to fix them
4 because they think it won't increase the
5 value, they'll move a complaining tenant
6 out, evict them or just not do the
7 repairs and then invite somebody else in
8 to the same conditions without having
9 done the work. We think it's important
10 to stop this kind of practice. There's
11 very few landlords, I agree, but it still
12 is significant.

13 If you look at the University
14 of Pennsylvania Neighborhood Information
15 Service, they say that one out of five
16 properties in Philadelphia right now have
17 Housing Code violations outstanding on
18 the properties. That's one out of five.
19 That's one-fifth. In some councilmanic
20 districts, there's as many as 30 to 40
21 percent of the properties have
22 outstanding Code violations. That means
23 that we're not doing enough to make sure
24 substandard housing is not on the market.

25 When I say "substandard

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2 housing," we're not talking about
3 bargaining chips for tenants to make sure
4 the place looks a little bit better or
5 make sure they have bay windows or
6 whatever else. We're talking about
7 minimum standards. We're talking about
8 things that affect the health and safety
9 of people. We're talking about things
10 that are dangerous in terms of fire
11 hazards. We're talking about things that
12 are dangerous in terms of roof leaks or
13 mold or things that can make people sick,
14 particularly children.

15 Parents get into a property.
16 They want to protect their children.
17 They don't know that it's dangerous for
18 their children until they've already
19 moved in, and then they're stuck in the
20 situation of complaining and hoping a
21 landlord responds. We believe that is
22 not adequate, that people should know
23 beforehand. And not only that, that
24 landlords should take responsibility for
25 making sure the place is in good shape.

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2 Like I said, we deal with
3 hundreds of landlords. The ones we deal
4 with don't have a problem taking
5 responsibility. They want people to know
6 they're renting out good properties.
7 They want people to know that they don't
8 want their properties to hurt anybody or
9 make them sick.

10 When we don't enforce the
11 Housing Code, we pay the price in the
12 City hospitals and the morgues. These
13 are not obligations that are superficial.
14 These are fundamental to human life and
15 safety, and that's all we're asking for,
16 is that the stuff be enforced.

17 That's where this bill comes
18 in. We think it does an important job.
19 It prevents people from renting out
20 properties when there are outstanding
21 Code violations.

22 We have a number of people here
23 today. All of them will testify, but
24 they all have experience going into a
25 property with outstanding violations of

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2 record, not just unreported, but of
3 record, and having moved in, not known
4 about it, and then found out once they
5 get in there.

6 It's easy to say, Well, they
7 should have checked or they should have
8 known, they can call L&I. The reality is
9 that most consumers -- I shouldn't say
10 most, but many of the people that come
11 through our offices -- we see people for
12 our classes every day, we see hundreds of
13 people on a weekly basis -- these people
14 come in and they don't know about their
15 rights. They don't know L&I will do a
16 free inspection. They don't know what
17 can happen. That's why this booklet and
18 this information piece is very important
19 as well.

20 The self-certification piece
21 sounds like it's gratuitous, but we think
22 it puts the responsibility on the
23 landlord to be able to say and assert
24 under penalty of law that their place is
25 not a serious danger to other people.

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2 Most landlords are very glad to do that.
3 We think the charge for the certificate
4 is going to be nominal. It's not going
5 to keep anybody from renting a property.
6 You already have to pay to paint it up
7 and you already have to pay to advertise
8 for it. Adding this extra thing is not
9 going to break the bank.

10 There's another provision in
11 this law which we think is very
12 important, and, that is, it gives the
13 tenant a right to go to court in equity
14 actions, which means that they can go to
15 court and get an injunction and court
16 order to fix the property up.

17 It's hard to believe, but a lot
18 of courts feel that the Housing Code is
19 not between the tenant and the landlord
20 but between the City and the landlord, so
21 they don't want tenants to try to enforce
22 the Housing Code. This would give the
23 tenant some leverage enabling them to
24 enforce the Housing Code. This is only
25 in the most extreme situations. No one

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2 can afford to hire a lawyer to go to
3 Common Pleas Court to fix a leaky faucet.
4 It's just not going to happen. It's only
5 in the group cases where landlords have
6 been recalcitrant for years that you have
7 to go into equity. It's very difficult
8 to afford. It's not going to be an
9 individual case.

10 At the same time, when we do
11 make these efforts, we want to make sure
12 we have all the remedies available and
13 can order a landlord to go forward and
14 take the action that needs to happen.

15 You'll probably hear from other
16 people that you got Pugh versus Holmes,
17 and we tell people about those remedies
18 every single day. That Supreme Court
19 case allows you to withhold rent, to
20 repair and deduct, to even move out if
21 you have to seek a rent abatement. But,
22 again, let me emphasize, all this happens
23 after you've moved in.

24 A lot of people are afraid that
25 if they try to do this, they will be

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2 evicted, and we don't want people to be
3 put in that situation. A lot times they
4 are evicted. So that's another
5 situation.

6 This is not radical law. A lot
7 of jurisdictions have much stronger
8 provisions. Boston and other cities
9 actually have inspections before people
10 move in. We can't afford it in this
11 city. I understand that. But this is a
12 step in the right direction, and we think
13 it's going to be able to improve the
14 situation for folks.

15 The low-income tenants have
16 these housing programs from the federal
17 government to help do inspections before
18 they move in. They also have sometimes
19 lawyers from Legal Services or other
20 places. Various rich folks, of course,
21 can do what they want. They always can,
22 but the middle class has no protection in
23 regards to moving into properties that
24 are not in a safe condition. They get in
25 there and they don't want to have to move

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2 again and they're fighting with their
3 landlord, and this should not happen.
4 Again, it's a small percentage, but you
5 can see from the numbers I quoted it's
6 significant enough for this committee to
7 take action.

8 So we recommend this bill to
9 you. We ask that you pass it. We think
10 that it will make the City more
11 attractive. It will reduce the
12 substandard housing in the City. It will
13 invite people who hear about it to say,
14 It's a good place to work and people to
15 come and live, good people who have
16 business to come and set up, because we
17 know the housing in this City is going to
18 be protected by the City, and they think
19 that's very important.

20 So I thank you for this
21 opportunity to raise these points with
22 you and offer to answer any questions you
23 might have.

24 COUNCILMAN MARIANO: Thank you,
25 Mr. Lord.

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2 Any questions from the
3 Committee?

4 (No response.)

5 COUNCILMAN MARIANO: Seeing
6 none.

7 MR. GOULD: I just have a
8 couple of additional comments, and first,
9 I'd like to thank the Committee for
10 working on this bill. It's a very
11 important bill.

12 I've been practicing law in
13 Philadelphia for over 30 years now, and
14 what this bill really gets at, and quite
15 simply, is the problem -- and, again,
16 I'll emphasize that many landlords do a
17 good job. There are some out there who
18 don't. And the problem quite simply is,
19 some landlords in the City have continued
20 to rent properties that are in poor
21 condition, that have Housing Code
22 violations, and we often have clients
23 coming into our office that come in,
24 there are these problems, we find out
25 they're Code violations.

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2 Quite simply, what this bill
3 does, without imposing, we believe, any
4 burdens really on the City and any
5 burdens on good landlords, is simply to
6 make sure that the property when it is
7 rented is in good condition and basically
8 there are no serious Housing Code
9 violations on the property. That's what
10 it does. We think it's important, and we
11 thank the Committee for doing this.

12 COUNCILMAN MARIANO: Thank you.

13 Any questions for this witness?

14 (No response.)

15 COUNCILMAN MARIANO: Seeing

16 none, we could have the next witness,
17 Father McNamee from Saint Malachy's.

18 I was corrected by Councilman
19 Kelly. It says Saint Malachy's. I'm
20 only half Irish, Father, so I have a
21 little Italian twang to the end.

22 COUNCILMAN KELLY:

23 Mr. Chairman, I may have to recuse myself
24 because Father McNamee married me a
25 couple of years ago, I think it was.

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2 COUNCILMAN MARIANO: We're not
3 going to get into that, Councilman.

4 FATHER McNAMEE: Well, rather
5 than repeating what is in my stated
6 testimony, which everyone before me has
7 said, maybe I would improvise a bit just
8 to affirm what everyone else has said.

9 I live in North Philadelphia in
10 the lower east corner of Temple
11 University. Yorktown is a very stable,
12 singularly stable, housing effort in
13 North Philadelphia, but the neighborhood
14 east of me deteriorated sharply. And I
15 was at a community meeting recently in
16 which the community expressed some
17 concern that the development of Northern
18 Liberties and the new development on the
19 waterfront is going to chase the
20 residents out of the neighborhood. Maybe
21 that will solve any housing problems in
22 terms of Code violations, but in terms of
23 right now, all the things that everybody
24 said before me speaking here are true.

25 A lot of people get into

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2 housing and they have nowhere else to go.
3 They're not aware of their rights,
4 Spanish people sometimes and the language
5 problem, and so they're stuck in the
6 place. And the idea that the Code
7 violations would be required before they
8 move in and all of the things necessary
9 in the rental for their health and
10 safety, fire safety and all the rest,
11 would seem to be a step in the right
12 direction, a step to help people to be
13 comfortable.

14 I live in a place where a lot
15 of times people come to me who have no
16 heat because the rental furnace wasn't
17 working or isn't working and the long
18 delay in fixing it on the part of the
19 landlords. I don't mean to indite all
20 landlords. Many of them do a good job
21 and administer their properties well on
22 behalf of their tenants, but there are
23 the cases which I think could be
24 reasonably solved if L&I were to require
25 certification of the premise before the

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2 tenants moved in, and the tenants could
3 be made aware of their rights in that
4 regard. I think it would be a good move
5 and seems to be necessary legislation
6 from my experience of 24 years at Saint
7 Malachy. So on behalf of my
8 neighborhood, I would support this
9 legislation.

10 COUNCILMAN MARIANO: Thank you,
11 Father.

12 Anybody besides Councilman
13 Kelly with marital questions have any
14 questions to the good Father?

15 COUNCILMAN KELLY: No.

16 COUNCILMAN MARIANO: I don't
17 think they had pre cana in them days.

18 COUNCILMAN KELLY: Father, I
19 just have a question. In your
20 neighborhood, what would you say the
21 percentage is of rental housing rather
22 than home ownership? What would you say
23 the percentage is?

24 FATHER McNAMEE: Well, Yorktown
25 is, of course, all privately owned. Just

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2 and buy many of them?

3 FATHER McNAMEE: I don't really
4 know that, Councilman. I have a sense
5 that it's not large companies that own
6 them, except in the new real estate
7 explosion going on in the neighborhood.
8 But I would say, by and large, it's
9 somebody who owns a property or two or
10 three, often a rowhouse, and subdivides
11 the rowhouse legally or otherwise into
12 apartments and there are people in these
13 apartments.

14 COUNCILMAN KELLY: Well, I just
15 want to take this time to commend you on
16 all the great work that you've done in
17 that neighborhood for all those years. I
18 know you've helped not only hundreds but
19 probably thousands of people in that
20 neighborhood, and you've kept it
21 together. And I think that anything that
22 this Council can do to help you, we
23 certainly will, because you're doing a
24 great job in there. Thank you.

25 FATHER McNAMEE: Thank you,

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2 Councilman.

3 COUNCILMAN MARIANO: Any other
4 questions for this witness?

5 (No response.)

6 COUNCILMAN MARIANO: Seeing
7 none, thank you, Father.

8 The next, Disabled In Action,
9 Ms. Nancy Salandra and anyone else that's
10 with Nancy.

11 MS. SALANDRA: We want to thank
12 you for this opportunity today to testify
13 on behalf of Disabled In Action regarding
14 the Rental Suitability Certification
15 ordinance. I'm Nancy Salandra, and these
16 are members of Disabled In Action, and
17 we're also a proud member of the
18 Philadelphia Affordable Housing
19 Coalition.

20 Disabled In Action is a
21 membership organization with over 450
22 members. We've been in existence since
23 1973. We are a grassroots self-advocacy
24 organization. Our main issues and
25 concern is housing for all disabled

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2 people and their families. People with
3 physical disabilities are the largest
4 population in the City in need of
5 permanent, affordable, accessible and
6 integrated housing. Our organization
7 receives at least 20 calls a week on
8 housing-related issues, and most are to
9 locate affordable housing.

10 Both DIA and the Philadelphia
11 Affordable Housing Coalition are here to
12 support the passage of the Certificate of
13 Rental Suitability bill. This ordinance
14 would require landlords to get a
15 certificate from L&I prior to leasing a
16 unit which confirms that the proper
17 license has been obtained, that there are
18 no violations of record, that there has
19 been a Housing Code inspection within the
20 last two years. The tenants would
21 receive a copy of the certificate, which
22 would explain the process for L&I.

23 We believe that with the
24 passage of this bill it would enable
25 individuals, including the disabled, to

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2 have access to more decent, safe, viable
3 housing. The preservation of decent and
4 affordable housing in Philadelphia is one
5 of the major goals of the Philadelphia
6 Affordable Housing Coalition.

7 And we just want to say, in our
8 case, it's a constant issue looking for
9 housing and looking for housing that's
10 going to be suitable for all disabled
11 people, whether they have a physical
12 disability or another disability. So we
13 want to thank you today for the
14 testimony.

15 COUNCILMAN MARIANO: Any
16 questions for Ms. Salandra from the
17 Committee?

18 (No response.)

19 COUNCILMAN MARIANO: Seeing
20 none, anyone else want to testify at all
21 that are up here, personally testify?

22 MS. BURNS: I want to say
23 something.

24 COUNCILMAN MARIANO: I think
25 Councilman Clarke has something to ask

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2 Ms. Salandra first.

3 MS. BURNS: My name is Jennifer
4 Burns and I'm with DIA and Liberty
5 Resources, and I have a testimony to
6 give. It's kind of a good one, because
7 if it wasn't for Liberty Resources
8 helping me out, I was on the verge of
9 being homeless after my mom died. I lost
10 my house because of predatory lending.
11 We got into some trouble with that. And
12 I had lost my job and I couldn't help mom
13 keep up with the bills like I wanted to,
14 because I'm on low income and stuff. And
15 a lot of us are on low income, and we
16 just need affordable places to live.
17 Because it took me three years to get the
18 place where I'm living in now, and most
19 of it was because I did the wheel work,
20 and a lot of us do a lot of wheel work to
21 get our own housing and to try to help
22 other people who have disabilities get
23 their own housing, because some of us
24 can't afford to or are not able to
25 because of our physical disabilities.

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2 Some of us can't afford to get out and
3 see about these things.

4 So that's why we're here today,
5 and we thank you for taking the time to
6 listen to us.

7 COUNCILMAN MARIANO: Thank you.
8 And Anthony will move the microphone over
9 so everyone gets a chance that wants to
10 speak.

11 MS. SABLE: My name is
12 Mrs. Aileen Sable, also known as
13 Spitfire. I'm an activist, and DIA
14 adopted and also Liberty Resources saved
15 my life literally.

16 Most people, if they have
17 something happen in the homeless, if
18 you're in a wheelchair, you're shoved in
19 a nursing home, or as I call them, death
20 camps. They are death camps.

21 We have a lot of turnover of
22 different managers. Nobody really likes
23 landlords, but we've had some really
24 awful ones who like every other week
25 there was no heat or whatever, and then

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2 every other co-op make a big scene until
3 they put on the heat. I'm just so glad
4 that we're finally getting help with all
5 this, because we are human. We vote.
6 There is something called human rights.
7 We vote.

8 Thank you very much.

9 COUNCILMAN MARIANO: Thank you.
10 And I like the Spitfire part. That's
11 very good.

12 MICHELLE: My name is Michelle.
13 I was homeless after graduating from
14 Temple University and I had to find an
15 affordable, accessible housing. Without
16 Nancy's help and the other people from
17 DIA and Liberty Resources, I had to
18 find -- it took me about a year to find
19 accessible, affordable housing.

20 Within this past year, I got
21 hit by -- actually, two years now, I got
22 hit by a truck, and it's been very hard,
23 and if I didn't have affordable,
24 accessible housing, I would not have a
25 place to go back to. I'd be stuck in --

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2 people are calling them accessible,
3 affordable housing, but I would have been
4 stuck in a nursing home situation, and I
5 did not want to go back to that.

6 MS. SABLE: Death camps.

7 MICHELLE: I call them death
8 camps myself.

9 I was actually being pulled out
10 of my room to tell them that there is
11 affordable, accessible housing out here.
12 They were sneaking me in my chair going
13 into other patients' rooms and telling
14 them that there is affordable, accessible
15 housing out there. They didn't actually
16 know this, because I'm a part of the
17 affordable, accessible Housing Coalition.
18 Without this, I wouldn't be able to do
19 this.

20 So we got to keep it going,
21 guys. Without this going on, we wouldn't
22 have been able to do this.

23 I gave them the number and the
24 resources. We just got to keep it going.
25 I don't want my brothers and sisters in

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2 the nursing homes. We got to give them a
3 resource to get out here. We got to
4 close down these beds.

5 I was stuck in a nursing home
6 that is now being called The Rehab.
7 They're giving these rehab monies.
8 Please close them down. Please. It
9 wasn't a real rehab. You got to close
10 these people down. Don't let us get back
11 into them, please. They're being called
12 rehab. Please close them down. I
13 really don't like them.

14 COUNCILMAN MARIANO: Thank you,
15 ma'am. I appreciate it.

16 Anyone else up here that wants
17 to speak? Anthony will move the
18 microphone over for you.

19 MR. GLADSTONE: My name is John
20 Gladstone. I was in Inglis House for 14
21 years. I've seen the abuse in the
22 nursing homes. I've seen people take
23 their own lives. Many of my friends in
24 nursing homes have taken their own lives.
25 And we at -- housing is going to be key

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2 for the disabled. This is a key issue.
3 We get people out of nursing homes, but
4 there's no place to put them. There must
5 be a place to put them. Let's close
6 these nursing homes down, because they're
7 no good. They're killing our people.
8 And what they're doing inside nursing
9 homes is murder. What they're doing
10 inside of Inglis House is murder. Any
11 nursing home in the city or in the
12 country, it's murder. And I want to see
13 these nursing homes shut down pronto.

14 And I want to thank you all for
15 letting us come and testify and getting
16 things off our chest, and we hope that
17 something will be done, because we'll be
18 following you if we have to take it to
19 the streets.

20 COUNCILMAN MARIANO: Thank you,
21 Mr. Gladstone.

22 MS. SABLE: The minute you --
23 if you need shelter, if they see you in a
24 wheelchair, you're put in a death camp.
25 Why? Every year they're taking services.

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2 If it wasn't for services, I wouldn't be
3 independent. I am because of it.
4 Because of what they did to me at
5 Lankenau --

6 MS. SALANDRA: Spitfire.

7 MS. SABLE: If you think that
8 Inglis House is bad...

9 MS. BURNS: And the thing about
10 it is that most of the shelters that are
11 out there, I have seen quite a bit of
12 them, some of them -- a lot of them are
13 not the cleanest, and then they're not
14 accessible either for disabled people.
15 And they only give you so much time to
16 try and find another place or to try and
17 find a job or whatever. And if it wasn't
18 for the good friend base that I have, I
19 would have probably been trying to get
20 extra money playing the keyboards out on
21 the corner just to make extra money,
22 because I'm a musician also.

23 But, see, my mother taught me
24 great survival techniques, and if it
25 hadn't have been for her, I wouldn't have

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2 been able to make it. I mean, I'm
3 different and I know I'm different, and a
4 lot of us are different and we know that
5 we're different, but the thing about it
6 is, we have productive lives too. And
7 just because you're in a wheelchair or on
8 walkers or crutches doesn't mean that you
9 can't do. It's what society puts on you
10 and says what you can't do. And I get
11 angry when that happens and show them
12 what I can do. And a lot of people don't
13 like to see that because they don't know
14 how to handle it when I get up in their
15 faces. We all get up in their faces here
16 to let them know that we're out here and
17 we vote. That means things have to
18 change.

19 MR. GLADSTONE: They have to
20 look beyond the wheelchair and the
21 disability. We're people too and we have
22 feelings and we want the jobs, we want
23 things and we like things. And I like
24 politics myself. See, nobody in our
25 lives, even our families, looked at us as

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2 human beings. They just look at somebody
3 they have to take care of.

4 MS. BURNS: I mean, I
5 believe --

6 MS. SABLE: Don't stereotype
7 us. I probably know more computer in my
8 sleep, but the minute they hear my voice
9 and see our chairs, you're labeled
10 whether you have a right to just --

11 MS. BURNS: And some of us have
12 loving, caring families. Some of us
13 don't. And even our loving, caring
14 families can't handle things. Like they
15 swear that they can, and I know they mean
16 well, but when they say, Come and live
17 with me, come and live with me, come and
18 live with me, that's a different story.

19 I realize that they want to
20 help us and everything, but when they try
21 to control things and control our lives
22 and get abusive and things like that, we
23 have to get out ourselves. We have to
24 sneak out sometimes and do what we have
25 to do.

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2 MS. SABLE: As one in my church
3 says, if I need help, I'll ask for it.

4 MR. GLADSTONE: What's hard is
5 people who mean well. But we just want a
6 chance to prove ourselves. We have a
7 right to be out here.

8 MS. BURNS: Because I went to
9 college also. I'm just saying, I went to
10 college also and I got a teaching degree,
11 with a minor in communications and fine
12 arts. I'm very smart up here. I get a
13 lot of things done using this and using
14 this and using this (indicating).

15 MS. SABLE: Right. There's
16 nobody else to --

17 MS. BURNS: And I've been a
18 karate teacher for almost 32 years. So I
19 do a lot for me. We do a lot for
20 ourselves and we do a lot for each other.
21 It doesn't matter how long it takes us to
22 do things. We do them and we do them
23 right. We're the best ones in the job
24 market to get stuff done.

25 MS. SABLE: I think the word

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2 is --

3 MS. SALANDRA: I think we all
4 made our point. So thank you very much
5 for allowing us to testify.

6 COUNCILMAN MARIANO: Thank you.

7 Councilman Clarke, do you still
8 have a question for Ms. Salandra?

9 COUNCILMAN CLARKE: Real
10 quickly. Was your organization involved
11 with the Philadelphia Housing Authority
12 litigation as it relates to accessible
13 units?

14 MS. SALANDRA: Which exactly?
15 We have sued the Housing Authority, but
16 the last lawsuit was not ours now. It
17 was not Disabled In Action.

18 COUNCILMAN CLARKE: Are you
19 familiar with the last one, the most
20 recent lawsuit, that I think it was a
21 settlement agreement, based on accessible
22 units?

23 MS. SALANDRA: Yes, but we were
24 not the plaintiff.

25 COUNCILMAN CLARKE: You were

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2 not a part of that?

3 MS. SALANDRA: No.

4 COUNCILMAN CLARKE: All right.

5 Thank you.

6 Thank you, Councilman.

7 COUNCILMAN MARIANO: Thank you,

8 everyone.

9 The next witness will be

10 Mr. Darrell Zaslow from HAPCO.

11 Mr. Zaslow.

12 MR. ZASLOW: Good morning,

13 Councilman. Councilman, my name is

14 Darrell Zaslow. I'm the legal counsel

15 for HAPCO, the Homeowners Association of

16 Philadelphia. Sitting with me is Renee

17 Webb, a member of our Board.

18 Mr. Chairman, as you know,

19 HAPCO represents property owners,

20 landlords, here in the City. Initially,

21 Mr. Chairman, may I thank you and your

22 staff for working with us over the past

23 few days to try to iron out some of our

24 concerns regarding this bill. The way

25 the bill originally had been written and

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2 the way my testimony was prepared for
3 this morning will be somewhat different
4 than the testimony I'll present to you
5 now because of the corrections which have
6 been made. Again, we appreciate that.

7 I would ask the Councilman and
8 members of the Committee to be aware that
9 we have received these proposed
10 amendments approximately 20 minutes ago.
11 Our opponents, so to speak, on the other
12 side have been involved in this process
13 with you for who knows how many months.
14 So our testimony will be based upon a
15 20-minute review of the law which we now
16 have in front of us.

17 I'm pleased to tell you that
18 after reviewing it, I only have ten
19 concerns about the bill, and those
20 concerns basically are as follows.

21 The first, Mr. Chairman, gets
22 to really the guts of the bill, and I'm
23 reading from the amendment which you've
24 handed to us this morning. I'm looking
25 on the second page, which is Section .3,

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2 the bold paragraph on the top half of the
3 page. Section .3 is really the major
4 change being instituted by this proposal,
5 and I would like to review that with you.

6 The first part of this Section
7 .3 says that the owner of a premises
8 needs to attest to the following. The
9 first regards fire protection. We
10 commend you on this clause requiring fire
11 protection. Any landlord who goes to
12 sleep at night not being sure that his
13 tenant has working fire detection, smoke
14 detection, whatever is required, is
15 foolish. We applaud that.

16 The last sentence, Section 3,
17 or I call it No. 3. It's not numbered,
18 which is the third sentence from the
19 bottom, says that the owner -- it begins
20 the middle of the third line from the
21 bottom of the paragraph. "The owner will
22 continue to maintain the operating
23 systems and the property free from
24 defects which materially affect the
25 health and safety of the occupants and

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2 the habitability of the property
3 throughout the tenancy."

4 We support that, Mr. Chairman.

5 That is a proper statement of the law.

6 It's a requirement of our owners. We

7 tell our owners that they must comply

8 with that clause. That is their duty as

9 a landlord. It's their duty providing a

10 service to this City. The problem with

11 the bill is the middle section. I've

12 numbered it No. 2. It begins with the

13 words "the operating systems and the

14 property." It's about four lines down.

15 The line begins "Philadelphia Code and

16 regulations and standards adopted

17 thereunder." That's part of the fire

18 prevention, which we applaud, as I said.

19 The next line begins, "The

20 operating systems and the property are

21 free from defects, including those which

22 materially affect the health and safety

23 of the occupants, and including, but not

24 limited to, those set forth in department

25 regulations and forms." That,

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2 Mr. Chairman, is unfortunately a
3 difficult, actually an impossible, phrase
4 for us to accept without a very simple
5 correction. The way it reads, "The
6 operating systems and the property are
7 free from defects, including those which
8 affect health and safety," if you say the
9 property is free from defects, if you
10 take out the words "including those" and
11 say "a property which is free from
12 defects which materially affect the
13 health and safety," that's appropriate.
14 We support it. We have the obligation to
15 do it. Our members and all landlords in
16 the City must comply and will. But if
17 that language remains that the property
18 is free from defects, including
19 habitability issues, what will happen,
20 Mr. Chairman, is Mr. Lord, my brother at
21 the Bar, testified before you that one
22 out of five homes in the City have
23 violations. Mr. Lord properly told you
24 that 40 percent of some of the dwellings
25 in this City have Code violations. I'm

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2 sure if Phil said so, that it's an
3 accurate number, if not low. If you
4 leave in those words that the property is
5 free from defects, meaning there is a
6 violation, one of these 40 percent,
7 you'll have no housing left. That's not
8 your goal. So if the language says that
9 we are certifying that the property is
10 free from defects materially affecting
11 the health and safety, that we agree with
12 and would comply with.

13 I would also note for the panel
14 that there was some testimony before you
15 that there is no law now requiring that a
16 property be in proper habitable form when
17 a tenant moves in, that somehow Pugh v.
18 Holmes and all of the cases which have
19 evolved from it apply only after the
20 tenant moves in. That is an incorrect
21 statement. The existing Housing Code is
22 very clear at Section 307.3.2 of the
23 Code, and it says that whenever a
24 dwelling is unfit for human habitation,
25 that the owner is prohibited from

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2 admitting any new tenants.

3 So it's not just that a tenant
4 by law can be moved into some
5 inappropriate dwelling. We are not
6 allowed to rent, nor should a property
7 owner ever rent, a property to someone
8 who is in violation of that habitability.

9 My third concern, Mr. Chairman,
10 regarding the bill as it's presently
11 constituted regards the timing of the
12 issuance of licenses. You have also
13 present today distinguished
14 representatives of the housing industry,
15 the Apartment Association of Greater
16 Philadelphia, the Greater Philadelphia
17 Board of Realtors. I'm sure they will
18 have much to say about the need for
19 prompt issuance of licenses.

20 If a license is going to be
21 issued in a month or three with
22 reinspections, you'll have properties
23 sitting vacant for months on end, which
24 is not tolerable from a business point of
25 view. I'll leave it to them to give you

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2 more specifics as they may feel
3 appropriate about that timing issue. In
4 that regard, I would, therefore, request
5 that the final section -- actually
6 Section 2, it's on the last page, which
7 says that the bill is to take effect in
8 180 days -- should be amended in some
9 fashion to provide that the bill should
10 take effect when L&I certifies to you
11 that the process of issuance of the
12 licenses can be accomplished in some very
13 brief period of time, over the Internet
14 or in person or whatever that needs to
15 be.

16 My fourth concern is with
17 regard to the --

18 COUNCILMAN MARIANO:

19 Mr. Zaslow, could we get back to that
20 concern before this thought escapes my
21 mind?

22 MR. ZASLOW: Yes.

23 COUNCILMAN MARIANO: I'm
24 informed by Anthony here that L&I assured
25 us that everything is going to be online

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2 be getting licenses more than once a
3 year, twice a year, three times a year.

4 So we would request that there
5 be some amendment to the bill to provide
6 that the license is good for a year, as
7 it is now. You have a property license.
8 The license should be good for a year,
9 not like you're going through a toll
10 booth, every time a tenant comes in and
11 out, you have to pay the toll again.

12 My fifth concern relates really
13 as a citizen more so than a
14 representative of property owners as to
15 the name that you are giving to this
16 license. You're calling it a Certificate
17 of Rental Suitability. In addition to
18 being an attorney for some 28 years for
19 the property owners, I'm also an attorney
20 in private practice. I guarantee you
21 that my brothers and sisters at the Bar,
22 the lawyers in the City, will attack you
23 mercilessly if you are going to be
24 calling this property suitable. Every
25 time a tenant is injured in a property,

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2 you can be sure that some lawyer is going
3 to come in and sue the landlord. That,
4 we have all the time. But draw you in as
5 well and say, You certified the property
6 as suitable.

7 Now, you may have protection
8 from your sovereign immunity. Perhaps
9 you do; perhaps you don't. But I would
10 consider very carefully from the City's
11 perspective before you certify that this
12 property is suitable, because as soon as
13 somebody falls in some hole or something,
14 the City may likely be sued as well.

15 My sixth issue relates to the
16 handbook which we're hearing about. I
17 must confess to you that I have never
18 seen it. I'm not sure where it came
19 from. I'm sure it's very nicely written.
20 I would ask that before you approve this
21 bill, that we have an opportunity to look
22 at that handbook. I would suggest that
23 perhaps with our expertise dealing with
24 properties, dealing with tenants, that we
25 could add to that and maybe make some

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2 corrections to that handbook which will
3 impress upon both sides of this issue
4 their various rights and
5 responsibilities.

6 My seventh concern relates to
7 the Section 3.1. It's again on Page 2.
8 It's listed as .1.

9 (Mr. Zaslow was given
10 handbook.)

11 MR. ZASLOW: Thank you.

12 It's listed as .1 and it says
13 that a failure by the owner to correct
14 violations within 30 days is a violation
15 of this ordinance. The Section .1
16 correctly states that sometimes 30 days
17 is way too long. If you have a property
18 which has some significant violation
19 that's a health violation, a safety
20 violation, to say that we should have 30
21 days to fix it is much too lenient on the
22 property owner, and that's why the
23 section clearly states that if the
24 Department says that the notice is
25 critical in some fashion, that they can

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2 say it has to be done sooner than 30
3 days. My request would be that you also
4 add language there that if the Department
5 says that it's not a violation of health
6 and safety and if the Department says
7 that more time is required to correct the
8 violation, that the Department in
9 addition to accelerating the time within
10 which the violation must be corrected,
11 the Department also has the opportunity
12 to extend that time in an appropriate
13 circumstance which the Department itself
14 may ascertain.

15 Three last items. One is a
16 matter of existing law I draw to your
17 attention because it has bothered me
18 since the day I left Temple law school.
19 It's been the law for many years, and
20 that's what we have in the existing bill.
21 You're not amending the bill. I'm just
22 complaining because I have the
23 opportunity to do so, and, that is, this
24 language in the existing law that if a
25 landlord doesn't give this license, the

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2 tenant doesn't have to pay rent and the
3 landlord is not allowed to collect rent.
4 As I understood my constitutional law,
5 which is many years ago I suppose, that's
6 an interference with private right of
7 contract. Because we didn't give some
8 piece of paper, which has nothing to do
9 with the real suitability of this
10 premises, to say that we can't collect
11 rent and a tenant shouldn't have to pay
12 rent, I think that's inappropriate.

13 I look forward with the
14 gentleman and lady from CLS, who I know
15 so well, with litigating perhaps that
16 with them some day. I would ask you to
17 amend that out of the bill. I don't
18 exactly see you writing that down as
19 something that you're going to accomplish
20 for us.

21 My ninth issue, however, is
22 something which we are rather insistent
23 upon as being problematic, and, that is,
24 what we call in our industry the right of
25 private action. On the bill which you've

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2 given us, it's the last page. It's
3 Section .4. And the proposal here is to
4 give every tenant in the City the right
5 to bring an action against the property
6 owner for not complying with this bill.
7 If it's a law and we have to do it, we
8 should have to do it, and I understand.
9 And your staff, Mr. Mariano, has educated
10 me on the need perhaps for a tenant to be
11 able to do something because the City is
12 overwhelmed and can't, but I would ask
13 that you consider amending that section
14 as well to provide something along the
15 lines of the tenant's responsibility to
16 raise that issue of not having received a
17 license within a reasonable period of
18 time after moving in. If a tenant moves
19 in and years later has an argument with
20 the landlord and all the sudden is going
21 to say, I'm not paying you rent, you
22 didn't give me a license, I'm bringing
23 this private action, it's inappropriate.
24 If a tenant didn't get their license that
25 they should have gotten, they should have

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2 20 days to raise that issue, and if they
3 raise the issue within 20 days, the
4 landlord should have ten days to come
5 into compliance, and if they don't, the
6 tenant should be able to move out without
7 any penalty to them whatsoever, return of
8 security deposit and whatnot.

9 But I would urge upon you an
10 amendment that this right of private
11 action, which we are so dead set against
12 in general -- you don't need us to tell
13 you our fear that the excellent advocates
14 for the tenants organizations that you
15 know so well are going to hammer us with
16 this. Their intention is that their
17 meetings, when they come into City
18 properties and use your rooms and
19 courtrooms and everything else and
20 mediation rooms to educate tenants on how
21 to take care of their landlord, this is
22 going to figure big. They're going to
23 say, You go to your landlord right away.
24 Did you get that license?

25 Every tenant is going to bring

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2 an action, and it's going to be an
3 inappropriate sword put in the hands of
4 tenants. So I would request that there
5 be an amendment there to say that the
6 private right, which the tenant has, must
7 be exercised within 20 days, and if not
8 so exercised is waived. Not that that in
9 any way relieves the landlord of the
10 responsibility to keep the property in
11 compliance with codes, in compliance with
12 the warrant of habitability, just that
13 this private right of action should not
14 be an unlimited right of the tenant.

15 Issue No. 10, my final issue,
16 the brilliance of the attorneys and staff
17 members who wrote this never ceases to
18 amaze me in Section 3, and, that is, this
19 new bold face proposal, which I just saw
20 this morning, that "Nothing in the above
21 provision shall reduce, diminish or
22 eliminate any tenants' rights or
23 remedies." We would ask a very simple
24 and fair amendment there, that "nothing
25 in these provisions shall reduce,

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2 diminish or eliminate any tenants' rights
3 or responsibilities." Those
4 responsibilities should not be diminished
5 "or should not diminish any landlords'
6 rights or responsibilities."

7 Mr. Chairman, I thank you very
8 much again for your time this morning. I
9 thank your staff for working with us as
10 recently, as I say, this morning. We're
11 available for questions, and we hope that
12 you will in summary decide with us that
13 listening to these ten concerns, that
14 enough of them require further review and
15 tweaking of the language to make this
16 really work, that perhaps it shouldn't
17 leave your Committee today. We should
18 have a chance with all the actors before
19 you today to make some language changes,
20 get a feel for how vehemently the
21 opposition feels about these changes.
22 They may not. I found them to be
23 reasonable, and they're being reasonable
24 this morning. So perhaps with another
25 week or three, we can correct this

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2 language. I would ask that we be given
3 that time, that this not be reported out
4 this morning.

5 COUNCILMAN MARIANO: Thank you,
6 Mr. Zaslow.

7 Any questions for Mr. Zaslow?
8 Councilman Clarke.

9 COUNCILMAN CLARKE: Thank you,
10 Mr. Chairman.

11 Good morning. Could you
12 clarify your issue with respect to the
13 language in Section 3, that the free from
14 defects and including those which
15 materially affect the health and the
16 safety of the occupants? What exactly is
17 the nature of your concern?

18 MR. ZASLOW: As an attorney, if
19 I represented a tenant, which I'm due in
20 court at 12:45 to do my best to hammer
21 some landlord that's not treating a
22 tenant right, it says that the operating
23 systems are free from defects. Free from
24 defects means that the slightest defect
25 is going to be a violation of this

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2 ordinance. So when you say "including
3 those," when you say it's a defect,
4 including those which materially affect
5 health and safety, means all defects.
6 That's what the language means as it now
7 reads. It means all defects.

8 Take out the words "including
9 those" to make it clear that we're
10 talking about defects materially
11 affecting health and safety, as the last
12 phrase clearly says --

13 COUNCILMAN CLARKE: So you want
14 the "free from defects" or "including
15 those" come out?

16 MR. ZASLOW: Take out the words
17 "including those." So it would read,
18 "The operating systems and the property
19 are free from defects which materially
20 affect the health and safety of the
21 occupants." And then our -- I'm not
22 happy with that either, don't get me
23 wrong, because who knows what some
24 inspector is going to say what materially
25 affecting health and safety may have to

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2 live with, but to say any defect --

3 COUNCILMAN CLARKE: Your
4 problem is with any defect.

5 MR. ZASLOW: Yes.

6 COUNCILMAN CLARKE: That's all
7 relative to who believes it's a defect.
8 I mean, are you concerned that this is so
9 ambiguous that defects could mean
10 anything?

11 MR. ZASLOW: Well, I am
12 concerned about the ambiguity even with
13 matters affecting health and safety. I
14 think that is a defect. That's a problem
15 with the bill also.

16 COUNCILMAN CLARKE: That's more
17 specific to the nature of some of the
18 issues that we're dealing with.

19 MR. ZASLOW: My concern is as
20 an attorney reading this, if I was
21 looking to utilize this law, I would read
22 "the operating systems and the property
23 are free from defects, including those
24 which materially affect health and
25 safety," it clearly means it includes

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2 health and safety --

3 COUNCILMAN CLARKE: So you only
4 want us to refer to the defects that deal
5 with health and safety?

6 MR. ZASLOW: Yes.

7 COUNCILMAN CLARKE: And not all
8 defects?

9 MR. ZASLOW: Correct.

10 COUNCILMAN CLARKE: I just
11 wanted to clarify that in my mind.

12 MR. ZASLOW: I saw, for
13 example, one of the individuals
14 testifying just before me, I think they
15 were holding a sign which says something
16 about downspouts. I was sitting in the
17 back. I couldn't see it. A downspout
18 can be a hassle, but a downspout doesn't
19 mean a landlord shouldn't be able to get
20 a license to rent a property, because
21 you'll have tenants that have no place to
22 live as well. So a downspout needs to be
23 corrected, but we should not be deprived
24 of a license for the defect of a
25 downspout.

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2 violation, it's going to have a terrible
3 impact not just on the property owners,
4 it will, but on the people that want to
5 rent the properties, because there will
6 not be properties to rent if you have to
7 give a property which is free from
8 defects.

9 I'll look around this room.
10 I'll bring an inspector in. I assure you
11 I'll find defects in here.

12 COUNCILMAN CLARKE: Guaranteed.

13 MR. ZASLOW: There we go. So
14 to say that you shouldn't have a license
15 to sit in this room right now because of
16 some minor defect is not appropriate. If
17 the ceiling is falling in and we're all
18 freezing here because of no heat, we
19 should not be here, but to say that
20 because that tile is loose in the corner
21 and the Code requires all the walls to be
22 smooth, clean and tight, we feel that's a
23 little much.

24 COUNCILMAN CLARKE: Who do you
25 suggest would determine the level of

4 MR. ZASLOW: I'm not sure if I
5 have the capability, or any of us do, to
6 specify in ultimate detail exactly what
7 is safety and health and what is not.
8 The nebulous definition which we all live
9 under, materially affecting the health
10 and safety of the occupants, it has a
11 meaning I think in the law. If you went
12 in front of a judge, a judge is going to
13 know whether or not it materially affects
14 the health and safety or not.

15 COUNCILMAN CLARKE: Okay.

16 Thank you.

17 Thank you, Mr. Chairman.

18 COUNCILMAN MARIANO:
19 Mr. Zaslow, thank you. I don't really
20 have a question. It's more of a
21 statement. I think everything you said
22 is probably a great point and everything
23 the people that were before you said was
24 probably a great point. One of the
25 quandaries of being an elected official,

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2 and that's, I guess, why we do this,
3 besides being insane, is because we try
4 to satisfy everybody, and I think you're
5 probably the same kind of person. If you
6 get hired to do a job, you do it.

7 So this is really a hard thing
8 to do because you see the different
9 extremes that we have to deal with. So
10 I'm going to probably vote this out here
11 today. There's going to be a little help
12 on your part and anyone else that
13 hasn't -- there's still some people.
14 We'll try to vote this out today, but I
15 want to give you my word, and if I'm not
16 here, maybe I could get the Councilwoman
17 or the Councilman or all the other people
18 up here, to make sure before this gets to
19 a vote on the floor -- we're going to
20 amend this today for the amendments
21 you've seen, but because of the situation
22 of L&I and getting things out, we'll vote
23 it out like this, if my colleague so deem
24 it right, and I'll give you my word and I
25 think I can get Councilman Clarke when he

13 MR. ZASLOW: Councilman, we
14 hope you will be here to shepherd that
15 through.

18 COUNCILMAN MARIANO: Please.

24 I have no opposition to adding
25 a copy of my rental -- you're calling it

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2 a Rental Suitability Certificate, to my
3 lease. There's no problem at all with
4 that. And I also right now give out a
5 pamphlet to every tenant about lead-based
6 paint. I think that's federally
7 mandated.

8 Someone gave me this through
9 the back, so I don't know who it was.
10 And I'd be very glad to be giving this
11 out or whatever kind of booklet it is to
12 attach to my lease. I want to be
13 compliant.

14 Now, my question is, I already
15 do get a license for every rental unit,
16 and it's renewed yearly. Will this new
17 certificate be in addition to that other
18 landlord license or is it instead of?
19 Because then I'm looking at something
20 that this is another nuisance tax.

21 Now, I know generalization is a
22 very bad thing, and different people have
23 come up and said most landlords are so
24 horrible. I belong to HAPCO. We have
25 3,000 members, and I guess I'll

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2 generalize as well. I feel all the
3 landlords really take care of their
4 properties. They are out of business if
5 they don't take care of their properties.
6 If somebody's heat goes out, they're
7 going to go and take care of it. If
8 there's a roof leak, they're going to
9 take care of it. They're not going to
10 let it go on and on and on. First of
11 all, their property goes down. And now
12 the way property values are escalating in
13 Philadelphia, on a business standpoint,
14 that is a really stupid thing to do. You
15 want to take care of your furnaces, you
16 want to take care of your roofs,
17 everything that is necessary to do that.

18 The other thing is, you have to
19 remember, the tenants also have
20 responsibilities. I have smoke
21 detectors, sometimes several, in every
22 unit. We come in. We try to go in at
23 least once a month. And when we go in, I
24 can't tell you how many times we find the
25 batteries removed. We're replacing the

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2 batteries constantly. And why do they do
3 it? Because a tenant doesn't want to
4 clean their oven. Smoke comes into the
5 kitchen or wherever and the smoke
6 detector comes off. Well, the easiest
7 thing to do is to remove the battery.

8 I also have in our newer
9 property, we have wired smoke detectors.
10 I had one tenant cut the wires because it
11 kept going off because she wasn't
12 cleaning the oven.

13 So, I mean, there's
14 responsibility on both sides, and you
15 can't be too harsh. There's two sides to
16 every story. So I assume that is -- and
17 on the legal side, I mean, Mr. Zaslow, of
18 course, has gotten everything, but my
19 biggest question is, is this certificate
20 in lieu of the other or is it in
21 addition?

22 COUNCILMAN CLARKE: I've been
23 informed by the Department that it is in
24 addition to.

25 Real briefly, with respect to

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2 this whole issue about tenant
3 responsibility -- and I agree with you
4 that I think all parties should be
5 responsible. Your organization or any
6 other organization, have you all taken a
7 proactive approach to dealing with this
8 issue as it relates to tenants and
9 property owners and coming up with
10 solutions? Because earlier in your
11 testimony you said you've just been given
12 20 minutes to respond to these
13 amendments. I know that the tenant
14 organizations have been very aggressive
15 in terms of taking care of tenant
16 responsibilities.

17 The question is, as it relates
18 to landlords, have you all been proactive
19 in coming to some solutions as it relates
20 to this landlord-tenant relationship or
21 have you essentially just been responding
22 to the action being taken by the --

23 MR. ZASLOW: Councilman, I
24 could write for you a law code which
25 would be a wonderful thing for property

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2 owners. I don't think you're interested
3 in exactly receiving it. We are on
4 the --

5 COUNCILMAN CLARKE: You
6 shouldn't assume that.

7 MR. ZASLOW: I'm experienced in
8 this Chamber for so many decades that
9 with all due respect, we do assume it.
10 This bill is an example --

11 COUNCILMAN CLARKE: Sir, in all
12 due respect, this is the first time I've
13 ever seen you. You're talking to me.
14 You're not talking to any other
15 Councilperson.

16 MR. ZASLOW: I understand that,
17 but the example is -- I don't want to
18 spar with you, Councilman, but the
19 example is the bill this morning, which
20 has been corrected. I don't want to
21 dredge something up. We found out about
22 this Tuesday of last week. It had been
23 written by the people who just testified
24 I don't know when. We were not called in
25 to say, Let's solve a problem together,

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2 here's the issue, what do you propose.

3 We received it luckily online.

4 We got a copy of it. Luckily three or
5 four days later, you get a copy from the
6 Clerk and you jump and you react, and
7 luckily the Councilman's staff was right
8 on it and was willing to meet with us,
9 and they did.

10 But we're not at the table when
11 you're writing this. We are, if we're
12 lucky, finding out about it in the nick
13 of time to try to save our interests in
14 the matter.

15 So in the future, if you're
16 looking for our assistance, we are here.
17 We're ready, willing and able to tell you
18 how we think properties should be run in
19 the City to avoid the need for you to own
20 every property in the City. Because you
21 can have all public housing. Public
22 housing is so easy. All you have to do
23 is put lots of money into that. When we
24 see the money you spend on public
25 housing, we're in shock. Landlords,

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2 private landlords, have to run a property
3 on a shoestring with a little profit
4 margin. The City can afford, wherever
5 the governments are, you can afford to
6 say, Let's put \$250,000 into some units.

7 Father praised some houses that
8 were built. I do also. It's wonderful.
9 Of course. A quarter million dollars
10 each. I can build a house too for that
11 kind of money, but to say to a property
12 owner like sitting right next to me at
13 the table, You own a house, it's 100
14 years old and you're going to maintain it
15 like the new \$250,000 house, it just
16 doesn't exactly work.

17 So certainly there's two sides
18 to the issue, any issue. We're here.
19 We're always willing to be a part of it.
20 In the future, we can be a part of it
21 earlier on and we wouldn't have to have
22 all this testimony. We could have handed
23 in by stipulation, Here's the bill,
24 please enact it, we all are on the same
25 page. Because I deal with -- all the

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2 lawyers that sat here who you heard from,
3 I deal with them on the state level. We
4 all deal together on landlord-tenant
5 issues forever. Out in Harrisburg, we go
6 out there, all of us, we go out once a
7 month to argue with each other about
8 these kinds of things, but they have your
9 ear and we do not exactly have your ear.
10 But I appreciate receiving it this
11 morning.

12 COUNCILMAN CLARKE: Am I
13 correct in saying that your response to
14 my question is that you have not been
15 proactive in the past, but you're more
16 than willing to be proactive in the
17 future as it relates to coming to some
18 consensus on some of these issues as it
19 relates to the landlord-tenant issues?

20 MR. ZASLOW: We are always
21 looking to be proactive on all of the
22 issues. We are proactive with our
23 members to educate them on their
24 responsibilities and to dodge the bullets
25 that the tenants and City Council

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2 sometimes is firing at us, but --

3 COUNCILMAN CLARKE: See, it
4 doesn't seem like you're understanding
5 me. What I'm asking you, you know that
6 there's a problem out there and your
7 members know there's a problem, and it's
8 been a problem for probably as long as
9 there have been landlords and tenants,
10 and what I'm asking you, have you taken
11 the bull by the horns, so to speak? And
12 I know that it's a little different
13 situation with landlords as it relates to
14 the tenants. Have you sat down with your
15 members in the past and said, We have an
16 issue, let's craft some language or let's
17 craft some recommendations on how we can
18 get a better relationship between the
19 landlords and the tenants and the
20 activist organizations, and maybe then we
21 can go to City Council together and come
22 up with some solutions so we don't end up
23 in here in a somewhat contentious
24 environment, so all parties will have
25 some certain levels of responsibility,

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2 both landlord and tenant, the elected
3 officials will have some level of
4 responsibility, the administration, and
5 craft an agreement that makes some sense
6 for all people? That's what I'm trying
7 to --

8 MR. ZASLOW: That's, of course,
9 well stated, Councilman. Our
10 relationship with the tenant rights
11 advocates and representatives is
12 excellent, much better in the last 15, 20
13 years than it has ever been, because of
14 the people sitting here testifying before
15 you. It's a personality thing sometimes,
16 a willingness to compromise as we saw
17 this morning.

18 Again, I don't want to say too
19 many times, because I've said it already.
20 I agree with you, we should all work
21 together. It's hard to be the one being
22 worked on.

23 All these bills -- we don't see
24 bills being introduced. Ms. Webb said to
25 you the tenants are causing this problem,

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2 the tenants are doing that. Pass a law
3 saying any tenant that cuts a wire, takes
4 out a smoke detector battery is going to
5 be fined \$300 a day like we're fined.
6 Introduce the law. Proactive. There's a
7 law for you. You heard it today. The
8 tenants don't clean the ovens. They take
9 out the batteries. Tell a tenant, You
10 take out the battery from smoke
11 detectors, it's a dangerous thing to do,
12 you will be fined \$300 per day for every
13 day that you have that battery out, and
14 let them pay the City \$30,000 in fines.
15 So that would be something proactive.

16 But I appreciate your sense,
17 Councilman, that we should work together.
18 We do wish to work together. We're
19 working together right now, and I hope
20 that it's -- our partnership is going
21 well.

22 MS. WEBB: One thing, too, I
23 must say how we are proactive in HAPCO.
24 There's a newsletter that goes out
25 monthly. Within that newsletter if the

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2 Board members or whatever discover things
3 that are possible that other landlords
4 may be not complying with the law, it is
5 brought up. So that's how we are --
6 that's what HAPCO is, is an organization,
7 and that's how we are proactive. We want
8 to be good landlords. We want to get
9 along with our tenants. We want to have
10 good housing.

11 COUNCILMAN CLARKE: Thank you.

12 COUNCILMAN MARIANO: Thank you.

13 Any other questions for these
14 witnesses?

15 (No response.)

16 COUNCILMAN MARIANO: Seeing
17 none.

18 MR. ZASLOW: Thank you, Mr.
19 Chairman.

20 MS. WEBB: Thank you.

21 COUNCILMAN MARIANO: Thank you.

22 The Apartment Association of
23 Greater Philadelphia, Christine
24 Young-Gertz.

25 Thank you, ma'am.

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2 MS. YOUNG-GERTZ: Good morning.

3 COUNCILMAN MARIANO: Good
4 morning. State your name for the record
5 and your association.

6 MS. YOUNG-GERTZ: My name is
7 Christine Young-Gertz, Y-O-U-N-G hyphen
8 G-E-R-T-Z. It's my privilege to serve
9 the Apartment Association of Greater
10 Philadelphia in the capacity of the
11 Government Affairs Manager, and I want to
12 thank you for this time to offer our
13 thoughts on the proposed ordinance.

14 I'd just like to start by
15 saying the Apartment Association of
16 Greater Philadelphia is comprised of
17 members who are owners of large
18 multi-family housing units. We serve
19 approximately 135,000 to 140,000 units in
20 the Philadelphia area. I believe within
21 Philadelphia itself, roughly 40,000,
22 perhaps 50,000 units in the City of
23 Philadelphia.

24 With regard to the proposed
25 ordinance -- and, again, I thank you for

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2 giving me the latest copy. I haven't
3 studied it too well because it was not
4 available until very soon before the
5 hearing.

6 What I want to say at the
7 start, the Apartment Association is in
8 complete agreement with the spirit of
9 this ordinance. We have no desire to
10 stand in anyone's way to promote quality
11 housing, health and safety issues in the
12 City of Philadelphia and in surrounding
13 communities. We very proudly serve a
14 very diverse population of tenants, and
15 our members are committed to providing
16 quality, affordable, safe housing to a
17 diverse population of tenants.

18 A number of my thoughts have
19 been expressed here today, but if I might
20 again say that we're in total agreement
21 with the spirit of this legislation. As
22 a practical matter with regard to the
23 timeliness of its implementation, we
24 would respectfully request that some
25 additional work be done on particular

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2 language with regard to any assurances we
3 can get about how quickly, for instance,
4 the Certificate of Rental Suitability
5 would be available.

6 As an example, a number of my
7 members own and manage student housing.
8 The turnover is pretty quick. And I can
9 think of any number of other situations
10 where a tenant needs to rent an apartment
11 really soon. Emergency situations, I got
12 to get an apartment yesterday. It
13 happens all the time.

14 We had discussions about the
15 availability of this certificate on L&I's
16 website. I would ask for some guarantees
17 that it be up and running in absolutely a
18 clear instantaneous way of acquiring such
19 a certificate. We can't responsibly rent
20 to tenants without it. And tenants will
21 be put behind the eight ball, Well, we're
22 waiting for such a certificate to come
23 through.

24 The other practical matters
25 are -- and, again, it's been touched on,

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2 but with regard to the timeliness of L&I
3 updating records regarding lesser Code
4 violations or in a situation where a
5 landlord has been cited or is working on
6 correcting a defect, it happens every
7 day, I'm sure. They're working with L&I.
8 L&I has been out. Things are going back
9 and forth. Things are in the works to
10 correct that defect. And, again, we have
11 to keep in mind the idea of lesser codes
12 versus much more grievous health and
13 safety violations.

14 Can there be language in this
15 that would guarantee still the
16 availability of rental suitability if
17 things are happening with regard to
18 correcting things that come up and the
19 timeliness of L&I records?

20 Another point I'd like to
21 make -- and, again, it's been raised, but
22 if I may reiterate, there is now an
23 inspection fee, and I just want to go on
24 record to oppose this additional
25 inspection fee. I know often times our

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2 members have said that when L&I comes out
3 to inspect, they don't actually inspect
4 the unit. They inspect the building.

5 Well, if I may offer for the inspection
6 fees and requirements that are in place,
7 can the units be inspected and can that
8 inspection be good for a year? That
9 would be a much more doable way for the
10 landlord to be able to rent apartments.

11 COUNCILMAN MARIANO: Excuse me.
12 Councilman Rizzo has got a question for
13 you.

14 MS. YOUNG-GERTZ: Yes.

15 COUNCILMAN RIZZO: This may be
16 helpful, and I hope I understand, I
17 believe there's been a proposed amendment
18 that would take the inspection process
19 out. So if that's corrected, could
20 you --

21 COUNCILMAN MARIANO: Mr. Zaslow
22 brought it up and that would be under the
23 guarantee that I told him in case --

24 MS. YOUNG-GERTZ: Yes, and I --

25 COUNCILMAN RIZZO: But the

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2 inspection piece --

3 COUNCILMAN MARIANO: Well,
4 you're not going to let them vote it on
5 the floor. Nothing is out yet because we
6 amended it.

7 COUNCILMAN RIZZO: These are
8 going to be amended, the inspection piece
9 will be amended?

10 COUNCILMAN MARIANO: The way
11 this is written is amended. There's
12 further amendments.

13 COUNCILMAN RIZZO: Excuse me
14 for interrupting. I wanted you to know
15 that.

16 MS. YOUNG-GERTZ: Not at all.
17 And I want you to know how I appreciate
18 your willingness to work with landlord
19 groups in order to correct some of these
20 things. As I say, I know that I'm simply
21 repeating a lot that's been brought
22 before you anyway today.

23 COUNCILMAN MARIANO: That's
24 fine.

25 MS. YOUNG-GERTZ: But in any

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2 event -- actually, then I will sum up my
3 arguments, my time, by just again if we
4 can work together and ensure the
5 practicalities of the situation. Also, I
6 can think of a situation where a landlord
7 may not have access to the Internet and
8 honestly there might be a timeliness
9 problem that would interfere with the
10 landlord's ability to rent a unit and
11 interfere with the tenant's ability to
12 quickly rent an apartment. Again, we've
13 got to work out the nuts and bolts of
14 getting these certificates.

15 If I could just say to close,
16 again, I am proud to represent an
17 organization that consists of members of
18 very responsible landlords, and I know
19 that any of our members, and I in
20 particular, would be ready, willing, able
21 and most pleased to work with Council in
22 any capacity to frame language and to
23 further hone this ordinance so that it
24 doesn't impinge on the right of
25 responsible landlords to continue to

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2 provide quality housing. Thank you.

3 COUNCILMAN MARIANO: My
4 knowledgeable legislative aide told me at
5 the end of your speech there, there's a
6 kiosk over at L&I in the basement where
7 in case you might touch the point where
8 in case a landlord doesn't have any
9 access to the Internet, you can come -- I
10 know it's probably a pain for somebody to
11 come downtown, but if they were downtown,
12 they could get some time and go over
13 there. It's a little area that's open
14 where you can go in and check everything
15 out electronically.

16 MS. YOUNG-GERTZ: And maybe
17 other procedures may be via some
18 telephone conversations with L&I or
19 something of that nature.

20 COUNCILMAN MARIANO: I think a
21 statement from me, what I really think
22 I'm hearing here is, and I'm looking at
23 Mr. Haigler, isn't there someone that
24 meets regularly, some type of board that
25 we should know about so Mr. Zaslow and

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2 your comments, which were well taken,
3 where proactively things can be done?
4 Aside this bill, whatever comes after
5 this and what may come in the future,
6 there's boards for everything in this
7 City, and that's up to the people on the
8 second floor who puts on the board.

9 Is there a board -- I'm sure
10 there's a Fair Housing Board, but is
11 there anything like that? Does anyone
12 know anything about that?

13 (No response.)

14 MS. YOUNG-GERTZ: Well, if we
15 can start too with just general contacts,
16 and I can provide you with my e-mail and
17 address and that kind of thing.

18 COUNCILMAN MARIANO: Thank you.
19 You can see Anthony after this and we'll
20 certainly help you. Thank you.

21 Any questions for this witness?

22 (No response.)

23 COUNCILMAN MARIANO: Seeing
24 none, thank you.

25 MS. YOUNG-GERTZ: Thank you.

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2 COUNCILMAN MARIANO: Community
3 Legal Service, Linda Ware-Johnson -- or
4 Christine. I'm sorry. Linda. I'm
5 sorry. That was Christine. Neither of
6 you are Linda, right?

7 MR. CARROLL: I'm not Linda.

8 COUNCILMAN MARIANO: See what
9 happens when you get 50. You can't see.
10 I'm getting hot flashes. I don't know
11 what's going on.

12 MR. CARROLL: Good morning and
13 thank you for hearing from me, even if
14 I'm not Linda Ware-Johnson. I am Michael
15 Carroll. I am with Community Legal
16 Services.

17 MR. GOULD: And George Gould
18 again, also with Community Legal
19 Services.

20 COUNCILMAN MARIANO: Thank you,
21 George.

22 MR. CARROLL: I appreciate the
23 opportunity.

24 I've been a Legal Services
25 lawyer for about 28 years and the last 19

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2 in the housing unit of CLS. And I had to
3 get out the calculator. I thought I
4 might be wrong in those numbers, but
5 they're right. But then I heard Father
6 John McNamee talking this morning, and I
7 talked to him beforehand, and he said he
8 was 20-some years at Saint Malachy,
9 40-some years as a priest, so I was kind
10 of humbled by that. And George has been
11 at CLS for about 110 years now. So I
12 feel like a rookie still. So I didn't
13 feel so bad.

14 But in that time, I have worked
15 for and with thousands of Philadelphians
16 who have suffered greatly because of
17 rental housing that was in poor
18 condition. Contrary to some stereotypes,
19 many of these aggrieved people were not
20 paying bargain rents for substandard
21 rented homes and apartments. Too often
22 they were paying substantial rents and
23 not getting what they paid for. Too many
24 of them were the vulnerable elderly, the
25 very young, the ill and the infirm. Many

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2 were working hard to pay middle-class
3 rents for poor rental properties.

4 The ordinance that you are
5 considering here today as amended
6 promises to be a useful tool to help
7 address the problems of substandard
8 rental housing in Philadelphia. What the
9 proposed ordinance would do -- and I
10 could skip over -- I drew lines through a
11 lot of my testimony because a lot of it
12 has been covered this morning. You
13 already know what it will do. You know
14 better than I what it will do,
15 attestations and certifications.

16 But the City under the proposed
17 ordinance as amended would make sure that
18 landlords had the required licenses and
19 that there were no Code violations at the
20 property. These provisions are based
21 upon common sense and basic fairness.
22 They do nothing more than require a
23 landlord to deliver what the landlord
24 promised to deliver and what the law and
25 the lease contract require.

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2 If the landlord does not comply
3 with the law and contract, the amended
4 ordinance would deny the benefit that
5 would otherwise go to the landlord. And
6 here I lobbed out another paragraph
7 because it's been said more than once.

8 But let me say, this is not so
9 much creating more government regulation
10 as it is giving tenants the power to seek
11 a remedy themselves without waiting for a
12 busy City inspector to visit the property
13 or trying to find a lawyer to go to
14 court. The proposed ordinance would give
15 the tenant additional protections that
16 did not require waiting for the
17 government.

18 There are plenty of good
19 landlords, but, unfortunately, there are
20 too many irresponsible ones as well.
21 Irresponsible landlords pose a danger not
22 just to their tenants but to the entire
23 neighborhood where the rental property is
24 located. In my experience, an
25 irresponsible landlord may not respond to

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2 a letter or call from a tenant
3 complaining about a heat or plumbing
4 problem, but this bill creates one more
5 reason for the landlord to respond. All
6 the landlord need do to avoid problems is
7 to follow the law. Following the law in
8 this area requires nothing more than
9 delivering on promises made. The
10 ordinance would encourage compliance with
11 the law, and that would avoid problems
12 for both landlord and tenant.

13 Thank you.

14 MR. GOULD: Just to add a quick
15 comment, both of the speakers
16 representing property owners in the City
17 talked about the timeliness of L&I, and I
18 think we have a commitment from L&I that
19 it would be done timely. I think it's in
20 everybody's interest that the
21 certificates be done timely. If it could
22 be put on the Internet and have access to
23 it, we think it would be a great idea and
24 that it run smoothly and that landlords
25 in fact are able to get these

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2 your plans are. So just to give us a
3 little cushion and a little leeway, we
4 would ask if we could amend that to allow
5 us to implement this at the first of the
6 year.

7 Thank you.

8 COUNCILMAN MARIANO: Sounds
9 good to me.

10 MR. GOULD: We think that it's
11 a good idea that it be up, ready to go.

12 COUNCILMAN MARIANO: Again,
13 what we'll do is, we'll work on this the
14 way it is. We'll let it out of
15 Committee, but we won't bring it up to a
16 vote on the floor until everything is
17 worked out. I think we got that
18 agreement from everyone in here.

19 Everyone understand that
20 premise?

21 Okay. So I guess this is the
22 end of the public hearing for the
23 Committee on License and Inspection.
24 We're going to go right into a public
25 meeting.

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2 I want to wait for Councilman
3 Clarke to come back. He also is over 50,
4 so it's hard to sit here for four hours
5 and not visit the men's room once.

6 (Pause.)

7 COUNCILMAN MARIANO: He's the
8 man, Councilman Clarke.

9 Councilman, we're in the public
10 meeting, and I want to introduce these
11 amendments to Bill 060010. Everyone has
12 a copy of the amendments.

13 Now, again, these are going to
14 be the amendments we're going to vote out
15 of Committee, but we will change what we
16 need to change with a consensus of all
17 the groups here before it comes up on the
18 floor before the first reading, so -- it
19 will come up for a first reading, but
20 after that, we can still amend it.

21 Councilman, do you want to make
22 a motion?

23 COUNCILMAN CLARKE: Thank you,
24 Mr. Chairman.

25 Mr. Chairman, I move to approve

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2 the amendments to Bill No. 060010.

3 (Duly seconded.)

4 COUNCILMAN MARIANO: A motion
5 has been made and seconded.

6 All those in favor say aye.

7 (Aye.)

8 COUNCILMAN MARIANO: Opposed?

9 (No response.)

10 COUNCILMAN MARIANO: Seeing
11 none, it's amended.

12 Councilman.

13 COUNCILMAN CLARKE: Mr.

14 Chairman, I move that Bill 060010 as
15 amended be reported out of Committee with
16 a favorable recommendation. Do you want
17 a rules suspension?

18 COUNCILMAN MARIANO: No. We
19 don't need a rules suspension for this
20 one, because we'll take our time on it.

21 COUNCILMAN CLARKE: Be reported
22 out of Committee with a favorable
23 recommendation.

24 COUNCILMAN MARIANO: The motion
25 has been made. Do I hear a second?

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2 (Duly seconded.)
3 COUNCILMAN MARIANO: Made and
4 seconded. All those in favor say aye.
5 (Aye.)
6 COUNCILMAN MARIANO: Opposed?
7 (No response.)
8 COUNCILMAN MARIANO: Seeing
9 none, it's out of Committee.
10 We'll take care of it before it
11 gets to the floor, and that's the end of
12 the public meeting of License and
13 Inspection. Thank you, everyone.
14 (Committee on Licenses and
15 Inspections adjourned at 11:50 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 on February 6, 2006, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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