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COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LICENSES AND INSPECTIONS

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- - -
Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, March 25, 2010, 3:15 p.m.
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8 Bill 080011 - Held.

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Bill 080012 - Held.

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Bill 090910 - Held.

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Bill 090834 - To require owners of certain
properties to designate agents for service,
managing agents, and property manager, all
under certain terms and conditions.

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COMMITTEE MEMBERS PRESENT:
Maria D. Quiñones-Sanchez, Chair
Blondell Reynolds Brown
Darrell L. Clarke (by special appointment)
Bill Green
William K. Greenlee

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2 by amending Chapter 1, entitled
3 "Administration," and Chapter 2, entitled
4 "Definitions," to require owners of
5 certain properties to designate agents
6 for service, managing agents, and
7 property manager, all under certain terms
8 and conditions.

9 COUNCILWOMAN SANCHEZ: Thank
10 you.

11 We will start with the first
12 person, Mr. Otis Haigler, from the
13 Department of Licenses and Inspections.
14 If you can come forward.

15 (L&I Witness Otis Haigler comes
16 forward.)

17 COUNCILWOMAN SANCHEZ: You may
18 start.

19 MR. HAIGLER: Good afternoon,
20 Councilwoman Sanchez and members of the
21 Committee. I am Otis Haigler, Jr.,
22 Director of Legislative Affairs for the
23 Department of Licenses and Inspections.

24 Today I'm here to provide
25 testimony on Bill 090834, which, if

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2 enacted, will require residential rental
3 property owners to secure the services of
4 a property manager if such owner resides
5 beyond the regional counties of the
6 Philadelphia area.

7 This bill was introduced on
8 November 19, 2009, by Councilwoman Tasco
9 as a replacement for Bill 080813,
10 introduced on January 24, 2008.

11 As indicated in the bill,
12 absentee landlords with more than three
13 properties, or those with one property
14 containing more than four dwelling units,
15 will have to secure the services of an
16 individual or business to act on the
17 owner's behalf as a property manager for
18 the purposes of maintaining the
19 properties, in compliance with the
20 Philadelphia Code.

21 In addition, the bill would
22 allow the Department to compel absentee
23 landlords with less than the number of
24 properties or units indicated above to
25 indicate someone locally as a property

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2 manager in order to take responsibility
3 for maintaining the property in
4 compliance with the code, after the
5 Department has determined that the
6 property poses a threat to public safety,
7 health, or welfare.

8 Finally, the bill amends the
9 current definition found in the Property
10 Maintenance Code for the term "agent,"
11 which still will be required for all
12 rental properties where the landlord/
13 owner resides outside of the City and
14 establishes new definitions for the terms
15 "property manager" and "managing agent"
16 in order to provide a distinction of the
17 duties performed under each
18 classification.

19 I understand that there is an
20 amendment, and the amendment addresses
21 certain issues related to the terms
22 "agent" and "managing agent."

23 The penalty provisions of the
24 Administrative Code have also been
25 amended to provide for the issuance of a

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2 code violation notice in the amount of
3 \$150 for failure of landlords to
4 designate a property manager or a
5 managing agent for a property subject to
6 the requirements of the code and to
7 register this information with the
8 Department.

9 With respect to the
10 Department's position on this bill, we
11 offer no objections to its enactment.

12 Thank you for the opportunity
13 to provide the Department's testimony,
14 and I will be happy to answer any
15 questions.

16 COUNCILWOMAN SANCHEZ: Thank
17 you.

18 Okay. So we will now hear from
19 Officer Mroz from the Second Police
20 District, and I believe we have
21 Mr. Zaslow from HAPCO; is that who's
22 next?

23 Okay. So we'll first hear from
24 the officer and then from Mr. Zaslow.

25 (2nd District Police Officer

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2 Mark Mroz comes forward.)

3 COUNCILWOMAN SANCHEZ: Good
4 afternoon.

5 OFFICER MROZ: Good afternoon.
6 My name is Officer Mark Mroz. I am the
7 Community Relations Officer in the 2nd
8 Police District, which is located in
9 Northeast, Philadelphia.

10 My area covers the southbound
11 side of Roosevelt boulevard west to the
12 City limits, and runs from Rhawn Street
13 south to Adams Avenue. My role is as a
14 liaison between the public and the police
15 officers in the Second District.

16 Some of my job descriptions
17 consist mainly of quality-of-life
18 complaints such as abandoned autos,
19 trash, high weeds, nuisance liquor
20 establishments, and the reason that I am
21 here today: nuisance-property owners.

22 I currently serve over 100,000
23 people in the 2nd District. On a daily
24 basis, I receive at least 10 to 20 calls
25 per day about nuisance properties; in

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2 particular a rental property. I can tell
3 you that in my particular district, I
4 have numerous rental properties on any
5 given street; most, but not all, of these
6 properties are owned by Asian landlords
7 who reside in New York City. They do not
8 have rental licenses with the City, and
9 are almost impossible to contact.

10 These owners own several
11 properties and use these addresses as
12 their mailing address. But when you go
13 to these homes to address problems with
14 their tenants, these too are rental
15 properties.

16 These properties were bought by
17 many with the presumed intention to be
18 occupied by them, have received special
19 first-time homeowner's and buyer's
20 assistance. These owners then put a
21 for-rent sign out the moment after the
22 settlement is finished and return to New
23 York.

24 These owners do not run any
25 criminal history or background checks or

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2 credit checks, and this has become a real
3 problem in my community and perhaps
4 yours.

5 I have officers respond
6 numerous times over the course of a year;
7 this is a tremendous strain on police
8 manpower. Over and over again we respond
9 to these locations for parties loud
10 music, fighting or arguing with
11 neighbors, trash, high weeds, failure to
12 clean up their animals' waste, and more.

13 I have properties where the
14 police have been there 57 times in one
15 year, and the landlord states that he
16 can't evict these tenants due to their
17 lease. This needs to change.

18 Yesterday, I addressed Mayor
19 Nutter with Police Commissioner Ramsey
20 about an idea that I had. This is
21 similar to a law that we have concerning
22 alarm systems, where if the police
23 respond more than three times to a false
24 alarm, the owner is subject to a fine of
25 \$100 each time it exceeds three times.

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2 My idea is to fine properties
3 owners a \$100 fee for non-emergency calls
4 to police each time the police respond to
5 these nuisance locations.

6 Require property owners to
7 conduct criminal history or background
8 checks and credit checks for potential
9 tenants.

10 Impose a hefty fine on property
11 owners who fail to obtain rental
12 licenses.

13 Require owners to have contact
14 addresses and phone numbers which
15 coincide with their income tax returns so
16 that we can find these owners when we
17 need to.

18 And implement a new lease that
19 includes that tenants may be evicted for
20 nuisance calls to police.

21 I feel that, especially with
22 the \$100 fine, which could result in
23 thousands of dollars in fines to a
24 property owner, it will cause a reverse
25 effect on the way property owners handle

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2 their tenants. No longer will they just
3 collect rent; now they will be more
4 accountable for their tenants' actions.
5 I also believe that this will allow
6 officers more time to handle true police
7 emergencies.

8 Thank you.

9 COUNCILWOMAN SANCHEZ: Thank
10 you for your testimony.

11 I represent the other side of
12 the Second Police District, and I know
13 that we couldn't on CLIP a lot, but a lot
14 of these issues have become quite
15 troublesome to us, so I appreciate you
16 taking the initiative and working with
17 Councilwoman Tasco on this measure.

18 I did want to ask Otis Haigler
19 a question in light of your testimony.
20 Otis, if you could come back.

21 (Otis Haigler returns to
22 witness table.)

23 COUNCILWOMAN SANCHEZ: Can you
24 explain to me how we're going to
25 implement this from the Department of L&I

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2 for enforcement purposes?

3 MR. HAIGLER: I'll attempt to.

4 This has gone through several
5 different iterations over the last two
6 years, but it appears that the bill
7 itself requires the landlord -- the
8 absentee landlord to register with the
9 Department the name of their managing
10 agent or property manager, also the
11 number of properties that are managed by
12 that particular person. That information
13 includes their telephone number, contact
14 information.

15 The Department -- also the bill
16 stipulates that we're supposed to put
17 this information online so that it is
18 accessible to the public; anybody who
19 would access the website will be able to
20 access this particular information.

21 We're proposing to do that. We
22 haven't worked out all of the particulars
23 as to how that's going to be done yet,
24 but we are geared up to enforce this.

25 COUNCILWOMAN SANCHEZ: So this

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2 assumes that when the person comes in to
3 get a rental license because this is for
4 abandoned properties and/or all rental
5 properties?

6 MR. HAIGLER: Just rental
7 properties.

8 COUNCILWOMAN SANCHEZ: Okay.
9 So this assumes that when you're coming
10 in to get your rental license, you're
11 going to provide a Philly-based address
12 or property manager.

13 MR. HAIGLER: Yes.

14 COUNCILWOMAN SANCHEZ: So we're
15 going to add that to our forms as part of
16 our --

17 MR. HAIGLER: Exactly.
18 Currently we do have that already on our
19 forms for agents. There's already a
20 provision in the Code -- it's been in the
21 Code for years -- to require an agent for
22 anybody who has a one-, two-, multi-
23 family dwelling, rooming house that
24 resides outside of the City, and the
25 Department does have that category on its

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2 application forms already; we do check
3 for that.

4 We do indicate that information
5 on the -- in the owner's registry
6 information that there is in the care of
7 a person to send out notices to this
8 person.

9 The only difference there is
10 that the property manager will assume
11 more responsibility for the maintenance
12 of the property. The agent -- the
13 requirements for the agent right now is
14 only to receive notices that the City
15 issues; that's their only, sole
16 responsibility.

17 That person can be anybody over
18 the age of 18 years of age, somebody
19 that's designated by the owner.

20 COUNCILWOMAN SANCHEZ: So does
21 the person assume liability?

22 Again, I'm trying to get to the
23 enforcement. I don't want to set up
24 false expectations for folks in the
25 community about what our hammer's going

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2 to be here.

3 MR. HAIGLER: As far as
4 liability, liability can only be assessed
5 to the responsible part, which is the
6 owner; the owner can be the only one
7 that's actually responsible for the
8 maintenance and the upkeep of the
9 property.

10 The maintenance -- the property
11 manager's responsibility is that they
12 have a contract with the owner to assume
13 certain responsibilities under whatever
14 contract they have; and part of that
15 responsibility, as indicated in the
16 ordinance, is that they will have to
17 maintain the property.

18 COUNCILWOMAN SANCHEZ: Okay.
19 So part of our rental licensing agreement
20 already has this option in terms of a
21 rental agent, but you're expanding their
22 duties and their requirements.

23 Are we then going to get all of
24 the information to the person who's
25 responsible for the property? I mean, so

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2 we're going to put this in our database
3 system?

4 MR. HAIGLER: Yes, ma'am.

5 COUNCILWOMAN SANCHEZ: Okay.

6 So that will be a part of our inspection
7 analysis?

8 MR. HAIGLER: Yes, ma'am.

9 COUNCILWOMAN SANCHEZ: Okay. I
10 have a question as it relates to some of
11 these nuisance properties. Many get
12 cited through CLIP and others.

13 When we have a CLIP violation,
14 is that kind of like our traditional
15 format? There are no additional fines
16 and penalties until we do the 30-day
17 notice and all that other stuff for
18 remediation?

19 MR. HAIGLER: Well, CLIP
20 violations are -- the employees that work
21 for CLIP, they work out of the Managing
22 Director's Office, but they are actually
23 L&I employees --

24 COUNCILWOMAN SANCHEZ: Okay.

25 MR. HAIGLER: -- that cite the

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2 requirements of the Property Maintenance
3 Code, and they cite violations.

4 And there's a time period
5 that's specified in the code as to how
6 long a person is given to comply the
7 violation; if they don't comply within
8 that time, then further action is taken
9 through the enforcement process of taking
10 them to court and to try to seek whatever
11 monetary as well as other remedies.

12 COUNCILWOMAN SANCHEZ: Just
13 taking -- playing out some of the
14 recommendations from this officer around
15 the false alarms, are there any legal
16 impediments that would limit our ability
17 to fine properties owners? What's the
18 fine now if you don't have a rental
19 license and we catch you renting a
20 property?

21 MR. HAIGLER: If it's a
22 violation notice that written, the fine
23 could be a court-imposed fine of \$300 --
24 of \$150 to \$300 per day per offense.

25 COUNCILWOMAN SANCHEZ: \$150 per

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2 day per offense.

3 MR. HAIGLER: \$150 to \$300 per

4 day per offense.

5 COUNCILWOMAN SANCHEZ: To \$300.

6 MR. HAIGLER: That's the

7 penalties.

8 COUNCILWOMAN SANCHEZ: So if a

9 priority's a nuisance, CLIP goes out, and

10 if we find out that the person doesn't

11 have a rental license, how do we do that?

12 How does a CLIP call trigger a potential

13 review to ensure that someone has a

14 rental license?

15 MR. HAIGLER: Well, the

16 violation itself. If any violation is

17 written, there should be a automatic

18 cross-check to see whether or not, in the

19 computer system, whether or not there's a

20 license attached to that particular

21 property.

22 Once the property is identified

23 as a rental property, then we determine

24 whether or not they have a license.

25 COUNCILWOMAN SANCHEZ: So walk

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2 me through this. An inspector is out in
3 the field, he writes the ticket, he
4 brings it back to the office, we do a
5 cross-check?

6 MR. HAIGLER: Yes.

7 COUNCILWOMAN SANCHEZ: On all
8 cases?

9 MR. HAIGLER: I believe so.

10 Let me just take you back to in
11 my history.

12 COUNCILWOMAN SANCHEZ: Okay.

13 MR. HAIGLER: Going back about
14 thirty years, when I first started out as
15 a housing inspector myself, I came in
16 under a program where we actually went
17 door-to-door to seek out rental
18 properties. It was called the Tenant
19 Occupancy Inspection Program. I still
20 remember it.

21 COUNCILWOMAN SANCHEZ: You're
22 aging yourself, Otis.

23 MR. HAIGLER: Huh?

24 COUNCILWOMAN SANCHEZ: You're
25 aging yourself, Otis.

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2 MR. HAIGLER: Yes, I am.

3 COUNCILWOMAN SANCHEZ: You have
4 a lot of experience, we know.

5 MR. HAIGLER: And we went
6 door-to-door to seek out those
7 properties.

8 Now, the premise was that we
9 would go in and we would inspect those
10 properties for property maintenance code
11 violations, fire code violations. And if
12 we found a violation, we would cite that
13 or we would include that in our special
14 report.

15 But when the reports came in,
16 they also did a cross-check to see
17 whether or not that property was legally
18 licensed as a tenant-occupied property.
19 Once you identify the property as
20 tenant-occupied, then there's a
21 requirement in the code that they have to
22 be licensed, and we would check for the
23 license as well.

24 COUNCILWOMAN SANCHEZ: So
25 Hanson allows you -- our Hanson system,

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2 once you come in and trigger that, that
3 ticket, to do that cross reference.

4 MR. HAIGLER: It's not a ticket
5 at that point.

6 COUNCILWOMAN SANCHEZ: A
7 violation.

8 MR. HAIGLER: There's two
9 different things.

10 COUNCILWOMAN SANCHEZ: Right,
11 right, the violation.

12 MR. HAIGLER: Violations, yes.

13 Now, you pose an interesting
14 thing there when you said about the
15 ticket since you brought it up.

16 CLIP, for the most part, when
17 there are certain issues where there's a
18 violation that could be remedied somewhat
19 immediately and for certain non-life-
20 threatening-type violations, a ticket can
21 be issued for that, and the ticket amount
22 is \$75.

23 COUNCILWOMAN SANCHEZ: Mm-hmm.

24 MR. HAIGLER: It's issued on
25 the spot, and you pay that the same way

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2 you would pay a parking ticket, through
3 the Bureau of Administrative
4 Adjudication.

5 COUNCILWOMAN SANCHEZ: Mm-hmm.

6 MR. HAIGLER: So that's a
7 separate enforcement mechanism that's
8 utilized for certain types of property-
9 maintenance violations like -- mostly
10 (indiscernible) violations like high
11 weeds, trash outside, that type of thing.

12 I believe CLIP mostly deals
13 with those issues; they don't go into the
14 priority but deal with mostly exterior
15 property maintenance issues.

16 COUNCILWOMAN SANCHEZ: Mm-hmm.
17 I mean, I share the frustration. My
18 concern always is, and I've learned this
19 from being chair of L&I: that the good
20 guys are the ones that end up paying the
21 bills continuously, and then we still got
22 these absentee landlords who are not
23 here, do not pay any of this stuff, and
24 it's always harder and harder to get to
25 them.

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2 MR. HAIGLER: Mm-hmm.

3 COUNCILWOMAN SANCHEZ: I'll ask
4 Tom Conway if he can run up a list of --
5 particularly in the 2nd Police District
6 of these repeat visits.

7 I just think that after CLIP
8 visits a property two or three or four
9 times, it has to go into a different
10 bucket, and we got to get more aggressive
11 'cause those are the ones that are
12 problematic.

13 MR. HAIGLER: Mm-hmm, I agree.
14 As I said, for more complex violations
15 that are written by the Department, we
16 use simple mechanisms. One of the first
17 mechanisms is to issue that violation to
18 see if we can get any compliance.

19 COUNCILWOMAN SANCHEZ: Mm-hmm.

20 MR. HAIGLER: If we don't
21 receive compliance, then we take it into
22 court. Usually the first step is
23 Municipal Court to try to get remedies
24 there.

25 If the violations are severe or

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2 if, say, like the Municipal Court isn't
3 the proper mechanism, then we can kick it
4 up one step higher to Common Pleas Court,
5 where the fines are a lot higher and the
6 penalties are a lot higher.

7 COUNCILWOMAN SANCHEZ: How many
8 times do we actually end up in MC court?

9 MR. HAIGLER: In general, most
10 violations end up in Municipal Court
11 first.

12 COUNCILWOMAN SANCHEZ: Mm-hmm.
13 How many of those, do you know? Do you
14 have a number?

15 MR. HAIGLER: Oh, I can't tell
16 you off the top of my head 'cause we
17 issue so many violations in the course of
18 a year. We issue thousands of
19 violations, but I would say -- if I would
20 give you a percentage of that, probably
21 80 percent or more end up in Municipal
22 Court.

23 COUNCILWOMAN SANCHEZ: Wow,
24 'cause that means that people have
25 ignored our initial citations and --

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2 MR. HAIGLER: In a lot of
3 cases, sometimes what happens is,
4 people -- you're given that 30-day window
5 to comply --

6 COUNCILWOMAN SANCHEZ: When's
7 the reinspect happen once we give that
8 30-day window?

9 MR. HAIGLER: Right after that
10 period expires.

11 COUNCILWOMAN SANCHEZ: So we're
12 pretty much in line to do reinspection --

13 MR. HAIGLER: Absolutely.

14 COUNCILWOMAN SANCHEZ: --

15 within the next 30, 45 days?

16 MR. HAIGLER: Absolutely.

17 COUNCILWOMAN SANCHEZ: And then
18 we do another reinspect, we issue another
19 ticket, and then what happens?

20 MR. HAIGLER: We also have a
21 mechanism -- and it's in the code now --
22 also so that when we do reinspections, we
23 also charge a fee for that reinspection.

24 COUNCILWOMAN SANCHEZ: Oh, are
25 we?

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2 MR. HAIGLER: Yes, we are.

3 COUNCILWOMAN SANCHEZ: Are we
4 liening that?

5 MR. HAIGLER: Yes. That can be
6 liened.

7 COUNCILWOMAN SANCHEZ: No.
8 That's not my question.

9 MR. HAIGLER: I have to check.
10 Are we liening it?

11 COUNCILWOMAN SANCHEZ: Otis is
12 a great witness, man.

13 Are we doing it?

14 MR. HAIGLER: Are we liening
15 it? I don't know personally, but I would
16 have to check on that.

17 COUNCILWOMAN SANCHEZ: Okay.
18 Thank you.

19 Let me hear from Mr. Zaslow.
20 And stick around, Otis, in case we have a
21 couple more questions.

22 MR. HAIGLER: Sure.

23 (Witnesses Darrell Zaslow and
24 Willie Seward come forward.)

25 COUNCILWOMAN SANCHEZ: Did you

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2 bring your testimony written? Okay.

3 Thank you.

4 MR. ZASLOW: Thank you, Madam
5 Chairwoman.

6 My name is Darrell Zaslow. I
7 am legal counsel to HAPCO, the Homeowners
8 Association of Philadelphia. The
9 organization, HAPCO, represents
10 approximately 100,000 housing units,
11 primarily small owners of a limited
12 number of properties and small
13 properties, single-family's and duplexes.

14 It is my great honor to have
15 sitting next to me my dear friend and,
16 frankly, my mentor, Mr. Willie Seward.
17 Mr. Seward has been president of HAPCO
18 and a member of HAPCO and a founder of
19 HAPCO and a driving force for you all of
20 the 33 years that I've had the honor of
21 being HAPCO's attorney, and he was there
22 for decades before I arrived.

23 Madam Chairwoman, Councilwoman,
24 initially allow me to state that I am
25 appalled to hear the testimony from the

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2 officer about property owners who refuse
3 to abide by the technically mandates of
4 our housing code that they have a license
5 for their property. For some owner to
6 come in and burden one of our police
7 officers with a property that they ignore
8 the law and don't register and don't
9 license causes the kinds of problems that
10 brings us here today needing to defend
11 ourselves on other issues.

12 So we do our best in our
13 organization to mandate, and we make it a
14 requirement of membership in our
15 organization, that you will agree to be a
16 proper landlord, adhering to the
17 requirements of Philadelphia City Code;
18 prime among them, obtaining a license for
19 your property before you would begin to
20 rent that property.

21 At the same time, I need to
22 express our concern over the concept,
23 which is not really before you today, but
24 since our police officer has raised the
25 issue, I'll comment on it, that property

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2 owners can somehow be the guarantors of
3 the misbehavior of tenants. For an
4 officer to say that he's been to a
5 property 50 times is equally appalling,
6 but to suggest that a property owner can
7 somehow create a solution to this
8 societal problem of misbehaving tenants,
9 tenants fighting, tenants arguing with
10 each other, tenants who are even doing
11 drugs in the property, and think that an
12 owner can correct that problem is very
13 difficult.

14 Even with the severe problem
15 with severe drug allegations in a house,
16 when we go to Municipal Court and try to
17 evict a tenant with your claim, well the
18 next-door neighbor said that he was
19 selling drugs out of the house, and we
20 can't prove that. Well, Your Honor, I
21 wish to evict the tenant because the
22 tenant is constantly loud and bothering
23 the whole street. It's very difficult
24 for us.

25 So this thought about fining

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2 property owners for tenants' misbehavior
3 does concern us, so we are equally
4 concerned about misbehavior for
5 landlords.

6 For the distinguished
7 Councilman who just walked in, I would
8 like to make sure that they recognize
9 Mr. Seward and myself confirming our
10 strong belief that all properties must be
11 registered and licensed in accordance
12 with the City Code, and we demand that of
13 our membership.

14 As to the specifics of the
15 officer's suggestion that there be fines
16 for landlords where tenants don't
17 behave -- and, again, it's not a part of
18 this bill -- for every --

19 COUNCILWOMAN SANCHEZ: For the
20 purposes of this bill, I'd love to hear
21 for the record what HAPCO has to say.

22 I mean, clearly, we're talking
23 and debating a broader issue that we will
24 continue and that we're not going to
25 solve today, and we're going to have to

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2 strongly disagree --

3 MR. ZASLOW: I will move on.

4 COUNCILWOMAN SANCHEZ: -- on
5 some of those points. So if you can --

6 MR. ZASLOW: I will do so.

7 Madam Chairwoman, on the bill
8 itself, I want to thank Councilwoman
9 Tasco's office and, in particular, the
10 attorney in her office who has been very
11 helpful in inviting us to participate in
12 reviewing this proposal as introduced and
13 as amended this morning, and even walking
14 in here this afternoon and getting
15 hot-off-the-press yet another amendment.

16 Derek Green has been generous
17 of his time and sharing an interest in
18 hearing from us, which enables us to be
19 partners in a bill such as this instead
20 of being antagonistic, which we do not
21 ever like to be.

22 As to the specifics, we are not
23 here opposing the concept that property
24 owners who are out of our area should be
25 required to appoint a property manager so

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2 that somebody knows who's responsible for
3 maintaining that property, and we support
4 that.

5 That's the crux of the bill,
6 and we are here in supportive that crux
7 of the bill, that if someone owns this
8 number of properties, they have to have a
9 property manager so the officer can go
10 somewhere to fine somebody when
11 necessary.

12 Some very modest specifics, and
13 I don't want to (indiscernible) with
14 Councilwoman Tasco's office like we're
15 looking for another bite of the apple
16 because we had our chance with her
17 office.

18 And, again, as I say --

19 COUNCILWOMAN SANCHEZ: But you
20 will, right?

21 MR. ZASLOW: But we will. And
22 it's a modest issue.

23 And that issue is, is that in
24 this information that's going to be
25 presented, there's a requirement that

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2 this property manager give a name and a
3 phone number and an emergency phone
4 number for their office, and that's
5 critical. You have a property manager
6 somebody; needs to be able to contact
7 them.

8 But it goes on to require that
9 there be a name, an address, and a phone
10 number of the record owner. And when I
11 hear our other dear friend, Mr. Haigler,
12 who we deal with all the time as well
13 suggesting the triumph of the City that
14 we're going to put online all of this
15 information.

16 So now you have circumstances
17 where owners, who have a right to an
18 unlisted phone number, especially when
19 there's a property manager who's there to
20 manage their property and be up front and
21 responsible for that property, to require
22 that there be an online telephone number
23 of an owner -- and let's face it, the
24 City owns many property, and whose phone
25 number is going to be listed there? You

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2 know, are we going to put the Mayor's --

3 COUNCILWOMAN SANCHEZ: They
4 always call us. Even in these private
5 properties, when there's a problem, we
6 may not own the property, but we own the
7 problem.

8 MR. ZASLOW: I hear you. You
9 are our partner in every problem, and we
10 know that as well.

11 But if you're reviewing it with
12 an eye towards making it work and having
13 happy taxpaying property-owners, that one
14 modest issue of a telephone number for
15 the owner, not for the manager whose
16 number should be front and center, but a
17 telephone number for a record owner is
18 something which we feel would be abused.

19 We apologize that you are
20 abused, and the owner would like to be
21 protected to some extent from that kind
22 of abuse.

23 The name and address of the
24 owner is on record in a dozen places in
25 this city -- on the license itself and on

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2 the deed. I mean, there are a lot of
3 places to see find that. The telephone
4 number is another bit of information that
5 we prefer not be listed.

6 Having said that little, modest
7 tweak to this, Madam Chairwoman, we
8 appreciate the efforts of the committee
9 in hearing from us.

10 I don't know if my, as I say,
11 mentor, Mr. Seward, has a few remarks as
12 well.

13 MR. SEWARD: Yes. My name is
14 Willie Seward, past president of the
15 Realtors. Today, I'm here to represent
16 the Philadelphia Metropolitan Board of
17 Realtors, not HAPCO today.

18 We agree basically with what
19 has just been said. This board is a
20 member of the National Association of
21 Real Estate Brokers. We have boards in
22 38 states. I know a lot of you don't
23 know who the National Association of Real
24 Estate Brokers are.

25 But to reply to this bill and

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2 my qualification, I was president of the
3 board twice; of course, I was president
4 of HAPCO. And I've been a licensed real
5 estate broker for more than 40 years. I
6 understand what you're trying to do.

7 As was just stated, why would
8 an owner hire me to represent them,
9 collect their rents, manage their
10 property if he wanted his name spreaded
11 all over the City? I am the guy; the
12 contract is with me and the owner. I
13 report anything you want reported. I
14 report it to the owner, not plastering
15 his name all over the City.

16 Now, I was thinking it was
17 three agents. The State -- and as I
18 said, my license -- they always revert
19 just as agents. I had the problem with
20 the with the three; I understand that's
21 two and basically the same.

22 But a managing agent would be
23 sufficient. What we may be a little bit
24 (indiscernible) to think about is when
25 the member of the person delivering the

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2 message and you say to this person, get
3 that type of information and the other
4 one get the other one, they may not
5 understand who gets what.

6 So if you talk about one agency
7 or one agent, whoever they -- that
8 individual is -- and I'm speaking of L&I.
9 When they report to it that agent, then
10 it's his job, as representing the owner,
11 to get into the right place, see that the
12 work's done.

13 The other thing that we
14 slightly have a problem with, whether we
15 can -- I understand the bill, and you can
16 correct me -- that says you must have
17 these things posted in four units or
18 above. Financing companies, mortgage
19 companies say that one to four units of
20 residential, so could that be five or
21 more units?

22 I'm only throwing it out for
23 informational-wise. That way, the larger
24 units would be required to have this
25 information.

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2 To be very frank, 90 percent of
3 your tenants that are in one to fours,
4 they know their agent, they know where to
5 report, although I guess you want this
6 posted for yourself.

7 COUNCILWOMAN SANCHEZ: They
8 don't want us to find their agents;
9 that's why we're here.

10 MR. SEWARD: I don't mean the
11 owners; I'm speaking of the tenants.

12 COUNCILWOMAN SANCHEZ: Yeah.
13 They don't want us to find their agents.

14 MR. SEWARD: Oh, why? They
15 didn't pay the rent?

16 COUNCILWOMAN SANCHEZ: We
17 appreciate it.

18 Again, I know the sponsor is
19 not here. They do have an amendment. I
20 think some of your points could be taken
21 back before final passage, and it will be
22 up to the sponsor if she wants to take
23 those kind recommendations, and she has
24 been generous in amending the bill.

25 So I greatly appreciate both of

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2 you coming forward. I appreciate the
3 work HAPCO does. I am a member, I get
4 your newsletters.

5 And, again, we're trying to go
6 after the bad guys, not the good guys.
7 And sometimes, that policing is very
8 difficult, but as you heard from the
9 police officer in the Second District --
10 and, again, I represent half of that
11 Second Police District.

12 There is a phenomena,
13 particularly in this area, that has
14 beautiful single homes that are being
15 converted, and they have major, major
16 problems. So we're trying to get at
17 that.

18 This is just one of the many
19 things that we need to do to be better at
20 it.

21 MR. ZASLOW: Thanks.

22 MR. SEWARD: One short thing:
23 Hopefully, it's recommended that
24 properties are recognized by units and
25 not by height.

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2 MR. ZASLOW: They took that
3 out, Willie.

4 MR. SEWARD: They took it out?
5 Okay. Thank you. I didn't see that.
6 Thank you very much.

7 COUNCILWOMAN SANCHEZ: Thank
8 you.

9 COUNCILMAN GREENLEE: Question.

10 COUNCILWOMAN SANCHEZ: Oh, you
11 had a question? I'm sorry.

12 COUNCILMAN GREENLEE: Yes.
13 Thank you very much, Madam Chair.

14 First of all, I'm understanding
15 as far as the telephone number of the
16 owner, that's just on the application; is
17 that right? What would be wrong with
18 that?

19 MR. ZASLOW: It would be on the
20 application, I think is where the
21 intention is to put it.

22 COUNCILMAN GREENLEE: Okay.
23 But what's -- I guess what's -- I mean,
24 it's not like everybody sees that, right?
25 I mean --

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2 MR. ZASLOW: Well, it's public
3 record, I would assume.

4 COUNCILWOMAN SANCHEZ: Right.
5 I've been told by the general counsel to
6 the Majority Whip that that portion of
7 the bill is not up; it was a companion
8 bill.

9 So the bill on hand does not
10 address the phone issue; is that what
11 you're telling me?

12 (Brief discussion held off the
13 record.)

14 COUNCILWOMAN SANCHEZ: Okay.
15 The posting onsite, that's what I'm
16 getting confused. So we're still talking
17 about putting it on the website is the
18 issue of requiring the posting and the --

19 COUNCILMAN GREENLEE: All
20 right. That's fine. I'm sorry I was
21 late. But it's a little timely that we
22 were late 'cause we were dealing with a
23 problem property that happens to be in my
24 ward and in Councilman Clarke's district,
25 where the property owner, at least

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2 previously, was not very responsive. So
3 this sort of fits into what we're talking
4 about.

5 And I guess the only thing I
6 would say is -- I'm sorry, sir. Your
7 name again is?

8 MR. SEWARD: Willie Seward.

9 COUNCILMAN GREENLEE: Okay.
10 You know, I think, unfortunately, when we
11 have to do a lot of legislation, it's
12 against, usually, the minority of people
13 that don't do the right thing. You know,
14 I have no doubt that as an agent, you
15 would do the right thing.

16 But I think one of the reasons
17 eventually we want to be able to contact
18 or get to the owner is maybe sometimes --
19 and I've had this on my own block -- the
20 agent isn't most responsive person in the
21 world, you know?

22 And eventually, I mean, at the
23 end, its owner's responsibility. So I
24 think there has to be a way at least
25 to -- somehow, some people, and maybe not

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2 the general public, and we can, as the
3 chair said, the sponsor can work on this.

4 I think eventually at least
5 folks like us and the officer and all has
6 to be able to get to the owner because,
7 ultimately, it's his or her
8 responsibility, you know.

9 And I understand where they
10 might want to try to put somebody else in
11 charge of it, and that -- and, you know,
12 most of the time that maybe works. But
13 the problem properties, oftentimes the
14 agent, if there is one, is as much a
15 problem as the tenant.

16 And, again, that, you know, if
17 it's my property, Bill Greenlee's name on
18 it, and Bill Greenlee is eventually
19 responsible, and I don't think we can let
20 them be totally not reachable.

21 MR. ZASLOW: It's in
22 recognition of that fact which has us
23 here.

24 COUNCILMAN GREENLEE: Mm-hmm.

25 MR. ZASLOW: I don't like to

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2 support things. But not opposing such a
3 bill, even though it's onerous for our
4 members, we recognize that, except for
5 little tweaks that we talked about, we
6 are here to say we recognize the reason
7 that you think it's necessary.

8 COUNCILMAN GREENLEE: Mm-hmm.
9 Okay, thank you.

10 MR. ZASLOW: Thank you.

11 COUNCILMAN GREENLEE: Thank
12 you, Madam Chair.

13 COUNCILWOMAN SANCHEZ: Is there
14 anyone else here to testify?

15 (No response.)

16 COUNCILWOMAN SANCHEZ: This
17 concludes the public hearing part of our
18 deliberations.

19 We will now go into the public
20 meeting of the department of -- the
21 Committee of Licenses and Inspections.

22 I will ask Councilwoman
23 Blondell Reynolds-Brown for the
24 introduction of our amendment to Bill
25 090834.

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2 COUNCILWOMAN BROWN: Madam
3 Chair, I move that Bill No. 090834 be
4 amended as presented.

5 (Motion duly seconded.)

6 COUNCILWOMAN SANCHEZ: All in
7 favor?

8 The bill is amended.

9 Councilwoman Brown, if you
10 could give me a motion for the bill.

11 COUNCILWOMAN BROWN: Madam
12 Chair, I move that Bill No. 090834, as
13 amended, be moved -- reported out of
14 committee with a favorable
15 recommendation, and further move that the
16 rules of Council be suspended so as to
17 permit first reading at our next
18 scheduled session of Council.

19 (Motion duly seconded.)

20 COUNCILWOMAN SANCHEZ: All in
21 favor?

22 Any oppositions?

23 Bill 090834 has been approved,
24 as amended, and will be read at our next
25 public session.

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2 This concludes our meeting of
3 the Committee of Licenses and
4 Inspections.

5 Thank you so very much.

6 (Proceedings end at 3:58 p.m.)

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I HEREBY CERTIFY that the

proceedings of the City of Philadelphia

Council Committee on Licenses and Inspections

are contained fully and accurately in the

stenographic notes taken by me on Thursday,

March 25, 2010, and that this is a true and

correct statement of same.

JOSEPHINE CARDILLO
Registered Professional Reporter

(The foregoing certification of

this transcript does not apply to any

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