

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE OF THE WHOLE

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, March 19, 2013
1:35 p.m.

PRESENT:

COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILWOMAN CINDY BASS
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN BOBBY HENON
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN JAMES KENNEY
COUNCILMAN DENNIS O'BRIEN
COUNCILMAN DAVID OH
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN MARK SQUILLA
COUNCILWOMAN MARIAN B. TASCO

RESOLUTIONS 130088, 130090, 130093, 130097,
130098, and 130099

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COUNCIL PRESIDENT CLARKE: Good afternoon, everyone. We're going to start now. Thank you.

This is a hearing before the City Council Committee of the Whole to consider Resolution 130088, 130090, 130093, 130097, 130098, and 130099 examining the City's procedures and practices for collecting delinquent real estate taxes.

We'll start now. Good afternoon and welcome to today's hearing before the City Council Committee of the Whole to consider the aforementioned bills.

Mr. Christmas, will you please read the title of the resolutions.

THE CLERK: Resolution 130088, authorizing City Council's Committee of the Whole to hold public hearings on the procedures that the City currently employs and proposes to employ to collect the delinquent real estate taxes owed the City and School District by

1 3/19/13 - WHOLE - RES. 130088, etc.
2 owner-occupants, the effectiveness or
3 shortcomings of existing and proposed
4 procedures, and the additional measures
5 and resources required to improve the
6 system for collecting delinquent real
7 estate taxes owed by owner-occupants; and

8 Resolution 130090, authorizing
9 City Council's Committee of the Whole to
10 hold public hearings to examine the
11 City's efforts to collect delinquent real
12 estate taxes owed by owners of
13 residential investment properties and the
14 additional measures and resources
15 required to reduce real estate tax
16 delinquency; and

17 Resolution 130093, authorizing
18 City Council's Committee of the Whole to
19 investigate and hold public hearings
20 reviewing the system utilized by the City
21 of Philadelphia to collect delinquent
22 real estate taxes, the effectiveness and
23 shortcomings of the existing system, and
24 the new methods and resources proposed by
25 the Administration to increase the

1 3/19/13 - WHOLE - RES. 130088, etc.
2 collection of delinquent real estate
3 taxes; and

4 Resolution 130097, authorizing
5 City Council's Committee of the Whole to
6 hold public hearings on the procedures
7 that the City currently employs and
8 proposes to employ to collect delinquent
9 commercial real estate taxes owed the
10 City and School District, the
11 effectiveness or shortcomings of existing
12 and proposed procedures, and the
13 additional measures and resources
14 required to improve the system for
15 collecting delinquent real estate taxes;
16 and

17 Resolution 130098, authorizing
18 City Council's Committee of the Whole to
19 hold public hearings on vacant, tax
20 delinquent properties in the City, the
21 impact of such properties on the City,
22 and the procedures that the City
23 currently employs and proposes to employ
24 to collect delinquent real estate taxes
25 from such properties and the efficacy of

1 3/19/13 - WHOLE - RES. 130088, etc.

2 those procedures; and

3 Finally, Resolution 130099,

4 authorizing City Council's Committee of

5 the Whole to hold public hearings on the

6 procedures that the City currently

7 employs and proposes to employ based on

8 accepted best practices to collect the

9 delinquent real estate taxes owed the

10 City and School District of Philadelphia.

11 COUNCIL PRESIDENT CLARKE:

12 Thank you, sir.

13 Before we call our first

14 witnesses, I believe Councilwoman Bass,

15 one of the sponsors, was interested in

16 making an opening statement; am I

17 correct?

18 COUNCILWOMAN BASS: Not at this

19 time. I'm sorry. No.

20 COUNCIL PRESIDENT CLARKE:

21 Thank you.

22 Councilman Jones, was that you

23 getting a head start in terms of your --

24 COUNCILMAN JONES: Well, if

25 Councilwoman Bass isn't going to give an

1 3/19/13 - WHOLE - RES. 130088, etc.
2 opening statement, I would like to
3 applaud the freshmen and the Serious 6 on
4 taking on this issue.

5 Last night, Mr. President, I
6 took an AVI butt whooping up in upper
7 Wissahickon. And you haven't had your
8 butt whooped by the taxpayers until you
9 had an AVI butt whooping. And one of the
10 issues that was raised by former
11 Commissioner Hairston was what are we
12 going to do about collecting the taxes
13 that are due us, and I assured him that
14 the Serious 6 were going to take this on
15 today. And so I'm glad that they did,
16 and a lot of people that are burdened
17 with increases in their real estate or
18 proposed increases are looking forward to
19 hearing what we are going to do about
20 money that is already owed us on the
21 books.

22 So I want to thank all of them
23 for putting forth this valuable
24 legislation.

25 COUNCIL PRESIDENT CLARKE:

1 3/19/13 - WHOLE - RES. 130088, etc.

2 Thank you, Councilman.

3 For our first witness, we would
4 like to call Keith Richardson, the
5 Revenue Commissioner, and I'd also like
6 to call Ms. Frances Beckley, Chief
7 Counsel to the Revenue Department.

8 (Witnesses approached witness
9 table.)

10 COUNCIL PRESIDENT CLARKE: Good
11 afternoon.

12 COMMISSIONER RICHARDSON: Good
13 afternoon, Council President Clarke.
14 Keith J. Richardson, Revenue
15 Commissioner. With me today is Frances
16 Ruml Beckley, Chief Counsel for the
17 Revenue Department; James Zwolak, one of
18 the Deputy Solicitors. Also behind the
19 bars is Frank Breslin, Deputy
20 Commissioner, and Andrea Mannino, my
21 Special Assistant.

22 Again, we're here today in
23 regard to the six resolutions, all
24 authorizing the Committee of the Whole to
25 hold public hearings on issues related to

1 3/19/13 - WHOLE - RES. 130088, etc.
2 collections of delinquent real estate
3 taxes.

4 As Councilman Oh stated in
5 Resolution 130099, City Council held a
6 hearing on February 23rd, 2010 pursuant
7 to the resolution of 090894 on the
8 procedures that the City was employing to
9 collect delinquent taxes, the
10 effectiveness or shortcomings of those
11 procedures, and the additional measures
12 and resources required to improve the
13 system. At that time, we testified
14 explaining in detail the challenges we
15 had inherited from the past, every aspect
16 of the City's collection effort at this
17 time, and the City's collection plan for
18 the future. Today, our testimony focuses
19 on updating Council on the measures the
20 City has taken in the last two years to
21 enhance the collections of delinquent
22 real estate taxes.

23 Bill No. 090686, again, the
24 Mayor signed in January of 2010
25 empowering the Department to have the tax

1 3/19/13 - WHOLE - RES. 130088, etc.
2 amnesty program. Taxpayers took
3 advantage of the amnesty program. Again,
4 100 percent was waived of accrued
5 penalties, 50 percent of interest charges
6 and certain fines. The Department
7 mobilized its workforce to make the
8 program a success. It was indeed
9 successful, exceeding our expectations.
10 We processed more than 22,000
11 applications, of which \$72 million was
12 generated in gross revenue for the City
13 and the School District, which \$23.5
14 million went to the School District in
15 real estate taxes alone.

16 The Tax Unit of the City's Law
17 Department has joined the Department of
18 Revenue to unify our tax collection
19 efforts and to be able to collect
20 delinquent taxes more efficiently in a
21 coordinated manner. Again, Frances Ruml
22 Beckley has joined the staff of both the
23 Law Department's Tax Unit and the
24 Department of Revenue's Chief Counsel to
25 provide guidance to this effort. As a

1 3/19/13 - WHOLE - RES. 130088, etc.
2 result, we have made tremendous progress
3 in this endeavor. In November of 2010,
4 Revenue's Taxpayer Services Unit
5 telephoned property owners who were about
6 to incur a lien on their property due to
7 delinquency for the first time. In
8 November of 2011, Revenue expanded this
9 initiative and mailed notices to all the
10 first-time delinquent properties, which
11 totaled 12,770 properties owing \$12
12 million. This was the first time Revenue
13 sent out notices to all first-time real
14 estate delinquents before a lien was
15 placed on their property. The letter
16 warned of the impending lien on their
17 property and the other enforcement
18 actions that could take place. Almost
19 4,000 of these taxpayers came into
20 compliance, paying \$6 million, with the
21 remaining 8,829 receiving a certified
22 notice this February of a lien being
23 placed on their property for failure to
24 pay their real estate taxes in full.
25 This practice is now part of Revenue's

1 3/19/13 - WHOLE - RES. 130088, etc.
2 daily process.

3 In 2011, for the first time,
4 the prior year's delinquent real estate
5 accounts were promptly sent out to
6 co-counsel for collection enforcement in
7 April. Previously, Revenue had waited at
8 least a year before referring newly
9 delinquent accounts. It is generally
10 recognized that delinquencies are easiest
11 to collect when they are freshest, and
12 our co-counsel were pleased with this
13 opportunity and recognized strong
14 collections on those accounts. All newly
15 delinquent taxpayers were sent a
16 certified letter warning that attorneys'
17 fees might be incurred if they do not pay
18 their taxes. As a result of these
19 measures, the taxpayers' compliance
20 improved and the number of properties
21 delinquent for the first time that were
22 referred to co-counsel dropped by over 40
23 percent, from 20,000 in 2011 to 11,300 in
24 2012.

25 In May 2012, the Department

1 3/19/13 - WHOLE - RES. 130088, etc.
2 referred real estate accounts that had
3 only 2012 real estate tax outstanding to
4 two collection agencies for outbound
5 calling. Out of a total 57 million
6 referred to the collection agencies, over
7 \$8.7 million had been collected to date
8 that is directly attributable to the
9 outbound phone calls. Another \$25.6
10 million was collected that may have been
11 attributable to the outbound calling
12 efforts. This is the first time in 12
13 years that a large-scale phone call
14 campaign was used to contact those who
15 are past due and not yet delinquent. The
16 efforts had increased the amount of real
17 estate tax collected in the year levied
18 from 87 percent for 2010 and 2011 to 91
19 percent in 2012 for real estate tax
20 bills.

21 The Department has worked
22 diligently over the last two years to
23 encourage voluntary compliance and to
24 increase enforcement on delinquent taxes.
25 These actions have proved successful,

1 3/19/13 - WHOLE - RES. 130088, etc.
2 with a \$33 million increase in delinquent
3 collections in FY12 over FY11. While we
4 continue our collaborative efforts with
5 our attorneys and co-counsel to increase
6 foreclosures and other collection
7 activity on long-term receivables, we
8 intend on maintaining this proactive
9 approach to the collection of past due
10 and newly delinquent accounts before they
11 become chronic delinquents.

12 When discussing the delinquent
13 portfolio, Revenue speaks in terms of
14 active balances, those receivables not
15 yet written off for accounting purposes
16 and with a more reasonable chance to be
17 collected. Real estate taxes are written
18 off after ten years, while all other
19 taxes are written off after six years.
20 The aging period for real estate taxes to
21 be written off is longer because they are
22 more likely to be collected at some point
23 since the sale of property results in the
24 collection of all back taxes when
25 reputable title companies are used. From

1 3/19/13 - WHOLE - RES. 130088, etc.
2 2008 to Fiscal Year 2012, the total
3 active receivable amount increased from
4 498 million to 518 million. That's the
5 entire City delinquencies. The largest
6 portion of these active receivables
7 represents real estate, which increased
8 from the same period of 231 million to
9 248 million. The growth in receivables
10 does not translate automatically into
11 growth of what is collectable, nor does
12 it reflect any decrease in effectiveness
13 in collection activities undertaken by
14 Revenue. For example, bankruptcies and
15 hardship agreements, which cannot be
16 collected timely, are included in these
17 figures, as are increased receivables due
18 to positive audit activity.

19 In 2008, there were \$75.7
20 million of all receivables categorized as
21 bankruptcy. In 2012, there are \$90.9
22 million in this category. In June of
23 2008, there were 1,031 hardship payment
24 plans, with \$6.2 million in receivables.
25 In March 2012, the number increased to

1 3/19/13 - WHOLE - RES. 130088, etc.
2 1,217 in the plan, with \$16.9 million in
3 receivables. They're all included within
4 the total amount of delinquencies, as
5 they are not current on their tax bills
6 but clearly not collectable in the same
7 way as other delinquencies are. In
8 FY2012, the Audit Unit assessed \$28.9
9 million, greatly exceeding the 15.3
10 million in audits done in Fiscal Year
11 2008. More audits have generated more
12 appeals to the Tax Review Board, which
13 increases the amount of time these
14 receivables remain on the books until a
15 decision is rendered.

16 Revenue is currently revising
17 its delinquency reporting structure to
18 focus on the amounts that are truly
19 collectable. This includes reporting on
20 recent receivables and removing those in
21 bankruptcy and payment agreements. This
22 new reporting procedure will provide
23 great transparency in reporting on
24 outstanding delinquent receivables and
25 provide Revenue with realistic benchmarks

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2 from which to measure its delinquent
3 collections. More generally, our real
4 estate collection efforts have increased
5 over the last few years. In addition to
6 the early notification procedures
7 discussed earlier, both the Law Tax Unit
8 and two co-counsels, Linebarger and GRB,
9 have increased their enforcement efforts,
10 resulting in an increase in total
11 collections of real estate by co-counsel
12 to 35.7 million in Fiscal Year '12 from
13 18.4 million in Fiscal Year '11 and \$22
14 million in Fiscal 2010. Similarly, in
15 the first seven months of this current
16 fiscal year, co-counsel delinquent real
17 estate tax collections rose \$21 million
18 compared to 17.5 million for the same
19 period in the prior fiscal year.
20 Delinquent real estate tax collection for
21 the Law Tax Unit was up for the fiscal
22 year to 35.2 million from 30.4 million in
23 the previous fiscal year.
24 Part of what has driven these
25 increases in collections is an increased

1 3/19/13 - WHOLE - RES. 130088, etc.
2 effort to file more foreclosure actions.
3 Since 2010's tax amnesty, the Law Tax
4 Unit and its co-counsel at Linebarger
5 have increased foreclosure filings and
6 hope to increase the capacity in the
7 future. Our co-counsel at GRB, which has
8 been under contract with the City since
9 2009, had its initial sale in late 2011.
10 GRB has been increasing its local
11 presence and operations so that it will
12 be having a dedicated tax sale date every
13 month starting in April 2013. While
14 having a total of 600 new properties on a
15 tax sale list each month, 200 each both
16 counsel and the Law Department, remains a
17 long-term goal. We will be pleased if we
18 can list 450 per month by the end of the
19 calendar year. The ultimate goal of the
20 Revenue Department is to have a taxpayer
21 make payment agreements long before the
22 property needs to be listed for an
23 auction.

24 To increase the number of
25 properties brought to Sheriff Sale by the

1 3/19/13 - WHOLE - RES. 130088, etc.
2 Law Department, over the last 18 months
3 we have worked closely with the
4 consultants and title vendors to
5 implement a number of technological
6 enhancements to significantly reduce the
7 amount of data involved in processing
8 properties to tax sale and make the
9 transition to a more paperless process.
10 This has also eliminated thousands of
11 pieces of data entry per month. We hope
12 to continue to implement further
13 technological changes that will, in the
14 long term, make the processing of
15 properties for Sheriff Sale less labor
16 intensive and more paperless.

17 In addition to the measures the
18 City has undertaken to collect past due
19 real estate taxes before they can even
20 become delinquent, we've also initiated
21 aggressive collection measures once a
22 property is delinquent. For example, the
23 Law Tax Unit and its co-counsel file
24 nearly 3,000 in personam lawsuits
25 annually in Municipal Court for real

1 3/19/13 - WHOLE - RES. 130088, etc.
2 estate tax liabilities under \$15,000
3 outstanding. We believe that filing such
4 lawsuits early in a delinquency is a
5 cost-effective measure that can result in
6 prompt payment before an account becomes
7 delinquent for multiple years. Further,
8 as the City commences foreclosure on a
9 greater number of properties, the
10 timeframes between initial delinquency
11 and collection activity decreases.

12 The Revenue Department and the
13 Tax Law Unit have spent several months
14 working with representatives of the legal
15 services community and Council staffers
16 to agree upon uniform procedures to be
17 used by the Law Tax Unit, the Revenue
18 Department, and both co-counsel in
19 pursuing delinquent real estate tax
20 collection.

21 The Department is increasing
22 its outreach and education efforts.
23 Revenue is about to unveil a more
24 user-friendly website and is hiring a
25 public relations director to handle

1 3/19/13 - WHOLE - RES. 130088, etc.

2 public education and outreach. The new
3 public relations director will continue
4 the Department's shaming efforts of
5 periodically posting a list of top
6 delinquent taxpayers and water customers
7 on its website and sharing those lists
8 with the local media. Revenue has also
9 been working with the Office of Property
10 Assessment to get eligible homeowners to
11 sign up for payment assistance programs
12 currently that are available.

13 We've also submitted two bills
14 to City Council relating to interest and
15 penalties. One proposes to substantially
16 decrease the interest and penalty rates
17 for late payment of delinquent taxes and
18 the other proposes to change the City's
19 proration method used for allocation of
20 delinquent taxes between the principal
21 sum of such tax and the interest and
22 penalties accumulated on it. We believe
23 that these bills enhance collections of
24 delinquent taxes by removing the
25 administrative and enforcement burdens to

1 3/19/13 - WHOLE - RES. 130088, etc.
2 the City and the confusion and the
3 unfairness to the taxpayers that the
4 practice of prorating partial payments of
5 taxes creates.

6 Revenue recently developed a
7 delinquency collection strategy. We've
8 been implementing new collection
9 strategies for the past several years,
10 and we need to do more. Based on the
11 best practices of successful state
12 revenue collection agencies, we proposed
13 a six-part strategy: utilize advanced
14 technology; increase enforcement legal
15 authority; increase education and
16 outreach; leverage private collection
17 agencies; continue to build partnerships
18 with sister agencies; and target areas of
19 increased capacity and efficiency.

20 Through a combination of robust
21 technology, analytics and increased
22 enforcement authority, other
23 jurisdictions have been successful at
24 managing their delinquent portfolio and
25 increasing their delinquent revenue

1 3/19/13 - WHOLE - RES. 130088, etc.
2 collections. Many of the new collection
3 efforts mentioned throughout my
4 testimony, while successful, are labor
5 intensive and can be more strategic.
6 Without the ability to automate more of
7 our processes, the use of analytics to
8 implement smarter collection efforts, and
9 strategic delinquent account management,
10 Revenue may not be able to increase
11 delinquent collections above the rate of
12 delinquency.

13 Like other tax collection
14 agencies across the United States and the
15 IRS, Philadelphia is faced with a
16 constituency demanding better service,
17 increased payment options, faster
18 response, tougher tax enforcement, and
19 getting ahead of those trying to game the
20 system. Meeting all these needs is
21 challenging, and prioritizing what
22 demands more attention constantly
23 changes. Philadelphia is also following
24 other successful models to increase
25 taxpayer outreach and education, make

1 3/19/13 - WHOLE - RES. 130088, etc.
2 compliance easier, and automate effective
3 and aggressive tax enforcement. The
4 National Taxpayer Advocate Statement
5 regarding the importance of IRS rings
6 true to the Department of Revenue, and I
7 quote, "The plain truth is that the IRS's
8 mission trumps all other agency missions,
9 because without an effective revenue
10 collector, you cannot fund other
11 agencies," end of quote. Revenue is
12 dedicated to meeting these
13 responsibilities, and its collection
14 strategy requests the tools to be able to
15 provide the best service possible to the
16 citizens of Philadelphia and to collect
17 all monies owed to provide world-class
18 service.

19 Council President, that is my
20 testimony. We are here to answer any
21 questions the body may have.

22 COUNCIL PRESIDENT CLARKE:
23 Thank you very much, Mr. Richardson.

24 Ms. Beckley, do you have
25 testimony?

1 3/19/13 - WHOLE - RES. 130088, etc.

2 MS. BECKLEY: No. I'm just
3 here to --

4 COUNCIL PRESIDENT CLARKE:
5 Okay. Thank you.

6 A couple of quick questions,
7 and then I know the members have a number
8 of questions to ask you.

9 Mr. Richardson, recently, the
10 Mayor announced a new strategy with
11 respect to a chief czar tax collector.
12 Can you talk to me about that process and
13 will it involve your agency or will it be
14 establishing a new department within your
15 agency or just a new department
16 generally? I heard a reference to that,
17 the Chamber --

18 COMMISSIONER RICHARDSON: I
19 don't know how that's going to work out,
20 sir. I can't answer on that right now.

21 COUNCIL PRESIDENT CLARKE: You
22 don't know?

23 COMMISSIONER RICHARDSON: No.

24 COUNCIL PRESIDENT CLARKE: Are
25 you familiar with it?

1 3/19/13 - WHOLE - RES. 130088, etc.

2 COMMISSIONER RICHARDSON: Yes.

3 COUNCIL PRESIDENT CLARKE:

4 Okay. So the Mayor made the statement
5 based on no conversations with you or
6 your department?

7 COMMISSIONER RICHARDSON: Well,
8 there was a study done by FTI consultant
9 firm, and that was their recommendation
10 to the Mayor and his cabinet.

11 COUNCIL PRESIDENT CLARKE:
12 Well, do you anticipate -- and I
13 understand you said you don't know much
14 about it. Given the fact that at this
15 point you're the chief tax collector in
16 the City of Philadelphia, your agency and
17 the parties that have contractual
18 relationships with you, do you think that
19 there should be some level of interaction
20 before we move ahead with that?

21 COMMISSIONER RICHARDSON: When
22 the Mayor and the cabinet are looking at
23 it, they're looking at all overall
24 collections. You got to remember the
25 Fire Department, the Board of

1 3/19/13 - WHOLE - RES. 130088, etc.
2 Adjudication, there are other agencies
3 within the City that are having
4 collection agencies working for them. So
5 I think they're trying to overlook all of
6 the work --

7 COUNCIL PRESIDENT CLARKE: So
8 that would oversee --

9 COMMISSIONER RICHARDSON:
10 Oversee all of it. So, again, we haven't
11 had --

12 COUNCIL PRESIDENT CLARKE: You
13 would be one of the agencies that -- I
14 mean, would you report to that particular
15 new entity?

16 COMMISSIONER RICHARDSON: I
17 believe I still report to the Finance
18 Director, sir.

19 COUNCIL PRESIDENT CLARKE:
20 Okay. I just wanted to make sure. So
21 that probably will not impact your
22 employees at all. You'll continue, I'm
23 assuming, at the same employee level and
24 those employees will continue to do the
25 work that they currently do?

1 3/19/13 - WHOLE - RES. 130088, etc.

2 COMMISSIONER RICHARDSON: Yes,
3 sir.

4 COUNCIL PRESIDENT CLARKE: All
5 right. With respect to some of the
6 processes that we're interacting with the
7 state on the ability to place liens on
8 multiple properties for property owners
9 that have multiple properties that are in
10 delinquency or may not be delinquency,
11 have you had any interaction with any of
12 the members of the General Assembly about
13 that?

14 COMMISSIONER RICHARDSON: We
15 have not spoken with any of the members
16 of the General Assembly about the bills,
17 but we are encouraged by what they're
18 trying to present in Harrisburg for us.

19 COUNCIL PRESIDENT CLARKE:
20 Because my understanding is that that
21 bill will hopefully be moving forward the
22 first of April for a hearing. So I would
23 just encourage that you contact them and
24 have some interaction to be supportive of
25 that measure, because my assumption is

1 3/19/13 - WHOLE - RES. 130088, etc.
2 that will enhance your ability to go
3 after deadbeats.

4 COMMISSIONER RICHARDSON: It
5 definitely will.

6 COUNCIL PRESIDENT CLARKE: And
7 I'll give you the appropriate name of the
8 person. Thank you.

9 COMMISSIONER RICHARDSON:
10 You're welcome, sir.

11 COUNCIL PRESIDENT CLARKE: At
12 this point, I would like to recognize
13 Councilman Jones.

14 COUNCILMAN JONES: Thank you,
15 Mr. President.

16 On the line of your
17 questioning, we had an opportunity to
18 work with some of the state officials and
19 actually hear of some of the investments
20 that were made at the state level, and I
21 believe, if I'm correct, there was about
22 an initial -- well, let me start by
23 saying that the state, Commonwealth of
24 Pennsylvania, and in particular those
25 people who go after student loans, have

1 3/19/13 - WHOLE - RES. 130088, etc.
2 the best collection rate, continuum of
3 collection of anybody. I mean, they are
4 dogged and relentless about collecting
5 revenues on behalf of the Commonwealth.
6 And I understand based on that that you
7 were a part of some of those designs of
8 their modernized collection effort, and
9 in fact, I believe the initial investment
10 was somewhere in the neighborhood of \$3
11 million to upgrade equipment, which
12 created then a 1,600 percent rate of
13 return on that collection. And I say
14 that in context with the 40 million that
15 we -- I did not see what the hopeful rate
16 of return for that investment, that 40
17 million, would be. Can you expand upon
18 that?

19 COMMISSIONER RICHARDSON: Our
20 investment of the \$40 million, again, 25
21 million is towards technology. We're
22 anticipating that will bring about a \$240
23 to \$260 million net increase of revenue
24 to the City.

25 COUNCILMAN JONES: So PICA

1 3/19/13 - WHOLE - RES. 130088, etc.
2 recently, matter of fact today, said that
3 18 million of that 40 million was going
4 to go into operations and the balance
5 would go into technology enhancements.
6 Could you describe for the Council what
7 those enhancements would be?

8 COMMISSIONER RICHARDSON: Sure.
9 Again, what is key that we believe in the
10 technology enhancements for the City of
11 Philadelphia is the data warehouse, which
12 may cost between anywhere from a million
13 to maybe \$3 million, but with a data
14 warehouse we are confident from other
15 jurisdictions and people we've been
16 speaking with that it will give the City
17 an uptick of revenue of about \$10 to \$20
18 million additional. Then from there, we
19 need to look at building a new tax
20 system. We have a tax system that really
21 isn't an accounting system. We need a
22 tax system that's going to have case
23 management tools tie into the Law Unit's
24 for the system that they use that will
25 help to increase revenue.

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2 We know from talking to various
3 jurisdictions -- again, we look at
4 states, not cities. The State of West
5 Virginia, for example, was collecting
6 about \$80 million a year in taxes. They
7 put a new system in and it ratcheted up
8 to \$189 million, which they've been level
9 at now for the last three years.

10 After a new tax system is in
11 place, the City needs to start with a new
12 call center. We lost our call center
13 back in 1999, 2000. If people are not
14 hearing from us with calls early and
15 often, they're going to continue to
16 neglect to pay the City of Philadelphia.
17 So that is very important as well.

18 COUNCILMAN JONES: You
19 mentioned early collection efforts when
20 delinquencies occur and there's a greater
21 probability of collection if you hit them
22 early enough. Can you describe for this
23 body when you decide that early is early
24 and where's the demarcation point where
25 you write or send it out for collection

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2 to a private entity to collect on behalf
3 of the City of Philadelphia? Where are
4 those points?

5 COMMISSIONER RICHARDSON: Early
6 collections to me starts at day 35. So
7 you have from the time you made your
8 assessment, your own self-assessed tax
9 sent into the Department, either you
10 remitted some money or you remitted no
11 money. You have a timeframe. Then we
12 need to be on the phone by day 35.

13 What you will learn in the
14 world of real estate, what we have done
15 that's never been done in the Department,
16 starting last year -- generally how
17 things have always worked; for example,
18 let's take 2012's taxes. You didn't pay
19 your 2012 by December 31st. Notice went
20 out that you would get a lien against
21 you. So we've changed the dial to say
22 you know what, March 31st is when you're
23 supposed to pay. You get 1 percent by
24 February 28th, pay by March 31st. If you
25 don't, by law in the state you're not

1 3/19/13 - WHOLE - RES. 130088, etc.
2 delinquent until December 31st, but our
3 mindset was start end of April, first of
4 May, let's make a phone call to them.
5 Mr. Jones, you got your real estate bill.
6 Do you know that you owe XYZ?

7 So we have -- two firms did
8 that last year, MuniServices and GRB. So
9 the good part, as I said, about \$8.9
10 million was collected because of the
11 phone call, but the 25.6 million, people
12 were getting those phone calls and
13 probably didn't want to respond back.
14 Some people called and complained to us
15 because we were making phone calls too
16 early. That's not too early.
17 Technically you owe that money to the
18 City by March 31st.

19 So if you don't do that and we
20 let the process linger to the new
21 calendar year, that means people are
22 going to continue to skip the lien and
23 not pay attention to it, and then by the
24 new calendar year, the cases wouldn't go
25 out until April to co-counsels and Law to

1 3/19/13 - WHOLE - RES. 130088, etc.
2 start making collections on those.

3 COUNCILMAN JONES: So earlier
4 is better. I guess what I want to know
5 is, at what -- with this \$40 million
6 investment, I'm assuming you're going to
7 do predictive dialers and things like
8 that; is that right?

9 COMMISSIONER RICHARDSON: With
10 the \$40 million investment, the tax
11 system, for one, and the data warehouse
12 will allow us to have decision analytics.
13 With decision analytics, we can start
14 scoring the taxpayers. You can --

15 COUNCILMAN JONES: Who is
16 likely to pay?

17 COMMISSIONER RICHARDSON: Who
18 is likely to pay, who are the folks that
19 might be going into bankruptcy. There's
20 an Altman Z-score for scoring bankruptcy
21 scores, the folks that you need to go
22 after on a harder phone call, and you
23 have the people that are in between that
24 might just be slow payers. So that
25 system will help us doing it by decision

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2 analytics.

3 With the call center, again,
4 after you have made your self-assessed
5 tax and didn't remit the money or a
6 little bit of the money, our folks can be
7 on the phone. It's a predictive dialer,
8 for one. You have a predictive dialer,
9 meaning on Saturday morning, 10,000 phone
10 calls can go out at one time and hit
11 everybody's house at one time or we can
12 make the 10,000 phone calls go out on
13 Monday morning to everyone's business.
14 That's embarrassing to get a phone call
15 at your job.

16 COUNCILMAN JONES: Patrick
17 Kerkstra did an interesting article about
18 the percentage of property owners,
19 delinquent property owners, that were
20 non-Philadelphia residents, and even
21 adding insult to injury, that they were
22 delinquent in Philadelphia but yet
23 current in their respective
24 municipalities.

25 What do you think of the

1 3/19/13 - WHOLE - RES. 130088, etc.
2 state's effort to change the laws so that
3 we can go after Commonwealth properties?
4 So if a person who lives in Bucks County,
5 we're able to lien their properties. And
6 what percentage of those -- we happen to
7 do -- our staff did a breakout by
8 district -- let me give it out to
9 respective Councilpeople -- by district
10 the number of delinquent taxpayers in the
11 District Councilpersons' areas, and it is
12 pretty substantial. Have you done that
13 kind of research?

14 COMMISSIONER RICHARDSON: We
15 have done the research, and we're
16 continuing looking at it. In uncovering
17 some of the research, we also recognize
18 that we have about 1,200 people that are
19 paying us in payment agreements of about
20 \$8 million. We also know that we have
21 about 493 cases with \$21 million of the
22 Sheriff Sales for Sheriff foreclosure.
23 We do know there's about a half a million
24 in bankruptcy also. So we're aware of
25 these matters.

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2 COUNCILMAN JONES: So what is
3 the universe of people that live outside
4 the City but yet are tax delinquent?

5 COMMISSIONER RICHARDSON: Well,
6 one, they may live out the City. It may
7 also be it's a mailing address for them.
8 So we can't assume everyone lives outside
9 the City.

10 Two, we are trying to, again,
11 work on that internally with our sales
12 and with L&I to start tackling those kind
13 of properties and owners. Again, it's
14 for us, it's a manual process
15 unfortunately because we don't have
16 up-to-date technology, but, again, we're
17 trying to focus on that. And, again, the
18 good part is, like I said, we have people
19 under agreements and people in the
20 Sheriff Sale process now.

21 COUNCILMAN JONES: So in a
22 perfect world in this 40 million, how
23 would you profile the out-of-state person
24 who owns properties in other
25 municipalities if we have the ability to

1 3/19/13 - WHOLE - RES. 130088, etc.
2 lien that property? Is that going to be
3 a tactic used by you in your continuum of
4 collections?

5 COMMISSIONER RICHARDSON: Most
6 definitely. A new system will give us
7 all the bells and whistles to create all
8 different types of reports for investment
9 owners, people that are outside the City.
10 It will enhance our opportunity. Again,
11 part of the collection strategy, that it
12 will enhance more bodies to do the work
13 as well.

14 So if we have the tools, we can
15 do the work. We can't do everything on a
16 manual basis because there's so many
17 different balls that we're juggling every
18 day manually, and we have to get away
19 from that world.

20 COUNCILMAN JONES:
21 Mr. President, I'm going to yield to my
22 colleagues, because I have a number of
23 questions and would like to be recognized
24 after some of my colleagues get a chance.

25 COUNCIL PRESIDENT CLARKE:

1 3/19/13 - WHOLE - RES. 130088, etc.

2 Thank you, Councilman.

3 The Chair recognizes Councilman
4 Henon.

5 COUNCILMAN HENON: Thank you,
6 Council President.

7 And, Commissioner, Chief
8 Counsel, thank you for being here with us
9 today. As you can imagine, we have many
10 questions, and appropriately. So let me
11 get right to it.

12 What is the Administration's
13 position or policy on whether or not the
14 City should be issuing licenses to
15 delinquent property owners and why?

16 COMMISSIONER RICHARDSON: The
17 Administration does not want property
18 owners getting licenses, and we knew
19 there was a hiccup from talking with
20 License and Inspection and the system to
21 review. What's going to be going forward
22 now is that anyone who is going to be
23 seeking to get a license, they're going
24 to make them come through our tax
25 clearance system to go online to get a

1 3/19/13 - WHOLE - RES. 130088, etc.
2 license to verify to them that they are
3 worthy of having one. So we know this is
4 something as we continually meet
5 quarterly that we have to work on and
6 make it more robust.

7 COUNCILMAN HENON: This is a
8 recent change?

9 COMMISSIONER RICHARDSON: Yes.
10 Again, there was a hiccup in our system
11 that they weren't checking it at the
12 time, because they could have access to
13 it. It wasn't being updated properly.
14 But as we've met, we said why don't you
15 just have people get a tax clearance and
16 bring it in and provide that they're tax
17 compliant. If they don't have it, they
18 need to come to the Revenue Department to
19 get in compliant with either a payment
20 agreement or pay in full before they come
21 across to get their license.

22 COUNCILMAN HENON: I think
23 that's great moving forward with the
24 future, and it also provides us with
25 the -- provides the City with the

1 3/19/13 - WHOLE - RES. 130088, etc.
2 opportunity to cross-reference and
3 overlap that data sets so we could
4 actually target those who are
5 non-licensed investors that are in the
6 City. Is that correct?

7 COMMISSIONER RICHARDSON: Yes,
8 sir.

9 COUNCILMAN HENON: So we would
10 be able to do that moving forward?

11 COMMISSIONER RICHARDSON:
12 That's the plan, sir, yes.

13 COUNCILMAN HENON: That's
14 great.

15 Are there different types of
16 delinquency accounts, commercial, vacant,
17 residential, and rental properties? Are
18 they treated differently or prioritized
19 for collections in a certain way?

20 COMMISSIONER RICHARDSON: Well,
21 we do treat commercial and vacant
22 properties different than occupied
23 properties. We know folks that are in
24 the properties, the ones that want to
25 pay, we want to get them to payment

1 3/19/13 - WHOLE - RES. 130088, etc.
2 agreements. Those that we have to take
3 to Sheriff Sale, we will proceed with
4 them. But, again, our primary job first
5 and foremost is to collect the revenue.

6 With regard to commercial
7 properties, again, we want to push them
8 for what is owed, or we will move faster
9 taking them through the Sheriff Sale
10 process.

11 Again, with vacant land, we're
12 working with License and Inspection to
13 start identifying more of those
14 properties. We take about 20 or 30 now
15 to Sheriff Sale.

16 MS. BECKLEY: We get a request
17 that's been growing. It started out at
18 about ten and now it's roughly at about
19 20 of tax-delinquent properties that
20 might not have large enough delinquencies
21 for us to choose them for revenue
22 purposes, but they're a real eyesore for
23 L&I. So they request from us that we
24 specifically bump those properties to the
25 top of the list, and we do that, and our

1 3/19/13 - WHOLE - RES. 130088, etc.
2 co-counsel has been cooperating with us
3 in doing that too.

4 COUNCILMAN HENON: Okay.

5 MS. BECKLEY: And the other
6 thing that we've been doing that it's
7 hard to believe we didn't think of
8 earlier has been to send all our lists of
9 properties that are going to Sheriff Sale
10 to L&I, and if they identify a landlord
11 as a problem landlord or they say that
12 the property has code violations, we will
13 not give that taxpayer a payment
14 agreement, because it's insane for the
15 City to essentially finance the continued
16 ownership of somebody who is not properly
17 taking care of the property.

18 COUNCILMAN HENON: Right. And
19 I'm glad you mention that, as the Law
20 Department and Revenue has been
21 cooperative with my office in certain
22 cases where habitual landlords and repeat
23 folks who are gaming the system
24 constantly build up a dollar value of
25 back delinquencies and then continually

1 3/19/13 - WHOLE - RES. 130088, etc.
2 just get back on the payrolls in an
3 agreement. Meanwhile, they're sitting on
4 cash cows, with no regard to neighbors or
5 the City of Philadelphia.

6 MS. BECKLEY: There's no reason
7 we should give them financing when they
8 probably couldn't even get it from a
9 bank.

10 COUNCILMAN HENON: But
11 addressing it on a citywide policy I
12 think is absolutely the way to go, as you
13 are, instead of an individual basis,
14 because I believe that there's a
15 difference between collections and
16 enforcement. An enforcement is what you
17 do when your collection efforts have
18 failed. And how do we, if we can
19 explain, how do we educate and empower
20 the taxpayers before you take enforcement
21 action, and how long do you spend trying
22 to collect from taxpayers before you
23 initiate foreclosure actions?

24 COMMISSIONER RICHARDSON:
25 Again, internally now, as I said to you

1 3/19/13 - WHOLE - RES. 130088, etc.
2 before, taxpayers are going to start
3 getting phone calls again starting next
4 month. Again, those calls are to educate
5 individuals about making payments for us.
6 Again, the call also should be geared
7 towards what services we can provide,
8 especially now for senior citizens, those
9 who may have low income, to get them into
10 certain payment agreements, and those in
11 hardship conditions. We still recognize
12 that economic times are still upon us,
13 and we have to be cognizant of that when
14 we're talking to our taxpayers, and our
15 vendors are aware of that. So that's
16 always key.

17 As we said before, we're
18 looking to evangelize to the City by
19 beefing up the four walls with a public
20 relations individual to be able to talk
21 to folks in their communities at various
22 events, outreach programs. So that's
23 always important to get the word out as
24 well.

25 We'll have a much more

1 3/19/13 - WHOLE - RES. 130088, etc.
2 user-friendly, robust website that will
3 be in place sometime next month that I
4 think will help as well. And, again,
5 we're fortunate enough to have some very
6 good community legal services in the City
7 of Philadelphia, like Community Legal and
8 VIP, who want to work with us and make
9 sure that they are educating the
10 taxpayers and talking to them.

11 COUNCILMAN HENON: So your
12 length of time or your rationale for the
13 length of time that you give taxpayers
14 before you start the process is
15 individualized, on a case-by-case basis?

16 COMMISSIONER RICHARDSON: Well,
17 it's case by case, because everyone's
18 situation is different. Again, we go out
19 to do it to broad folks. And when you're
20 talking to someone one on one, it's a
21 case-by-case situation. Again, the
22 timeframe I would say is that we want to
23 tell people that we're serious. Again,
24 December 31 is your deadline before your
25 lien goes on you. From there, you've

1 3/19/13 - WHOLE - RES. 130088, etc.
2 dictated to us what you want to happen.
3 You want us to proceed with a personam
4 going to court. You want us to go to
5 foreclosure. So an individual is going
6 to dictate what we need to do.

7 MS. BECKLEY: Several years ago
8 you wouldn't get referred to outside
9 counsel for enforcement action for almost
10 probably about a year and a half after
11 you became delinquent. Now, starting
12 with this last year for the first time,
13 the Commissioner has somebody calling you
14 15 days after you don't pay that bill on
15 March 31st if you're a first-time
16 delinquent. So we're really moving up
17 the time. Eleven was the first time that
18 we sent first-time delinquencies, new
19 delinquencies, out within four months of
20 them becoming delinquent. So we moved
21 that up a full year from when those used
22 to be referred out. So everything has
23 gotten earlier and faster.

24 COUNCILMAN HENON: When you say
25 referred out to outside counsel, does

1 3/19/13 - WHOLE - RES. 130088, etc.
2 that mean referred out to outside counsel
3 to start the foreclosure process?

4 COMMISSIONER RICHARDSON: No.

5 COUNCILMAN HENON: Or outside
6 meaning outside vendors that the City
7 uses for collections?

8 MS. BECKLEY: It's tricky,
9 because we have the referral for calling,
10 which is done even before the account
11 becomes delinquent. We don't wait for it
12 to become delinquent anymore. As soon as
13 it's overdue, we send it out for calling.
14 However, there's a serious distinction,
15 because once something has been
16 delinquent, which means you didn't pay
17 the bill by December 31st and it was
18 liened -- so '12s are now delinquent, for
19 example -- we can attach, under state
20 law, we can make the taxpayer pay the
21 cost of collection. They have to have
22 received a certified letter for the first
23 time that they become delinquent, but
24 once that letter has been sent, 30 days
25 after that we can attach the attorney

1 3/19/13 - WHOLE - RES. 130088, etc.
2 fees. And if we send it out -- even if
3 we do it internally, they get a 6 percent
4 attorneys' fees. If we do it externally,
5 they get an 18 percent attorneys' fees.
6 And one of the things that we've been
7 trying to do with the early calling is
8 make people aware that there's a real
9 deadline. Your bill will go up if you
10 don't pay by these deadlines.

11 COUNCILMAN HENON: The
12 percentages must be high in collections
13 in the early stages when you take that
14 approach. But the question is, when do
15 you start the foreclosure process?

16 MS. BECKLEY: Well, that's
17 going to depend on the property and
18 that's going to depend on who is doing
19 it. We send the -- for example, 2012's
20 will be sent out in three weeks to
21 co-counsel and a third of them will be
22 kept for us. We go through all the
23 first-time delinquent accounts. We do a
24 little cherry picking for ourselves,
25 because we get first pick, and then

1 3/19/13 - WHOLE - RES. 130088, etc.
2 everything else is randomly by the
3 computer, a third to us and a third to
4 each co-counsel.

5 COUNCILMAN HENON: Yes. Okay.
6 So the foreclosure process.

7 MS. BECKLEY: When they get --

8 COUNCILMAN HENON: I keep
9 circling back.

10 MS. BECKLEY: They can choose
11 whether --

12 COUNCILMAN HENON: Is there an
13 industry standard on time in
14 foreclosures? Is it 18 months? Is it
15 one year? Is it two years before we
16 actually start the process? Because just
17 from my involvement in trying to get
18 answers on the process through outside
19 vendors, through the City, and through
20 the Sheriff's Department and the courts
21 and many others, I mean, nobody, no
22 property owner wants a letter to say,
23 Hey, we're going to start the foreclosure
24 process on your house and have your house
25 be taken. And I don't think the City --

1 3/19/13 - WHOLE - RES. 130088, etc.
2 and I know the City doesn't want to do
3 that. But where and when do we take a
4 hard stance on actually starting the
5 process to show people that we mean
6 business so our collections can come in
7 to ensure that we have a higher
8 percentage on collections?

9 MS. BECKLEY: That's going to
10 depend on the property, frankly. Some
11 things are more saleable. It's going to
12 depend on how old the debt has gotten.
13 With most cases -- I mean, when we first
14 refer the 2012's in three weeks, they're
15 going to start out by sending letters and
16 making phone calls. The first letter
17 you're going to get is not going to be,
18 We're putting you in foreclosure.

19 COUNCILMAN HENON: No. And I
20 wasn't referring to that either.

21 MS. BECKLEY: And, quite
22 frankly, the foreclosure process is
23 pretty expensive. It costs roughly 800
24 to a thousand dollars out of pocket to
25 take something to foreclosure. For

1 3/19/13 - WHOLE - RES. 130088, etc.
2 example, when we approach these
3 delinquencies, for things under 15,000
4 and that are only a year or two old, our
5 first choice will usually be to sue the
6 taxpayer individually in Municipal Court,
7 because that costs a filing fee of less
8 than a hundred dollars, and you can do it
9 immediately. Foreclosure takes at least
10 nine months between ordering the title
11 work, getting the court decree, posting
12 the property, advertising the sale.

13 COUNCILMAN HENON: And I'm
14 going to yield in a second, but you're
15 heading into another area with the
16 courts. Do we actually -- like what
17 percentage of the delinquents do you
18 actually file? I mean, I know the courts
19 are willing and ready and able, just as
20 the Sheriff's Department on Sheriff
21 Sales, and ready to receive these orders
22 that have been asking for. So I know,
23 for instance, you mention 15,000. So MC
24 court I'll just use for an example. MC
25 Court you have up to 350 cases a week

1 3/19/13 - WHOLE - RES. 130088, etc.
2 that they are ready to be listed. What
3 kind of followup? How many actually get
4 over to the courts?

5 MS. BECKLEY: We file almost
6 3,000 of those cases a year.

7 COUNCILMAN HENON: Are we
8 putting an aggressive case? So that's
9 how many a year?

10 MS. BECKLEY: Almost 3,000 a
11 year.

12 COUNCILMAN HENON: They're
13 ready to take 10,000. So is that a 30
14 percent hit on actually -- what can we do
15 to help speed things along on trying to
16 recoup some of our delinquencies when it
17 comes to from Point A to Point B?

18 MS. BECKLEY: Well, you have a
19 professional here advising you, and his
20 revenue strategy is correct, because the
21 first thing you have to do is have the
22 data. You have to be able to identify
23 which cases are going to be successfully
24 sued in Municipal Court, which cases are
25 going to require you to go all the way to

1 3/19/13 - WHOLE - RES. 130088, etc.
2 foreclosure, which pieces are vacant junk
3 that you shouldn't even waste your time
4 on.

5 COUNCILWOMAN BROWN: Point of
6 information, Mr. President.

7 COUNCIL PRESIDENT CLARKE:
8 Councilwoman Brown.

9 Councilman, are you done?

10 COUNCILWOMAN BROWN: For my own
11 clarity and understanding, Councilman,
12 please help me understand what you mean
13 when you say speed it along. Speed what
14 along? The cases?

15 COUNCILMAN HENON: Well,
16 without going through the entire process,
17 which I will be asking at the appropriate
18 time here, when there is -- you go
19 through the collection process, the
20 letters, the phone calls, the persistency
21 of trying to recoup the delinquency,
22 especially with a taxpayer, if they're a
23 taxpayer, their history of payment,
24 quarterly, yearly, and if it's delinquent
25 and at a certain period of time, whatever

1 3/19/13 - WHOLE - RES. 130088, etc.
2 that period of time is, I guess in
3 coordination with the Revenue Department,
4 the Law Department can take an order over
5 and ask for an order from the courts to
6 authorize the house, with all the
7 relevant information, to have the house
8 be listed as Sheriff Sale.

9 MS. BECKLEY: Right, but --

10 COUNCILMAN HENON: So from the
11 Law Department to the court system is the
12 process, how can -- does that need to be
13 more of a priority? And I'm just asking.
14 If it is, I want to talk about focusing
15 to help the efforts in what the Law
16 Department and Revenue is looking to make
17 this tax delinquency reform better and
18 more efficient.

19 MS. BECKLEY: Well, as the
20 Commissioner told you, we have increased
21 the number of foreclosures. We've
22 increased even more dramatically what the
23 foreclosure efforts yield. For example,
24 we don't have as good statistics, but
25 Linebarger in Fiscal '12 got paid twice

1 3/19/13 - WHOLE - RES. 130088, etc.
2 as much in lump sum and three times as
3 much was entered into payment agreements
4 as it had been on average in the last --
5 in the three fiscal years before, and I
6 think you can look and see that's
7 directly attributable to their increased
8 foreclosure actions.

9 We would love to bring more
10 foreclosure actions. The bump in the
11 road has not to do with the courts and
12 not to do with the Sheriff. It has to do
13 with dealing first getting the title
14 work. There are a limited number of
15 title companies that are willing to do
16 our work. It isn't very well paid. It's
17 certainly not glamorous. But you cannot
18 sell something free and clear of all
19 liens unless you've given every creditor
20 notice before you do that for obvious
21 reasons, and that's due process for the
22 creditor, and getting all those notices
23 out. It's not unusual for a single
24 property to need 27 notices.

25 We generate thousands and

1 3/19/13 - WHOLE - RES. 130088, etc.
2 thousands and thousands of pieces of mail
3 every week, and trying to keep the staff
4 and, this being the City, even enough
5 paper has upon occasion been an issue for
6 us in terms of being able to keep that
7 process going.

8 COMMISSIONER RICHARDSON: And
9 keep in mind, you're spending \$800 for
10 each activity and you go to Sheriff Sale.
11 At the day of Sheriff Sale, you may have
12 ten people handing you their bankruptcy.
13 So you're staying that foreclosure. So
14 sometimes you're going to spend good
15 money after bad money. Again, that's
16 where things have to be more systemically
17 analyzed instead of just going for
18 things.

19 As the two co-counsels will
20 come up to speak to you today, Mr. McCabe
21 and Ms. Humble, they'll tell you, you
22 have to study the neighborhood, you got
23 to study the properties that you want to
24 take to Sheriff Sale. Do I want to take
25 something -- and I'm just throwing a

1 3/19/13 - WHOLE - RES. 130088, etc.
2 block out there. I'll use my
3 neighborhood -- something in West
4 Philadelphia on Osage Avenue. Do you
5 want to take it to Sheriff Sale before
6 you take something on 40th Street to
7 Sheriff Sale? Is it a viable property
8 that's going to be sold at Sheriff Sale
9 as well?

10 So there's some systematic
11 things that are done with this process as
12 well.

13 COUNCILMAN HENON: Council
14 President, I'll yield.

15 COUNCILWOMAN BROWN: I do have
16 a followup.

17 COUNCIL PRESIDENT CLARKE: On
18 the point of order?

19 COUNCILWOMAN BROWN: I'll have
20 to get it on my round.

21 COUNCIL PRESIDENT CLARKE:
22 Thank you, Councilwoman.

23 COUNCILWOMAN BROWN: But I do
24 have a followup.

25 COUNCIL PRESIDENT CLARKE:

1 3/19/13 - WHOLE - RES. 130088, etc.

2 Thank you.

3 Before I call Councilman
4 Johnson next, I want to ask you one quick
5 question. Last year, maybe the year
6 before, State Representative Chris Ross
7 at the time was the Chair of the --
8 Councilman, was it the Urban Affairs
9 Committee?

10 COUNCILMAN JOHNSON: Yes.

11 COUNCIL PRESIDENT CLARKE:
12 Urban Affairs Committee. He introduced a
13 bill that was a statewide bill that would
14 allow every municipality in the state to
15 have an accelerated tax foreclosure
16 process, and unfortunately for him time
17 ran out on the legislative clock and he
18 was unable to get that passed, but I
19 understand he has either reintroduced the
20 bill or is going to reintroduce the bill.
21 And his understanding, that the
22 legislation would have allowed tax
23 foreclosures within a year's period of
24 time.

25 Is that something that you are

1 3/19/13 - WHOLE - RES. 130088, etc.
2 familiar with, and, two, if you're
3 familiar with it, is it something that
4 could accelerate your opportunities for
5 tax foreclosures?

6 MS. BECKLEY: I'm not familiar
7 with the details of that proposal, but I
8 will say that we don't look -- we believe
9 that the statute under which we operate
10 now is a very good one. We think it
11 balances giving due process to the
12 property owner and to the creditors with
13 allowing us to assert our municipal
14 liens. It really is a question of
15 improving things operationally.

16 If we only had to deal with the
17 current delinquencies, the pace at which
18 we sell stuff would be more than enough.
19 It's the fact that we have this enormous
20 backlog that we're trying to chip away at
21 that makes a problem.

22 COUNCIL PRESIDENT CLARKE: But
23 how do you know -- if you say you don't
24 know about the bill and the parameters of
25 the bill legally, how can you say that it

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2 could not possibly accelerate your
3 opportunity, because some of the issues
4 that you have --

5 MS. BECKLEY: Oh, I didn't say
6 that it would not necessarily be an
7 improvement. I was just saying that
8 generally we regard -- when we look at
9 what our challenges and difficulties with
10 our current situation, they aren't
11 usually with the statute. That doesn't
12 mean that there couldn't be a proposal
13 that would be an improvement.

14 COUNCIL PRESIDENT CLARKE: Is
15 anybody familiar with the statute? I'm
16 just saying there was a meeting in the
17 Chambers and we had a number of
18 Councilmembers and legislators there to
19 talk about this proposal. And you're not
20 familiar with it at all?

21 MR. ZWOLAK: Good afternoon,
22 Councilman. Jim Zwolak.

23 COUNCIL PRESIDENT CLARKE: Hey,
24 Jim. Mr. Zwolak. I'm sorry. I'm used
25 to calling you Jim.

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2 MR. ZWOLAK: Pleasure, Council
3 President.

4 We had looked at the bill and I
5 think there were a number of different
6 drafts of the bill that came out over two
7 or three years ago. One thing we noticed
8 is that the bill didn't really give the
9 City any authority that it didn't already
10 have under the Municipal Liens Act. Once
11 the property is registered delinquent and
12 liened, we have the ability to effectuate
13 any in rem actions that we want to,
14 including foreclosure. So it wouldn't
15 provide the City with any additional
16 remedies that it didn't already have,
17 especially with regard to foreclosure.

18 I think there were a number of
19 concerns with how the bill was written
20 and how it would affect other existing
21 provisions of the Municipal Liens Act. I
22 know one in particular was that it
23 permitted anybody to come and purchase
24 the tax lien of the City, but then
25 automatically divest any junior City

1 3/19/13 - WHOLE - RES. 130088, etc.
2 municipal lien, such as water bills or
3 nuisance lien or gas bills, and our
4 concerns with that, that could really
5 affect the City's collectability on
6 junior incumbrances, where if we took it
7 to one of our tax sales and there's
8 sufficient bidding, our junior municipal
9 liens would be paid.

10 I know there were a number of
11 issues that we had with the language of
12 the bill itself and what effects it could
13 have, but, again, those were discussed
14 well over a year ago or two years ago.

15 COUNCIL PRESIDENT CLARKE: And
16 my understanding of that proposal, that
17 there was a requirement to foreclose
18 within a year.

19 MR. ZWOLAK: I think there was
20 that also, which practically wouldn't be
21 able to be done, but I think it certainly
22 didn't give us any additional hammers
23 that the statute as it exists now had. I
24 think it also had -- again, I just
25 remember the one particular element of

1 3/19/13 - WHOLE - RES. 130088, etc.
2 the legislation that allowed anybody to
3 come in and essentially buy the -- pay
4 off the City's debt and assume their lien
5 priority over other City municipal liens,
6 which we didn't want to have.

7 Right now if a mortgagee comes
8 and pays our real estate taxes, they
9 don't assume our position. They just pay
10 off the taxes. So it's one less thing
11 they have to pay if they take their
12 property to a mortgage foreclosure sale
13 if the mortgage is delinquent. What this
14 did is, it allowed anybody to jump ahead
15 of the other City municipal liens in
16 priority. I mean, there were other
17 concerns I think that we voiced at the
18 time, but I knew that was one of them
19 that was problematic.

20 MS. BECKLEY: And we did think
21 that the mandatory foreclosure process
22 was -- provision was a problem.

23 MR. ZWOLAK: It was also
24 unclear -- the definitions of delinquency
25 were, frankly, all over the place. The

1 3/19/13 - WHOLE - RES. 130088, etc.
2 statute we viewed is very, very unclear
3 in terms of trying to amend the existing
4 real estate tax law that the rest of the
5 counties in the Commonwealth use as well
6 as the pertinent provisions of the
7 Municipal Liens Act.

8 COUNCIL PRESIDENT CLARKE:

9 Okay. All right. Thank you.

10 The Chair recognizes Councilman
11 Johnson.

12 COUNCILMAN JOHNSON: Thank you,
13 Mr. President.

14 Keith, Commissioner, just a
15 couple questions regarding the process of
16 collection now. I was following the
17 report by Access Philly that was covered
18 in the Inquirer, and it was noted that
19 under this current Administration, we
20 have been more lax than the two previous
21 Administrations as it relates to going
22 after the collection of delinquent taxes,
23 and so I just wanted to get an
24 understanding from you as being the
25 Commissioner -- first of all, how long

1 3/19/13 - WHOLE - RES. 130088, etc.

2 have you been the Commissioner?

3 COMMISSIONER RICHARDSON:

4 January 21st of 2008, that's when I

5 started.

6 COUNCILMAN JOHNSON: So you

7 came on just about the time the new

8 Administration just started?

9 COMMISSIONER RICHARDSON:

10 Mm-hmm.

11 COUNCILMAN JOHNSON: Okay. So

12 what I'm trying to get some clarity on,

13 if we're going to -- there's 40 million

14 going toward a new system, technology

15 system, and also as Councilman Curtis

16 Jones mentioned, you are one of the

17 architects of one of the best collection

18 models, was the student loan.

19 COMMISSIONER RICHARDSON:

20 Department of Revenue.

21 COUNCILMAN JOHNSON: Department

22 of Revenue. You're an architect, you

23 played a role in that. So I'm trying to

24 add it up now. If you are one of the

25 architects of one of the best collection

1 3/19/13 - WHOLE - RES. 130088, etc.
2 models that there is out there and we're
3 about to invest an additional 40 million
4 in resources to become even more
5 effective but yet we're doing less now
6 than we have done under the previous two
7 mayors, can you give me some clarity on
8 what you think may be the gaps in our
9 effectiveness in collecting delinquent
10 taxes.

11 COMMISSIONER RICHARDSON: What
12 I would say to you, Councilman Johnson,
13 is that the previous two Administrations
14 have not done as much as we have done.
15 Keep in mind you had two Administrations
16 with better economic times. So during
17 economic times, you had more properties
18 being sold in the City of Philadelphia.
19 Therefore, especially in your
20 communities, in Northern Liberties, parts
21 of North Central Philadelphia that were
22 being sold. The taxes were being paid at
23 settlement. The City was getting their
24 money. So when you had those kind of
25 times and you notice the City in '06 had

1 3/19/13 - WHOLE - RES. 130088, etc.
2 the highest property tax transfer done.
3 After that, things started to tumble.
4 The economy went down. So properties
5 weren't being sold. We weren't getting
6 the money from settlement.

7 In economic times, no one asked
8 about real estate or delinquent
9 collections, because the money was coming
10 into the City coffers.

11 If you look at our track record
12 as an agency, again, we started the City
13 tax fraud line. We had the most
14 successful amnesty in the United States
15 of any municipal government. We have a
16 Tax Clearance Unit that is doing work
17 that's never been done here. We're
18 making outbound phone calls now on the
19 current taxes that are done that's never
20 been done by prior Administrations.
21 Again, prior Administrations had an
22 outbound call center. Why they got rid
23 of it, I don't know. We don't have that
24 tool. I have less staff than was around
25 in the Rendell Administration when we had

1 3/19/13 - WHOLE - RES. 130088, etc.
2 about 1,200 people in the Department of
3 Revenue.

4 So economic times, the
5 environment of having staff has changed
6 dramatically. Again, we don't have the
7 tools as the state. At the state I can
8 attach your bank account. I can garnish
9 your wage. Again, those go toward
10 certain specific taxes. I can't do them
11 for real estate taxes here. I'm
12 working -- I'm looking at a company that
13 may help us to start taking people's
14 cars, but that's going to be a problem
15 probably when I start taking your car for
16 your delinquent real estate taxes.
17 They'll be calling you guys saying, My
18 car was taken or stolen. Well, it's
19 going to be because you haven't paid your
20 taxes.

21 So that's aggressive. Other
22 Administrations haven't thought about
23 that.

24 COUNCILMAN JOHNSON: Okay. So
25 the economy, lack of resources has an

1 3/19/13 - WHOLE - RES. 130088, etc.

2 impact on your doing your job.

3 COMMISSIONER RICHARDSON: Yes.

4 COUNCILMAN JOHNSON: Okay. So
5 here's where I'm at, that I needed some
6 clarity on, because obviously when we go
7 to these community meetings, this is like
8 the issue. And it's not really so much
9 about the economy. It's more so about
10 how we deal with the issue of AVI, a
11 process that started off that's promoted
12 as being fair and accurate, but the
13 public is calling my office saying it's
14 unfair and inaccurate. And so what we're
15 trying to get an understanding of is --
16 and I'm not talking about that mom and
17 pop, that single dad, that single mom who
18 are having a tough time just paying their
19 mortgage. I think what most people are
20 talking about is that commercial
21 developer, that speculator that has five,
22 ten, 15 parcels of properties, back
23 taxes, liens on them, but yet L&I still
24 gives them a permit to continue to keep
25 building. And I think that's what the

1 3/19/13 - WHOLE - RES. 130088, etc.

2 biggest issue is, at least from my
3 perspective, as opposed to dealing with
4 the everyday person.

5 And so just walk me through how
6 we prioritize how we go after -- and
7 let's just take the residential off. I'm
8 thinking about strictly that person who
9 owns 15, 20 properties, either live in
10 Philadelphia and I care less if they
11 don't live in Philadelphia, but the
12 reality is, they still get a chance to
13 own these parcels of land, which are
14 neighborhoods like I grew up in, like
15 Point Breeze. For the most part, they
16 don't take care of them, serves as a
17 level of blight on the neighborhood at
18 end of the day, and they pretty much are
19 robbing the City.

20 So how do we go after them,
21 separate from the state initiative?
22 Because I would think from a Council
23 level, we introduce legislation to
24 Harrisburg working with the Philadelphia
25 Delegation that your office would be

1 3/19/13 - WHOLE - RES. 130088, etc.
2 lobbying and working in partnership with
3 us so we can tack liens on those
4 properties that individuals own so they
5 can't get away with not paying their back
6 taxes and the liens on their properties,
7 so we could have some teeth.

8 So walk me through the
9 enforcement component. When do you say,
10 Oh, well, this commercial property,
11 they're coming up, we know they're going
12 to be building this new project or
13 building on this new parcel of land, but
14 we look and see that they owe a certain
15 amount of back taxes. How do we address
16 that?

17 COMMISSIONER RICHARDSON: Well,
18 one, you have to understand they could be
19 in a payment agreement with their taxes.
20 So you may not be aware of that
21 situation, that they're paying in
22 agreement as paid.

23 Two, the ones that are
24 egregious and doing wrong, again, we're
25 working with L&I now to say to them, Make

1 3/19/13 - WHOLE - RES. 130088, etc.
2 that business get a tax clearance to
3 prove to you that they are tax compliant
4 before you provide them with a license.
5 So once they had that tax clearance, they
6 can say, Yes, I'm good or I'm complying
7 with paying taxes or I'm clear. If
8 they're not, then they need to come and
9 see us and sit down and go over making a
10 payment agreement and making sure that
11 they're going to do things right. And
12 also we are now looking to start tickling
13 the system to see that -- I'll use
14 Councilman Jones' wife's pickle business
15 back a couple years ago. If they have
16 broken their payment agreement, then
17 we're going to make sure that we revoke
18 that license, that permit for them. One
19 thing we're doing also with L&I, we have
20 now signed an MOU last week with them to
21 give us the authority to now start
22 putting stickers on their businesses in
23 the City. So if someone is not compliant
24 with the taxes, we're going to start
25 revoking their licenses. Again, this is

1 3/19/13 - WHOLE - RES. 130088, etc.
2 something that has not yet been done
3 before.

4 COUNCILMAN JOHNSON: Can you go
5 back to the tax clearance that you say --
6 so L&I -- walk me back through that
7 process one more time. So the developer
8 comes to you. He should have what to say
9 that he's clear in his taxes?

10 COMMISSIONER RICHARDSON: He
11 can go to our website and put his EIN
12 information, his address information, et
13 cetera, et cetera, into the system. It
14 should come out with a seal on our
15 document saying that Mr. Johnson is tax
16 compliant with the City of Philadelphia.

17 COUNCILMAN JOHNSON: So there's
18 no law right now that says before they
19 come and get their permit from L&I --

20 COMMISSIONER RICHARDSON: It
21 doesn't have to be a law.

22 COUNCILMAN JOHNSON: But
23 there's nothing to say that you have
24 to -- in other words, what forces you to
25 provide that information to say I'm in

1 3/19/13 - WHOLE - RES. 130088, etc.

2 compliance?

3 COMMISSIONER RICHARDSON: Well,
4 I'm hoping after meeting with
5 Commissioner Williams that that would go
6 forward to make it done that way. And,
7 again, that's -- no different how we did
8 it at the Commonwealth. You had to
9 always get a tax clearance license to go
10 to DCED or to go to Labor and Industry,
11 et cetera, et cetera. There's no law to
12 it. It was just policy that the
13 departments worked together to do that to
14 move forward. And I think they're on
15 board, because they understand the
16 magnitude of delinquencies, not just on
17 real estate but all taxes in the City of
18 Philadelphia.

19 COUNCILMAN JOHNSON: Last
20 thing, Keith. So each year how do you
21 come up with your projection number or
22 how much you think is going to be
23 collected?

24 COMMISSIONER RICHARDSON: Well,
25 the projection numbers are done with

1 3/19/13 - WHOLE - RES. 130088, etc.
2 analysis with the Budget Department. My
3 goal is no different than being in
4 Harrisburg, is mandating the department
5 is going to do \$15 million above what we
6 did the last year. That's my goal every
7 year.

8 COUNCILMAN JOHNSON: Fifteen
9 million above?

10 COMMISSIONER RICHARDSON:
11 Right.

12 COUNCILMAN JOHNSON: And just
13 to go back and the reason why we aren't
14 doing as effectively as we could be doing
15 as the previous two Administrations is
16 because, one, we don't have the same
17 level of resources as we had in the past,
18 and, two, the economy isn't doing as well
19 as it was in the past as well, just for
20 clarity, correct?

21 COMMISSIONER RICHARDSON: And
22 technology.

23 COUNCILMAN JOHNSON: And
24 technology. Okay. Thank you,
25 Commissioner.

1 3/19/13 - WHOLE - RES. 130088, etc.

2 COMMISSIONER RICHARDSON:

3 You're welcome, sir.

4 COUNCIL PRESIDENT CLARKE:

5 Thank you, Councilman.

6 Real quick. Followup on a
7 couple of the Councilman's questions.
8 You said that -- and now you clarified
9 that this is one of the issues with
10 respect to the economy was challenging
11 during the course of that particular tax
12 collection period, but you also said that
13 you had the most successful amnesty
14 program in that same period. Why? It's
15 kind of inconsistent. If people had
16 enough --

17 COMMISSIONER RICHARDSON: No,
18 it's not inconsistent, sir. During
19 economic times when things were down,
20 that's when you have an amnesty program
21 and people are willing to come in,
22 because you're getting rid of a hundred
23 percent of the penalties, 50 percent of
24 interest and some of the fees. So if I
25 owe \$10,000 and then I realize after

1 3/19/13 - WHOLE - RES. 130088, etc.
2 you're taking 50 percent penalties and my
3 hundred percent interest I could be down
4 to \$4,000 that I owe you, I can write you
5 that check. I can't pay 10,000.

6 So people took advantage of
7 that. And then some people also had
8 hardship agreements, that I will take
9 care of only certain years, not all of
10 the liability. So people can come and
11 take advantage of that. That's much
12 easier and they're not afraid to come out
13 and say, Hey, you know --

14 COUNCIL PRESIDENT CLARKE: So
15 it was an incentive-based program?

16 COMMISSIONER RICHARDSON: It's
17 incentive based.

18 COUNCIL PRESIDENT CLARKE: So
19 why don't we do that all the time?

20 COMMISSIONER RICHARDSON: Well,
21 because if you continue to do amnesty,
22 then no one is ever going to pay the City
23 anything. You're going to always have
24 amnesty programs like New Jersey does.

25 COUNCIL PRESIDENT CLARKE: But

1 3/19/13 - WHOLE - RES. 130088, etc.
2 you just said that because of the
3 incentive of not having to pay certain
4 penalties and interest, that people
5 volunteer to come forward. So I'm saying
6 not necessarily call it an amnesty, but
7 if there's, your words, that by virtue of
8 having certain limitations on some of the
9 liabilities of being in tax arrears, that
10 people are more willing to come forward,
11 then why don't you use that on a
12 consistent basis to encourage people to
13 come and pay the taxes?

14 COMMISSIONER RICHARDSON: Well,
15 we do offer that to people that want to
16 come forward. We will take off 25
17 percent of some things. We may write off
18 50 percent of what they owe. People have
19 to come forward. We're willing to work
20 with any taxpayer that wants to come
21 forward. So when people come down to
22 Taxpayer Services in the concourse and
23 they can explain their situation, we may
24 say, Let's waive certain part of the
25 interest or the penalty.

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2 COUNCIL PRESIDENT CLARKE: You
3 may not understand. My point --

4 COMMISSIONER RICHARDSON:
5 You're talking on a broader level?

6 COUNCIL PRESIDENT CLARKE:
7 Exactly. I'm talking about from a policy
8 perspective.

9 COMMISSIONER RICHARDSON:
10 That's not my decision, sir.

11 COUNCIL PRESIDENT CLARKE: I'm
12 just saying, you said --

13 COMMISSIONER RICHARDSON: And,
14 again, the bills that we presented to
15 Council and we had a hearing back in the
16 end of November, December with the IEP
17 and proration, that would help bring down
18 people's interest and penalty if we move
19 forward with things starting next January
20 2014. So that bill -- for instance, in
21 Philadelphia, your first year in your
22 business tax, you're up to 41 percent
23 interest that you accumulated. We're
24 trying to make it now that the bill is
25 going to be in line with the IRS treasury

1 3/19/13 - WHOLE - RES. 130088, etc.
2 bonds. So we would go at 3 percent, plus
3 maybe prime. So 5 percent. Five percent
4 is better than 41 percent.

5 So that's in negotiation right
6 now. So we want to do that already, and
7 that will make things going forward much
8 more plausible for people.

9 COUNCIL PRESIDENT CLARKE:

10 Okay. I'll follow up on that when we get
11 into the property disposition discussion
12 conversation, because that's some of the
13 things that we're talking about to
14 incentivize people to actually purchase
15 some of these lien/properties when we
16 accelerate our Sheriff Sale process.
17 I'll follow up at that point in time.
18 Thank you.

19 The Chair recognizes Councilman
20 Greenlee.

21 And to the members, can we kind
22 of limit our -- and I know some people
23 had a rather lengthy questioning
24 timeframe, but I want -- because there
25 are a number of members. I want to come

1 3/19/13 - WHOLE - RES. 130088, etc.

2 back and have a second round with people
3 and get an opportunity to actually have a
4 second round, because --

5 COUNCILMAN GREENLEE: I'll try
6 to set the example, Mr. President.

7 COUNCIL PRESIDENT CLARKE:
8 Thank you, sir. That's true leadership,
9 Councilman.

10 COUNCILMAN GREENLEE:
11 Commissioner, when you talked about
12 picking up on the collection issue and
13 calling people kind of right away, right
14 now I believe you can only start paying
15 on an agreement after the calendar year
16 is out; is that right? I mean, can you
17 make an agreement on the current year
18 taxes?

19 COMMISSIONER RICHARDSON: We'll
20 take somebody into an agreement, yes.

21 COUNCILMAN GREENLEE: Is there
22 any set formula or you kind of work with
23 people as it goes?

24 COMMISSIONER RICHARDSON: We
25 can work with them as they go. Again,

1 3/19/13 - WHOLE - RES. 130088, etc.
2 considering their situations, some people
3 may want to pay a lot down, some people
4 can't afford it. We work with them.

5 COUNCILMAN GREENLEE: So you
6 will work with them on that count?
7 Because I thought you couldn't make an
8 agreement until that calendar year.

9 COMMISSIONER RICHARDSON: We
10 can work with people. We're amenable to
11 that.

12 COUNCILMAN GREENLEE: Okay.
13 That sounds good.

14 How was that, Mr. President?
15 That was quick. Thank you.

16 COMMISSIONER RICHARDSON: Can
17 we come back to you again?

18 COUNCIL PRESIDENT CLARKE:
19 Thank you, Councilman.

20 The Chair recognizes Councilman
21 Squilla.

22 COUNCILMAN SQUILLA: Thank you,
23 Mr. President.

24 My question goes back to the
25 investment for revenue collections, and I

1 3/19/13 - WHOLE - RES. 130088, etc.

2 hear we're talking about getting better
3 collection for the people that are paying
4 taxes. What is our rate of collection at
5 this point for the last three years?

6 COMMISSIONER RICHARDSON: For
7 what tax, sir?

8 COUNCILMAN SQUILLA: Real
9 estate tax.

10 COMMISSIONER RICHARDSON: For
11 real estate tax, in the first year it's
12 91 percent. Over the next couple of
13 years, sir, we will go up -- hold on for
14 a second, please.

15 COUNCILMAN SQUILLA: This is a
16 projection for --

17 COMMISSIONER RICHARDSON: No.
18 This is based off the caffer (ph), sir.
19 For example, for 2010's taxes we're at
20 95.2 percent.

21 COUNCILMAN SQUILLA: Wait.
22 Start over again. Ninety-one percent for
23 real estate?

24 COMMISSIONER RICHARDSON:
25 Right, within a calendar year.

1 3/19/13 - WHOLE - RES. 130088, etc.

2 MS. BECKLEY: You have to --
3 there have been some misleading numbers
4 that are based on the nine months after
5 the tax is due, but they've been compared
6 with other cities' 12-month figure. And
7 that's not surprisingly our nine-month
8 figure is lower than other people's
9 12-month figure.

10 COUNCILMAN SQUILLA: But when
11 you do your budget, do include the nine
12 months or 12 months?

13 COMMISSIONER RICHARDSON: We
14 don't do the budget, sir. The nine or 12
15 months are not included in that for
16 collection purposes. It's for a fiscal
17 year.

18 COUNCILMAN SQUILLA: I know you
19 don't do the budget. Do you know --

20 COMMISSIONER RICHARDSON: It's
21 doing for a fiscal year, not just --

22 COUNCILMAN SQUILLA: It does it
23 for a fiscal year?

24 COMMISSIONER RICHARDSON: Yes.

25 COUNCILMAN SQUILLA: So what's

1 3/19/13 - WHOLE - RES. 130088, etc.
2 your fiscal year collection?

3 COMMISSIONER RICHARDSON: For
4 real estate, it's 91 -- no. That's
5 calendar year. Probably after calendar
6 year it would be more than 91; about 92
7 percent or more.

8 COUNCILMAN SQUILLA: So the
9 Administration uses the collections for
10 our budget process only up to nine
11 months, correct?

12 COMMISSIONER RICHARDSON: I'm
13 not sure, sir. I don't know. I'd refer
14 it to Ms. Rhynhart.

15 COUNCILMAN SQUILLA: But you're
16 giving us numbers on a 12-month period.

17 COMMISSIONER RICHARDSON:
18 Right; calendar year.

19 COUNCILMAN SQUILLA: Calendar
20 year, right. I mean, we can scoot the
21 numbers any way we want obviously. You
22 see how that works, whether it's in the
23 media or whether we get it from you guys.

24 So we can't have it both ways,
25 though. We can't use numbers for a

1 3/19/13 - WHOLE - RES. 130088, etc.
2 12-month period and then when we get
3 information from the Administration for
4 our budget collection, we only go a
5 nine-month period of time. We add that
6 much money into our budget for -- into
7 our General Fund. So that's something
8 we'll have to talk about during the
9 budget process of how we're going to do
10 that.

11 So your real estate -- you're
12 saying in the 12-month period, you
13 collect up to 91 percent of the current
14 year's taxes for real estate?

15 COMMISSIONER RICHARDSON: Yes,
16 sir.

17 COUNCILMAN SQUILLA: All right.
18 And then the 12-month period also, I
19 guess, for -- is it your business taxes?

20 COMMISSIONER RICHARDSON:
21 Mm-hmm.

22 COUNCILMAN SQUILLA: What
23 percentage was that?

24 COMMISSIONER RICHARDSON: It's
25 about 93 percent.

1 3/19/13 - WHOLE - RES. 130088, etc.

2 COUNCILMAN SQUILLA: And then I
3 guess the sales tax is --

4 COMMISSIONER RICHARDSON: Run
5 by the state, not us.

6 COUNCILMAN SQUILLA: Right.
7 Okay. So out of this year and to the end
8 of 2012, you collected 91 percent and 93
9 percent, respectively?

10 COMMISSIONER RICHARDSON: Yes.

11 COUNCILMAN SQUILLA: And next
12 year you have -- do you project a
13 collection?

14 COMMISSIONER RICHARDSON: No,
15 sir.

16 COUNCILMAN SQUILLA: No?

17 COMMISSIONER RICHARDSON: Not a
18 percentage.

19 COUNCILMAN SQUILLA: You don't
20 project that. So for the current year,
21 you don't know what you're going to
22 project next year. You have to project
23 something, because we have to add it into
24 the budget, right?

25 COMMISSIONER RICHARDSON:

1 3/19/13 - WHOLE - RES. 130088, etc.

2 Again, we don't do those numbers. You
3 need to speak to Ms. Rhynhart about that,
4 sir. I can't tell you what they project.

5 COUNCILMAN SQUILLA: Okay. But
6 do they work with your office to come up
7 with that?

8 COMMISSIONER RICHARDSON: They
9 will work with us, but, again, she also
10 uses an economist firm to help make the
11 numbers when they sit down together
12 before they do the budget.

13 COUNCILMAN SQUILLA: Okay. So
14 now we're making an investment of over a
15 five-year period up to \$40 million to
16 help improve this. So we hopefully go to
17 95 percent, 97 percent.

18 COMMISSIONER RICHARDSON: It
19 will go up higher, yes.

20 COUNCILMAN SQUILLA: Higher
21 than that?

22 COMMISSIONER RICHARDSON:
23 Again, within the strategic plan, we
24 project to collect about \$260 million in
25 net additional revenue for the City.

1 3/19/13 - WHOLE - RES. 130088, etc.

2 COUNCILMAN SQUILLA: And what
3 would that percentage be?

4 COMMISSIONER RICHARDSON: I'd
5 have to get back to you. I didn't
6 calculate a percent off of you.

7 COUNCILMAN SQUILLA: So you
8 have \$260 million?

9 COMMISSIONER RICHARDSON: Over
10 the five years.

11 COUNCILMAN SQUILLA: Now,
12 that's in current taxes or is that in
13 taxes that were delinquent before this
14 year?

15 COMMISSIONER RICHARDSON:
16 That's delinquent taxes. Again, it could
17 be ongoing. From the time we get to
18 2015, it could be a 2014 delinquency.

19 COUNCILMAN SQUILLA: So you
20 look like you're projecting that. So
21 that's something that we may be able to
22 add into the budget this year, I would
23 think, when we get Ms. Rhyhart and them
24 here.

25 COMMISSIONER RICHARDSON: I

1 3/19/13 - WHOLE - RES. 130088, etc.
2 guess so. I can't speak for her, sir. I
3 can't say.

4 COUNCILMAN SQUILLA: Okay.
5 Because obviously we're making an
6 investment into the collection process.
7 We want to be able to show something for
8 that. And when we do that, if we have
9 collection of back taxes, that's
10 important for us, because the delinquency
11 is part of the AVI process. And I know
12 Councilman Jones stated that when we go
13 to these meetings, the first thing we are
14 beat up on is the delinquency issue and
15 why do we have to pay taxes when the City
16 don't collect it off everybody.

17 So what we're interested in,
18 and I know a lot of the Councilmembers
19 too, of coming up with some type of
20 figure that we have to put into the
21 budget to prove to the people we're
22 serious about collecting back taxes, and
23 to do that, that could increase -- I
24 mean, that could actually decrease our
25 millage rate moving forward.

1 3/19/13 - WHOLE - RES. 130088, etc.

2 COMMISSIONER RICHARDSON: Well,
3 that number is all taxes, not just real
4 estate, sir.

5 COUNCILMAN SQUILLA: Yes. All
6 taxes. I mean, that's fine. We want all
7 taxes collected and --

8 COMMISSIONER RICHARDSON: But
9 keep in mind, all taxes don't go to the
10 School District also. So when I'm
11 breaking that number down for business
12 income and receipts tax, parking tax,
13 amusement tax, that's all encompassing
14 all 17 taxes in the City of Philadelphia.

15 COUNCILMAN SQUILLA: What are
16 you looking to collect in real estate
17 taxes?

18 COMMISSIONER RICHARDSON: We
19 don't have a broke out number right now,
20 sir, on that. Again, this is based off
21 of what we believe we can do -- I can
22 probably sit down with you and give our
23 analysis. I don't have it here with me.
24 I'll say it that way.

25 COUNCILMAN SQUILLA: That's

1 3/19/13 - WHOLE - RES. 130088, etc.
2 something I think we should know as
3 members of Council to -- I mean, we're
4 discussing and going over this and trying
5 to come up with an analysis and a figure
6 so that moving forward, we know what
7 we're investing in. If we're investing
8 in -- you say 240 million. That's all
9 taxes. When we're doing our budgets and
10 we're looking at AVI and other things, we
11 want to know what your projection is as
12 far as real estate. I mean, is that
13 possible to get that to the Chair?

14 COMMISSIONER RICHARDSON: I'll
15 get it back to the Council President,
16 yes.

17 COUNCILMAN SQUILLA: Thank you
18 very much.

19 I know several people are
20 talking about payment plans, when people
21 initiate a payment plan or then go on to
22 a payment plan. Is that still money
23 that's carved out as delinquents?

24 COMMISSIONER RICHARDSON: It's
25 part of the delinquents, yes. It's not

1 3/19/13 - WHOLE - RES. 130088, etc.

2 carved out, no. It's still in the
3 delinquent collection numbers.

4 COUNCILMAN SQUILLA: That's in
5 the delinquent collection numbers?

6 COMMISSIONER RICHARDSON: Yes.
7 Don't carve it out.

8 COUNCILMAN SQUILLA: How much
9 of the delinquent collection numbers are
10 on a payment plan?

11 COMMISSIONER RICHARDSON: I
12 have the numbers somewhere here, sir.

13 There's \$82.2 million that is
14 in payment agreements right now.

15 COUNCILMAN SQUILLA: They're
16 payment agreements to the City?

17 COMMISSIONER RICHARDSON: Yes.

18 COUNCILMAN SQUILLA: Now, is
19 this for the current year from last year
20 or is it both that and delinquent taxes
21 previous?

22 COMMISSIONER RICHARDSON: It's
23 all previous years included, sir.

24 COUNCILMAN SQUILLA: All
25 previous years included. So it's 82

1 3/19/13 - WHOLE - RES. 130088, etc.
2 million?

3 COMMISSIONER RICHARDSON:
4 Eighty-two point two million.

5 COUNCILMAN SQUILLA: And that's
6 for real estate or is that for
7 everything?

8 COMMISSIONER RICHARDSON:
9 That's just real estate, sir.

10 COUNCILMAN SQUILLA: That's
11 just real estate. And how much is it for
12 the business tax for?

13 COMMISSIONER RICHARDSON: I can
14 get you the numbers back to the Chair. I
15 don't have those with me.

16 COUNCILMAN SQUILLA: All right.
17 So if we have -- once that is collected,
18 is that being included in your \$240
19 million in returns?

20 COMMISSIONER RICHARDSON: Some
21 of it would be. And, again, when we get
22 the analysis back to the Chair, we will
23 break it down for you.

24 COUNCILMAN SQUILLA: Okay. And
25 I do appreciate you guys coming here. I

1 3/19/13 - WHOLE - RES. 130088, etc.
2 know this is not easy. And believe me,
3 it's not easy for us when we go out there
4 too and have to try to come up and face
5 the people that are out there screaming
6 and hollering at us at all these
7 meetings.

8 We're invested in this, and
9 people want us to invest in collections.
10 They want us to do the best possible job.
11 Is it also being discussed whether we're
12 doing it in-house -- we're getting a new
13 computer system and other things -- to
14 also farm some more of this out to
15 outside sources?

16 COMMISSIONER RICHARDSON: Well,
17 right now we have to farm it out to
18 outside sources. Even when we get our
19 inbound call center by 2016, I believe --

20 COUNCILMAN SQUILLA: 2016?

21 COMMISSIONER RICHARDSON: I
22 think it's Fiscal Year '16. We still
23 will have to farm things out, because
24 internally we can't capture and work on
25 every single account. So as cases get

1 3/19/13 - WHOLE - RES. 130088, etc.
2 older, you're going to send them out to
3 collection agencies, no different than
4 what's done at state jurisdictions.

5 COUNCILMAN SQUILLA: So what is
6 the number that we farm out at this
7 point?

8 COMMISSIONER RICHARDSON: Of
9 cases?

10 COUNCILMAN SQUILLA: Yes; cases
11 and amount.

12 COMMISSIONER RICHARDSON:
13 Currently on real estate that's out with
14 the collection counsel, right now it's
15 50,958 cases.

16 COUNCILMAN SQUILLA: Fifty
17 thousand nine fifty-eight?

18 COMMISSIONER RICHARDSON: Yes.

19 COUNCILMAN SQUILLA: And how
20 much money does that equate to?

21 COMMISSIONER RICHARDSON:
22 Ninety-four point two million.

23 COUNCILMAN SQUILLA: And how
24 old -- is there an average age of
25 delinquency?

1 3/19/13 - WHOLE - RES. 130088, etc.

2 COMMISSIONER RICHARDSON: These
3 cases are about ten years old.

4 COUNCILMAN SQUILLA: Ten years
5 and older?

6 COMMISSIONER RICHARDSON: Ten
7 years and less. Anything ten years and
8 more we've written them off. We started
9 writing them off now.

10 COUNCILMAN SQUILLA: So how
11 much have you written off of the debt
12 that we have so far?

13 COMMISSIONER RICHARDSON:
14 What's written off currently is -- it's
15 about 66 million that's been written off
16 right now, sir.

17 COUNCILMAN SQUILLA: Sixty-six
18 million. And that's for all, I guess,
19 delinquencies that are ten years and
20 older?

21 COMMISSIONER RICHARDSON: Yes.
22 We took the recommendation of Councilman
23 Kenney. Instead of doing it every 30
24 years, we brought it down to ten years
25 back in 2010.

1 3/19/13 - WHOLE - RES. 130088, etc.

2 COUNCILMAN SQUILLA: And out of
3 those ones that are ten years and over,
4 have you just cleared them? Do we own
5 the properties now? Are there properties
6 out there? What are we doing?

7 COMMISSIONER RICHARDSON:
8 They're still on the books for
9 collections. There's 22,000 cases that
10 are out for \$41 million, sir.

11 MS. BECKLEY: The lien doesn't
12 go off the property. We simply stop
13 accounting for it as an active account.

14 COMMISSIONER RICHARDSON:
15 That's for book purposes.

16 MS. BECKLEY: Because we
17 believe its collectability is so low at
18 that point.

19 COUNCILMAN SQUILLA: And what
20 do we do as an Administration as far as
21 it's not collectable anymore, are we
22 still moving for Sheriff Sale? Are we
23 foreclosure? Are we doing anything at
24 that point?

25 COMMISSIONER RICHARDSON: Some

1 3/19/13 - WHOLE - RES. 130088, etc.
2 of those cases will probably be within
3 the Sheriff Sale pipeline, sir. So, I
4 mean, it's not like we're going to ignore
5 them. Again, each co-counsel and the
6 City looks at it, is it something that's
7 viable that we can sell at Sheriff Sale.

8 MS. BECKLEY: But you have to
9 remember that if you put something up for
10 Sheriff Sale and there isn't a buyer, you
11 haven't accomplished anything. You've
12 just spent a lot of money. So you have
13 to have something that's marketable.

14 COUNCILMAN SQUILLA: What's the
15 cost to put one property up for Sheriff
16 Sale to the Administration?

17 MS. BECKLEY: It's roughly
18 between 800 and a thousand dollars.

19 COUNCILMAN SQUILLA: So it
20 costs the Administration now -- the
21 person who -- if we initiate the Sheriff
22 Sale, do we need -- if somebody else
23 initiates it, they have to put the \$800
24 up, correct?

25 MS. BECKLEY: Well, you have to

1 3/19/13 - WHOLE - RES. 130088, etc.
2 pay the title company to do the title
3 search. You have to pay the newspapers
4 to do the advertisements. I mean, that's
5 a --

6 COUNCILMAN SQUILLA: I
7 understand that. I'm saying when
8 somebody puts up a -- wants to force
9 something up for Sheriff Sale, they have
10 to put the \$800 up?

11 MS. BECKLEY: Yes. They do
12 have to make a deposit, yes.

13 COUNCILMAN SQUILLA: So if
14 there's no interest, nobody is going to
15 force obviously anything up for that?

16 MS. BECKLEY: Right.

17 COUNCILMAN SQUILLA: The City
18 actually -- does the City decide to push
19 properties up for Sheriff Sale?

20 MS. BECKLEY: The vast majority
21 of properties that go to Sheriff Sale are
22 ones we've selected for enforcement, yes.

23 COUNCILMAN SQUILLA: So that
24 costs the City \$800 for each one
25 approximately?

1 3/19/13 - WHOLE - RES. 130088, etc.

2 MS. BECKLEY: Right.

3 COUNCILMAN SQUILLA: If they do
4 a group of them, would it be cheaper?

5 MS. BECKLEY: Not really,
6 because the real costs are in the title
7 work and the advertising, and those are
8 going to cost the same whether you do it
9 as a group or whether you do it -- and
10 the mail. And all those things are not
11 going to be changed by doing it in a
12 group.

13 COUNCILMAN SQUILLA: Okay. And
14 who makes the final determination of what
15 properties are being pushed up for
16 Sheriff Sale?

17 MS. BECKLEY: Well, as you
18 know, we take constituent requests if
19 somebody wants to force it and we also
20 take requests, as I mentioned earlier,
21 from L&I, but the vast majority of
22 choices are made by consultation between
23 Law and Revenue on what we think is going
24 to sell and based on how much delinquency
25 is on the property.

1 3/19/13 - WHOLE - RES. 130088, etc.

2 COUNCILMAN SQUILLA: So out of
3 these 50,000, almost 51,000 properties
4 that we have now written off, is there --
5 do you guys do a percentage of how many
6 of those properties that you believe
7 would ever be pushed up for Sheriff Sale?
8 Is there a plan for them? Where do we go
9 from there, from the 51,000 properties
10 that we've written off?

11 MS. BECKLEY: That's pretty far
12 down our list. We're starting right now
13 with the things that we think are most
14 likely to sell combined with the things
15 that are most likely to bring in money,
16 because we're trying to maximize
17 collection. We would go through a lot of
18 much more current debt before we reach
19 those properties.

20 COUNCILMAN SQUILLA: All right.
21 Also, we know if a resident does it, it
22 costs around \$800. If the City does it,
23 approximately \$800. Linebarger and GRB,
24 you charge them the same amount?

25 MS. BECKLEY: Well, they incur

1 3/19/13 - WHOLE - RES. 130088, etc.
2 roughly the same costs, and they are on
3 the hook for those costs. They front
4 those costs, and they only recover those
5 costs --

6 COUNCILMAN SQUILLA: So it
7 don't cost the City. They front them and
8 they try to get them back?

9 MS. BECKLEY: Yes. Exactly.
10 And unless those costs are recovered,
11 either because the taxpayer pays or
12 because the property sells for enough at
13 Sheriff Sale, they never get them back.

14 COUNCILMAN SQUILLA: But they
15 already have -- I mean, obviously out of
16 these 51,000 properties, do they hold the
17 lien on any of them?

18 MS. BECKLEY: Linebarger
19 probably owns a fair number of them,
20 because they are also counsel for the tax
21 lien sale that we did back in 1997.

22 COMMISSIONER RICHARDSON:
23 Excuse me for a second. Just to clear
24 the record. The 50,000 are current
25 cases, sir. What is in inactive is

1 3/19/13 - WHOLE - RES. 130088, etc.
2 22,000.

3 COUNCILMAN SQUILLA: Say that
4 again.

5 COMMISSIONER RICHARDSON:
6 Inactive numbers are 22,000. So you're
7 saying 50,000 inactive. I want to make
8 sure that's correct.

9 COUNCILMAN SQUILLA: Well, you
10 said you wrote off 50,000.

11 COMMISSIONER RICHARDSON: No.
12 Fifty thousand are current. We have
13 wrote off 22,000.

14 COUNCILMAN SQUILLA: Oh, I
15 misunderstood. I'm sorry.

16 COMMISSIONER RICHARDSON: I
17 want to make sure we clear that up.

18 COUNCILMAN SQUILLA: So it's
19 22,000, and the majority of them are
20 probably held by Linebarger?

21 COMMISSIONER RICHARDSON: Yes,
22 because they've been the company we've
23 used the longest.

24 COUNCILMAN SQUILLA: So that
25 wouldn't cost the City anything. They

1 3/19/13 - WHOLE - RES. 130088, etc.
2 would be on the hook for that.

3 COMMISSIONER RICHARDSON:
4 Correct.

5 MS. BECKLEY: Well, part of the
6 deal is, they're a for-profit business
7 and they have to run a business and they
8 get -- we give them relatively wide
9 latitude in choosing what to sell,
10 because they make money only when they
11 make money for us. In fact, they're not
12 even allowed to keep their fee. They
13 have to give every single cent they get
14 in this process to us. We double-check
15 it against what we've received, make sure
16 it's all there, and then we turn around
17 and pay them their commission. They're
18 not even allowed to keep their commission
19 when they collect it.

20 COUNCILMAN SQUILLA: Then why
21 are they there, if we're going to do --
22 if they have to come to us for everything
23 and then we get all the money and then we
24 give it back to them?

25 MS. BECKLEY: No. They collect

1 3/19/13 - WHOLE - RES. 130088, etc.

2 all the money and give it to us. Then we
3 make sure it's all there and we give them
4 their cut.

5 COUNCILMAN SQUILLA: Then we
6 give it back?

7 MS. BECKLEY: Then we give them
8 their cut back and their expense
9 reimbursement.

10 COUNCILMAN SQUILLA: Is there
11 anybody from Linebarger? Can we ask
12 somebody else to come up or you want to
13 wait?

14 COUNCIL PRESIDENT CLARKE:
15 They're coming.

16 MS. BECKLEY: And GRB. They're
17 both here.

18 COUNCILMAN SQUILLA: All right.
19 So maybe we could ask them when they come
20 up how that works.

21 That's it for now. Thank you.

22 COUNCIL PRESIDENT CLARKE:
23 Thank you, Councilman.

24 The Chair recognizes
25 Councilwoman Sanchez.

1 3/19/13 - WHOLE - RES. 130088, etc.

2 COUNCILWOMAN SANCHEZ: Thank
3 you.

4 I share your frustration over
5 there.

6 COUNCILMAN SQUILLA: Thank you.

7 COUNCILWOMAN SANCHEZ: I think
8 that's the best discussion for why we've
9 been talking about some of the need for
10 land bank and some regulations.
11 Unfortunately, the policy where they're
12 going to sell what's valuable leads to
13 the blight that we see in the
14 neighborhoods, because then some of us
15 get stuck with swaths and swaths of land
16 that the folks who are collecting revenue
17 are not thinking about the community
18 impacts, and I think that was the moral
19 of the story that Patrick was trying to
20 get to, that those delinquencies and
21 those blight decrease the value of
22 everyone. And so I think it's an
23 important piece in terms of understanding
24 this, that you have revenue collectors
25 making policy decisions around the

1 3/19/13 - WHOLE - RES. 130088, etc.
2 community and, therefore, everybody
3 loses.

4 So I just wanted to say that,
5 because I know you're frustrated on that.

6 I wanted to talk about the
7 bigger picture, and I do think that the
8 City has moved, as Blondell says often,
9 the needle on some of this collection.
10 There was a report produced. Is that
11 report going to be public? Is that going
12 to be shared with Council around
13 collections for the City? You mentioned
14 that report.

15 COMMISSIONER RICHARDSON: The
16 collection strategy you're talking about,
17 Councilwoman?

18 COUNCILWOMAN SANCHEZ: Yes.
19 The one that's leading to the \$40 million
20 investment.

21 COMMISSIONER RICHARDSON: I'm
22 pretty sure that could be shared with you
23 guys.

24 COUNCILWOMAN SANCHEZ: Because
25 I think that's important.

1 3/19/13 - WHOLE - RES. 130088, etc.

2 What was the scope of services
3 for that review?

4 COMMISSIONER RICHARDSON: The
5 review was done by my staff internally,
6 again, with dialogue with various state
7 jurisdictions that we meet at conferences
8 and that we've known over the years.

9 COUNCILWOMAN SANCHEZ: So it
10 was an internal review; it wasn't an
11 external person that came in?

12 COMMISSIONER RICHARDSON: No.

13 COUNCILWOMAN SANCHEZ: This was
14 an internal review?

15 COMMISSIONER RICHARDSON: We
16 know from an external report that
17 technology is the key. They didn't give
18 numbers, but they also say that the City
19 does things too manually, they need
20 technology to go from Point A to Point B.

21 COUNCILWOMAN SANCHEZ: In terms
22 of the technology, the technology that
23 you look to establish is what in fact
24 Linebarger and GRB and others already
25 have in place, right?

1 3/19/13 - WHOLE - RES. 130088, etc.

2 COMMISSIONER RICHARDSON: Yes.

3 COUNCILWOMAN SANCHEZ: The
4 ability to cross-reference taxes.

5 COMMISSIONER RICHARDSON: Yes
6 and no. Those two firms primarily do a
7 lot with real estate collections. You
8 need more of a robust firm -- and they
9 may have the ability, but like the
10 pioneers that did our amnesty program,
11 companies that are traditional call
12 centers may have the technology to do
13 scoring of cases, to do decision
14 analytics.

15 COUNCILWOMAN SANCHEZ: So is
16 our goal in this new plan the ability to
17 cross-reference the 17 taxes you
18 mentioned?

19 COMMISSIONER RICHARDSON: Yes,
20 it would be the ability to do that.

21 COUNCILWOMAN SANCHEZ: And then
22 the collection strategy, whether we're
23 talking about business taxes, water
24 revenue, trash tickets, alarm, ambulance,
25 all of that would be coordinated versus

1 3/19/13 - WHOLE - RES. 130088, etc.

2 what we have now, which is different
3 departments doing the collection?

4 COMMISSIONER RICHARDSON: No.

5 Again, my folks -- here's my mantra: I'd
6 rather talk to you for a \$5,000 tax bill
7 and spend that time than probably on a
8 \$300 commercial fee bill. Five thousand
9 dollars is much more towards the coffers.
10 Don't get me wrong, the 300 is important
11 as well, but we don't have super
12 collectors. The system is more geared
13 towards taxes. Again, we have water
14 data. Again, two funds of paying people.
15 A super collector would be great, but,
16 again, that will take a lot in order to
17 get to that world. Maybe the system
18 could allow us to get to a super
19 collector that can sit there and say,
20 Ms. Sanchez, I have your whole portfolio,
21 let's make a payment agreement. Then the
22 question is, what do you make the payment
23 agreement on, the \$300 or the \$5,000, the
24 \$50 fee from the Courts of Adjudication
25 or the \$500 fee from the fire ambulance

1 3/19/13 - WHOLE - RES. 130088, etc.

2 company? So it gets into a lot that way.

3 COUNCILWOMAN SANCHEZ: I guess

4 then at minimum, if we're talking about

5 the real estate taxes or at least

6 property -- let's stick with that. So

7 does this new collection cycle, would it

8 have the ability -- I know you talked a

9 lot about communicating with L&I. One of

10 the big issues we had back in 2008 was

11 the 95 million in NTI demolition that was

12 not posted on properties. Has that

13 number been captured?

14 COMMISSIONER RICHARDSON: I

15 don't know. Again, I don't run the L&I

16 receivables. It might be in the system.

17 COUNCILWOMAN SANCHEZ: Is that

18 a goal of this new process?

19 COMMISSIONER RICHARDSON: It

20 can be.

21 COUNCILWOMAN SANCHEZ: So it's

22 not?

23 COMMISSIONER RICHARDSON: It's

24 not my goal. My goal is taxes and water.

25 COUNCILWOMAN SANCHEZ: I hear

1 3/19/13 - WHOLE - RES. 130088, etc.
2 you, and so I appreciate the fact that
3 you guys operate in those kind of silos,
4 but we're getting to a collection
5 strategy. So I want to think globally,
6 because all of this adds to the ability
7 for us to appropriately acquire
8 properties and capture our investment.

9 So right now if in fact this
10 new strategy is not going to encompass
11 demolition, is it going to somehow try to
12 capture the \$20 million that we invest in
13 property maintenance now?

14 COMMISSIONER RICHARDSON: What
15 I'll say to you is that I have blinders
16 on. So I thought about my universe.
17 That's the first thing. Again, as we do
18 the data warehouse, we'll populate that
19 with a lot of departments' data. As the
20 system gets built, yes, we probably can
21 include a lot of other departments inside
22 of that. But I guess the question comes
23 down then, do you want us to make the
24 collection of that money as well?

25 COUNCILWOMAN SANCHEZ: Well, I

1 3/19/13 - WHOLE - RES. 130088, etc.
2 think data is important, and if we are
3 going to create this -- if we're going to
4 populate this new system, it should be
5 populated with everything. How the
6 Administration decides to collect that is
7 one thing, but I think it goes back to
8 the frustration that some of my
9 colleagues have around people's ability
10 to either get permitting, to get business
11 licenses, to get all these other -- all
12 the other silos that get impacted. Our
13 inability to have that one in place makes
14 it difficult and that's why we end up
15 getting beat up at community meetings,
16 because people have that frustration.
17 Because it's one government. You can
18 have ten silos. I mean, that's why we're
19 having the land bank discussion. We have
20 five silos in that case. It's part of
21 the frustration we have as we talk about
22 this foreclosure and this notion, and
23 quite frankly, it's really upsetting for
24 me that this motion of we're not going to
25 spend money putting properties for sale

1 3/19/13 - WHOLE - RES. 130088, etc.
2 because they have no value to us is a
3 problem, because they are decreasing
4 everybody's value.

5 And so the matrix has to be all
6 encompassing, and so that when a property
7 goes up for Sheriff Sale that we have
8 abated through our neighborhood services
9 ten times, that L&I has clean and sealed
10 five or six times, that has to be part of
11 the picture.

12 And so I'm not saying it has to
13 be necessarily just in your portfolio,
14 but you have to understand that as
15 Council folks and as the community,
16 that's the frustration that you're
17 hearing from folks, because we're
18 allowing this to happen and there's no
19 correlation, and until -- and maybe
20 that's what this new revenue person does.
21 But I know I'm going to have a serious
22 problem saying we want to embrace this
23 new plan and this \$40 million investment
24 if it doesn't take into account all of
25 those things. Whether we collect it or

1 3/19/13 - WHOLE - RES. 130088, etc.
2 not is not the point. The ability to see
3 it, the ability to see our debt, and then
4 we could decide strategically what it is.

5 I think as we deal with the
6 City in poverty, though, the inability to
7 see what people owe just adds to the
8 burden and the stress of whether people
9 are going to stay in their own homes.
10 When you put that with PGW, when you put
11 that with water -- and you know how
12 strongly I feel about our water situation
13 and our water debt -- it's a problem.
14 This cannot be dealt with in a silo.

15 MS. BECKLEY: No. And even
16 today the process I described earlier
17 about how we now let L&I identify
18 things -- anything in our Sheriff Sale
19 system that's problematic, well, that's
20 an e-mail to me from the people who are
21 ordering the title, giving me the list of
22 titles. I send it to L&I. L&I sends it
23 back to me. I send it to them. All that
24 would happen within the data warehouse,
25 with no human interaction, and everything

1 3/19/13 - WHOLE - RES. 130088, etc.
2 would flawlessly, with nobody ever making
3 a mistake, get marked, this is an L&I-no-
4 payment-agreement property. So you'd
5 have that -- there's no question that
6 this kind of information sharing would
7 make it much less burdensome for people
8 to work together.

9 On the subject of L&I, I mean,
10 we have -- we are now -- we hope in the
11 next two months to be able to sell
12 something for a purely L&I lien for the
13 first time, because those liens didn't
14 used to be perfected. The Law Department
15 worked to perfect those liens, and they
16 are now working their way through the
17 Sheriff Sale system, and things that
18 don't have any taxes will be sold for
19 clean and seal or demolition going
20 forward.

21 COUNCILWOMAN SANCHEZ: That's
22 why -- okay. So some of that is
23 beginning to get captured?

24 MS. BECKLEY: Yes.

25 COUNCILWOMAN SANCHEZ: The

1 3/19/13 - WHOLE - RES. 130088, etc.
2 important thing for me -- and I'll let
3 the rest of the group -- is that if in
4 fact we're going to do this investment
5 and we're going to say that we're going
6 to do collections smarter, we'd like --
7 I'd like to see a strategy that includes
8 all of those things, the ambulance, the
9 alarms, the trash tickets, the business
10 taxes, the business license, all of those
11 things, because that's what's going to
12 get us to the place where we can create
13 policies and regulations. And I know
14 that's kind of the debate we have going
15 on with our foreclosure, that the
16 department doesn't want us to prescribe
17 it, but when we don't prescribe it, we
18 get this. You're telling us, Well, some
19 of this will happen, some of this will
20 not happen. We have to agree on the
21 regulation. It has to be predictable for
22 people, the predictable date from
23 collection. The carrot has to be
24 predictable as well as the stick has to
25 be predictable, and that's why the

1 3/19/13 - WHOLE - RES. 130088, etc.
2 regulations -- and that's kind of the
3 debate that we constantly have here.

4 Our ability to prescribe it is
5 based on knowing that unless there's a
6 date certain for something, it's not
7 going happen. It's too much discretion
8 on the collection, and that's why people
9 know that we -- they know they have a lot
10 of time before we catch up to them,
11 because nothing is prescribed.

12 So that's more of a statement
13 than anything else, because you and I
14 disagree on that. So that's on the
15 record. But that's the frustration, and
16 that's the frustration you're going to
17 get from folks, because it's millions of
18 dollars. And when you hear of a resident
19 who knows in particular neighborhoods
20 like mine, the strategy currently
21 undertaken by the Administration doesn't
22 work for me. You're adding blight to my
23 communities. You're making the
24 investment that we make with tax dollars
25 on one side devalued because of our

1 3/19/13 - WHOLE - RES. 130088, etc.
2 collection strategy, and it has to all
3 come together.

4 COMMISSIONER RICHARDSON: Thank
5 you for the prescription, and we will
6 take advantage of it, Dr. Sanchez.

7 COUNCIL PRESIDENT CLARKE:
8 Thank you, Councilwoman.

9 The Chair -- you know what,
10 after Councilwoman -- we don't have that
11 anymore.

12 The Chair recognizes
13 Councilwoman Bass.

14 COUNCILWOMAN BASS: Thank you,
15 Mr. President.

16 Good afternoon.

17 COMMISSIONER RICHARDSON: Good
18 afternoon.

19 COUNCILWOMAN BASS: I just have
20 a couple of questions. Well, first I
21 just want to go back to Councilwoman
22 Quinones-Sanchez's statement in reference
23 to what properties that aren't considered
24 viable for moving forward towards Sheriff
25 Sale or some other way of disposing of

1 3/19/13 - WHOLE - RES. 130088, etc.
2 them to make sure that they're occupied
3 and that they're no longer a blight on
4 the community. I just can't underscore
5 that enough in my district. So many of
6 our properties which are blighted or
7 vacant, are tax delinquent, it all goes
8 hand in hand, and it becomes more of --
9 as much of a tax issue as it is -- it
10 also becomes a crime issue, a blight
11 issue and, again, devaluing the entire
12 neighborhood. So I just wanted to echo
13 her statements on that, because it's very
14 much an issue in my district as well.

15 I just had a couple questions,
16 and the first is, I just wanted to get an
17 idea, if you could tell me, how does
18 Philadelphia's tax collection compare to
19 other municipalities in Pennsylvania? I
20 know that in terms of other major cities,
21 we are, I think, at the bottom, if not
22 very near the bottom, next to last, in
23 terms of our collection rate, but do you
24 know throughout the Commonwealth how we
25 actually compare?

1 3/19/13 - WHOLE - RES. 130088, etc.

2 COMMISSIONER RICHARDSON: I

3 don't know how we really compare to the
4 various cities in the Commonwealth.

5 Again, we are not, as people quote, say
6 that we are the lowest in the United
7 States. Again, you have to take into
8 mind also in Philadelphia 17 taxes that
9 we do. A lot of other places have one or
10 two taxes to work on, maybe an excess tax
11 or most places are just property tax.
12 They're dedicated to doing that all day
13 every day.

14 Again, we are built like a
15 state. We're probably bigger than some
16 states, like South Dakota, North Dakota,
17 Idaho. So we look at measurements of
18 states. I'll take the Commonwealth. The
19 Commonwealth when I was there, we had 96
20 percent of taxpayers were compliant. So
21 that small percentage of 4 percent, which
22 is probably well over a couple billion
23 dollars, was what we went after all the
24 time.

25 Again, I think some cities

1 3/19/13 - WHOLE - RES. 130088, etc.
2 compare how we do things. Case in point,
3 in 2009 we were awarded by the IRS Cities
4 that we were one of the best cities at
5 doing things and they looked at us as a
6 model.

7 COUNCILWOMAN BASS: I'm sorry.
8 Who was that?

9 COMMISSIONER RICHARDSON: IRS
10 Cities. It's a group of cities. Again,
11 not just -- they don't look at just real
12 estate; how we do everything, especially
13 with our compliance, our audits.

14 COUNCILWOMAN BASS: I think
15 there are a lot of things we do right
16 here in Philadelphia, but this doesn't
17 seem to be one of them. But I'm just --
18 but just specifically on this --

19 COMMISSIONER RICHARDSON: You
20 got to understand, as I said to
21 Councilman Johnson, I believe we're doing
22 better than the past, and I'm talking
23 about all around. We're the only city,
24 probably even the states haven't done,
25 withholdings of their city employees'

1 3/19/13 - WHOLE - RES. 130088, etc.
2 pension funds. No other place does that.
3 We're the only place who has ever tried
4 it and have done it successfully, and we
5 continue to do that.

6 So, again, we're strapped with
7 certain enforcement tools that we don't
8 have that the IRS has, the states have.
9 We don't have those kind of tools.
10 Again, like I said, I'd like to employ
11 potentially taking people's cars who are
12 delinquent on their real estate taxes,
13 but once we start taking them, then
14 that's going to probably be a problem
15 that people will say, Shut it down, don't
16 do it anymore, because you're affecting
17 them getting to work and everything else.

18 COUNCILWOMAN BASS: The idea of
19 taking cars, is that something that other
20 cities are doing or is that something
21 that is commonplace in this sort of
22 collection effort?

23 COMMISSIONER RICHARDSON:
24 States are doing it. Houston is the only
25 city -- yeah, Houston, because they're

1 3/19/13 - WHOLE - RES. 130088, etc.
2 from the Texas area. Houston is probably
3 the only municipality, but mostly states
4 are taking advantage of that.

5 COUNCILWOMAN BASS: Do we know
6 how Houston has made out? Does it
7 improve their collection?

8 COMMISSIONER RICHARDSON: It's
9 done pretty well. Again, they have --

10 COUNCILWOMAN BASS: Taking
11 cars? Okay.

12 COMMISSIONER RICHARDSON: Yeah.
13 Because you get your attention. You got
14 to get to work to make an honest living,
15 and if you can't get to work and you
16 don't make that honest living, then you
17 lose your job. So you know you're going
18 to get religion all the sudden and want
19 to take care of your responsibilities.

20 COUNCILWOMAN BASS: Well, we
21 will hope. But for those properties that
22 are not owner-occupied and are causing an
23 issue in neighborhoods, and particularly
24 the ones that are vacant, we have a lot
25 of those throughout the City of

1 3/19/13 - WHOLE - RES. 130088, etc.

2 Philadelphia, and I am particularly
3 concerned about properties that have
4 owners who don't live here. And I know
5 that maybe we shouldn't categorize it
6 that way, but I feel very, very strongly
7 about someone who lives in New York and
8 who has property here in Philadelphia
9 that they don't pay taxes on, that
10 they're speculating and waiting until a
11 neighborhood improves or things get
12 better and then they get to cash in. And
13 I want to do everything within my power
14 to make sure that they don't have the
15 opportunity to cash in.

16 And so I feel very, very
17 strongly about that portion of this and
18 don't know what -- I couldn't gather from
19 your previous testimony what specific
20 things we have been doing, are doing to
21 address that very specific problem.

22 I have right at the corner of
23 Broad and Lehigh, I have a huge building
24 that's been vacant for many years now,
25 and the owners are in New York. They

1 3/19/13 - WHOLE - RES. 130088, etc.
2 could care less about the blight that it
3 causes in the neighborhood. And we had a
4 fire, a horrendous fire, here in
5 Philadelphia last year. Two firefighters
6 lost their lives. Tax delinquent.
7 Again, another property owner in New York
8 who could care less about us.

9 And so what do we do about
10 these folks who continually disrespect
11 our city? That's the way I see it. I
12 see it as it's Philadelphia, it's a
13 dumping ground, they don't care, so why
14 do I care? And so if you just wanted to
15 respond.

16 MS. BECKLEY: I mean, as the
17 Commissioner testified, we are increasing
18 the number of Sheriff Sales that we do.
19 We've done that dramatically compared to
20 what we did before amnesty. We're
21 continuing to work on the operational
22 issues that prevent us from doing as many
23 as we'd like. The property you mention
24 that had the fire was slated for Sheriff
25 Sale at the time it had the fire. We're

1 3/19/13 - WHOLE - RES. 130088, etc.
2 not -- and we're showing results. We're
3 increasing real estate tax collections.
4 They aren't increasing as quickly as the
5 interest is running on the 20-year-old
6 stuff, but they're increasing faster than
7 the current bills. We are going to get
8 ahead of the curve if we keep up at the
9 rate we're at now.

10 COUNCILWOMAN BASS: Okay. So
11 specifically for vacant properties that
12 are tax delinquent.

13 MS. BECKLEY: I don't think
14 that you can solve blight and vacancy
15 with tax policy. I think that it's
16 correct that you need to take -- you need
17 other professionals with urban planning
18 and other experience and a different
19 focus to attack that problem.

20 COUNCILWOMAN BASS: Well, I
21 don't think you can attack it alone with
22 just a tax policy, but I think it should
23 be certainly a part of the equation.

24 MS. BECKLEY: Well, I think one
25 thing that would be helpful would be to

1 3/19/13 - WHOLE - RES. 130088, etc.
2 be able to -- with more data, and one of
3 the reasons data would be critical in
4 this area is almost every academic or
5 outsider who has come and looked at this
6 said the very first thing you have to do
7 is segregate what's collectable from
8 what's not collectable. Right now we
9 don't really have that clear demarcation
10 and it makes it harder for us to go after
11 what is actually collectable.

12 And we do hope you're aware we
13 work with many Councilmembers. If there
14 is a specific property that you want a
15 request to take up, all you have to do is
16 have your staff call the Law Department.
17 And even if it's -- and if it's with
18 co-counsel, we'll request that co-counsel
19 take it up. If it's with us, we'll put
20 it up.

21 COUNCILWOMAN BASS: Okay. One
22 other question too. Now, I notice that
23 you gave your estimates in terms of your
24 collection rates, and we hope -- we
25 believe the economy is improving. So I

1 3/19/13 - WHOLE - RES. 130088, etc.
2 didn't hear what your projected rates
3 would be with the improvements, what you
4 think is going to happen in terms of your
5 ability to collect.

6 MS. BECKLEY: I believe that
7 the improvements have been projected in
8 raw dollars, not in percentages.

9 COMMISSIONER RICHARDSON:
10 Everything, again, if we give you the
11 strategy is based on dollars, not
12 percentages. We can analyze that and
13 give it to the Council President if he
14 wants.

15 COUNCILWOMAN BASS: Okay. I
16 don't know if you know the answer to this
17 question or not, but do you know what
18 role, if any, the write-offs -- I think
19 it was how many millions?

20 COMMISSIONER RICHARDSON:
21 Sixty-six.

22 COUNCILWOMAN BASS: Sixty-six
23 million that's been written off that's
24 ten years or more that's been in
25 collection. Is there any sort of effect

1 3/19/13 - WHOLE - RES. 130088, etc.
2 in terms of the City's ability to borrow
3 money based on what that debt is? I
4 thought that debt -- and I guess I'm a
5 little confused, because I thought that
6 that number, what was written off, was
7 actually much higher. I think that the
8 projections I had seen before were
9 probably three to four times that. So
10 I'm a little surprised that it's 66,
11 but --

12 COMMISSIONER RICHARDSON: I
13 couldn't quantify the answer for you. I
14 need to speak to the Treasurer about
15 that. We don't deal with the borrowing
16 for the City.

17 COUNCILWOMAN BASS: Okay. So
18 you wouldn't know if it makes a
19 difference or not in terms of the City's
20 ability to borrow money based on what --

21 COMMISSIONER RICHARDSON: We
22 don't do the borrowing, so I couldn't
23 tell you that.

24 COUNCILWOMAN BASS: All right.
25 Okay. Thank you.

1 3/19/13 - WHOLE - RES. 130088, etc.

2 COMMISSIONER RICHARDSON:

3 You're welcome, Madam.

4 COUNCIL PRESIDENT CLARKE:

5 Thank you, Councilwoman.

6 A couple of quick questions and
7 then I'll call the next group of
8 Councilmembers.

9 In terms of Sheriff Sale, I
10 know the Sheriff's Department pretty much
11 staffs it and conducts the actual sales.
12 But who determines policy on Sheriff
13 Sales?

14 MS. BECKLEY: You mean who
15 chooses which properties go to Sheriff
16 Sale?

17 COUNCIL PRESIDENT CLARKE:
18 Correct. That's one of my questions.

19 MS. BECKLEY: Okay. And I'll
20 keep the answer quick too. If it's with
21 co-counsel, they pick which properties
22 they're going to take to sale. If it's
23 with us, we pick. And, again, as I
24 mentioned earlier --

25 COUNCIL PRESIDENT CLARKE: When

1 3/19/13 - WHOLE - RES. 130088, etc.
2 you say "co-counsel," you're talking
3 about Linebarger?

4 MS. BECKLEY: Linebarger and
5 GRB are our co-counsel. Again, as I
6 mentioned earlier, we take requests from
7 L&I on a routine basis now and we take
8 requests from Councilmen. And if any
9 individual wants to put down an \$800
10 deposit to purchase a particular
11 property, that property will go into the
12 system too.

13 COUNCIL PRESIDENT CLARKE: But
14 who has -- well, say in a more proactive
15 approach, if -- and I hear you say with
16 co-counsel. Does that mean that the Law
17 Department has the final say?

18 MS. BECKLEY: We have -- we do
19 have the final say over their list, but
20 in general, we go with what they suggest
21 that they would like to do.

22 COUNCIL PRESIDENT CLARKE:
23 Things that are on their list?

24 MS. BECKLEY: Yeah.

25 COUNCIL PRESIDENT CLARKE: For

1 3/19/13 - WHOLE - RES. 130088, etc.
2 properties that are not on their list,
3 the City Law Department --

4 MS. BECKLEY: We pick from
5 among those from our own list.

6 COUNCIL PRESIDENT CLARKE: So
7 you have significant flexibility on the
8 City's and in conjunction with or
9 consulting with the co-counsel, you have
10 some flexibility?

11 MS. BECKLEY: Right.

12 COUNCIL PRESIDENT CLARKE: All
13 right. In terms of the amount that you
14 would be prepared to receive, say it goes
15 up to Sheriff Sale and you're prepared to
16 receive a lesser amount than the
17 municipal lien, who makes that
18 determination?

19 MS. BECKLEY: We make that
20 determination, and if co-counsel would
21 like to put it up for less than the City
22 debt that's on the property, then they
23 ask our permission to compromise it.

24 COUNCIL PRESIDENT CLARKE:
25 Okay.

1 3/19/13 - WHOLE - RES. 130088, etc.

2 MS. BECKLEY: It's very unusual
3 for us not to grant that permission.

4 COUNCIL PRESIDENT CLARKE: So
5 there's significant flexibility in that
6 respect?

7 MS. BECKLEY: Yes.

8 COUNCIL PRESIDENT CLARKE: So
9 if there were -- in terms of when the
10 Sheriff Sales are held, I'm assuming that
11 the Sheriff's Department makes that
12 determination?

13 MS. BECKLEY: Yeah. I mean,
14 they reserve the ballroom and they give
15 us the dates ahead of time.

16 COUNCIL PRESIDENT CLARKE: In
17 terms of when and where. All right.

18 So if all parties involved made
19 the decision that we were going to have a
20 policy that would allow us to accelerate
21 Sheriff Sales or have Sheriff Sales for
22 specific purposes and not necessarily for
23 the sole purpose of collecting as much
24 revenue as possible but a policy
25 associated with a longer-term strategy as

1 3/19/13 - WHOLE - RES. 130088, etc.
2 we talk about blight and some of the
3 other issues as referenced in the series
4 and our Councilmembers have subsequently
5 talked about that, that would be
6 something that could be, if all parties
7 agree with, can be put in play or
8 conceptually be a conversation initially
9 and then subsequently a policy or
10 program?

11 MS. BECKLEY: If we were going
12 to do a very large number of unprofitable
13 sales, we would probably have to shift
14 things around so that we did those
15 internally, because co-counsel only works
16 on commission and it would be unfair to
17 expect them to do a tremendous amount of
18 legal work for which they were basically
19 not going to get compensated. We get
20 paid regardless, but they don't.

21 COUNCIL PRESIDENT CLARKE: So
22 at a minimum, you would like to cover the
23 cost of legal fees associated with in the
24 case that there's inventory within the
25 co-counsel?

1 3/19/13 - WHOLE - RES. 130088, etc.

2 MS. BECKLEY: Yes. That would
3 be -- and it should be understood that
4 really right now for -- and I think my
5 co-counsel when you hear from them will
6 agree -- the real obstacle to moving more
7 things to sale is really our ability to
8 get title work back on the properties and
9 our ability to send out mail on them.
10 It's not -- we would -- all of us would
11 like to be doing 200 a month, and we're
12 not reaching that target because we're
13 not getting the title work and we
14 don't -- we're having operational issues
15 with getting that much mail out. It's
16 not unusual for one piece of property to
17 need 27 notices.

18 COUNCIL PRESIDENT CLARKE: Is
19 that a state statute?

20 MS. BECKLEY: Yes. And you
21 can't get rid of that, because every
22 creditor, before they're going to have
23 their interest in the property wiped out,
24 has to get notice, because when it's sold
25 at Sheriff Sale, it's sold free and

1 3/19/13 - WHOLE - RES. 130088, etc.
2 clear.

3 COUNCIL PRESIDENT CLARKE: I'm
4 saying but that is a state statute?

5 MS. BECKLEY: Yes.

6 COUNCIL PRESIDENT CLARKE:
7 Okay.

8 MS. BECKLEY: But it probably
9 has constitutional issues too, because
10 this is somebody's property. You're
11 wiping out somebody's property interest.

12 COUNCIL PRESIDENT CLARKE: I
13 understand. Everybody has the right to
14 sue. I only ask that question because we
15 earlier discussed this potential state
16 legislation that would accelerate
17 opportunity. All right. And I'm asking
18 this for a reason. I'm not going to
19 bring it up today, but you know we got a
20 little something up our sleeves with
21 respect to some of the blight-related
22 initiatives and our ability to move
23 properties.

24 So let me ask one more
25 question. If we decide we can agree on a

1 3/19/13 - WHOLE - RES. 130088, etc.
2 group of properties and get co-counsel,
3 the City agrees and at the end of that
4 process establishing we got 200,
5 whatever, and we wanted to see an end use
6 for those properties and the end use, as
7 an incentive to purchase, we would put
8 certain issues on those properties, say
9 we would -- the issue -- and I guess I'm
10 kind of getting at what I was going to
11 talk about at a later hearing -- that the
12 ability or your accepted payment would be
13 much less than the maximum lien on the
14 property. You have the ability to do
15 that?

16 MS. BECKLEY: Yes. We could
17 compromise.

18 COUNCIL PRESIDENT CLARKE:
19 Okay. All right. That told me pretty
20 much all I need to know before --

21 MS. BECKLEY: I mean, we just
22 did that for a major property out in
23 Germantown that a reputable developer was
24 going to purchase and when we were
25 assured that he was going to purchase it,

1 3/19/13 - WHOLE - RES. 130088, etc.
2 we know his track record, we believed
3 he'd really do something with the
4 property, it was more than worth it for
5 us to compromise --

6 COUNCIL PRESIDENT CLARKE: It's
7 kind of like, to a degree, similar to a
8 redevelopment agreement --

9 MS. BECKLEY: Exactly.

10 COUNCIL PRESIDENT CLARKE: --
11 with the RDA. Okay. All right. Told me
12 exactly what I need to know. Thank you.

13 The Chair recognizes
14 Councilwoman Brown.

15 COUNCILWOMAN BROWN: Thank you,
16 Mr. President.

17 Good afternoon. I wanted to
18 follow up on Councilwoman
19 Quinones-Sanchez and her concerns about
20 operating in silos. So are there
21 meetings across departments with Water
22 and/or L&I to discuss, explore strategies
23 about how you can collectively tackle
24 this issue of collections?

25 COMMISSIONER RICHARDSON: Yes.

1 3/19/13 - WHOLE - RES. 130088, etc.
2 Again, we meet with L&I quarterly. My
3 agents in the Water Revenue side go out
4 with their agents and comb the various
5 commercial districts. So we've been
6 cohesively doing that for almost two
7 years now.

8 COUNCILWOMAN BROWN: And the
9 yield of some of those meetings in terms
10 of hard action steps?

11 COMMISSIONER RICHARDSON: I
12 can't say I can't quantify for you for
13 dollars, but it's been good for us -- for
14 example, we've been in South Philadelphia
15 and we found going in some of the
16 businesses that they've had broken -- the
17 equipment that goes to the water. So the
18 water hasn't been read right. So we get
19 an opportunity to be in there and get the
20 reading correct. The bill may go up a
21 little bit, but they come compliant
22 because they understand they had broken
23 equipment.

24 So it's been fruitful for us.
25 I think, again, as we look to get more

1 3/19/13 - WHOLE - RES. 130088, etc.
2 investigators through our five-year
3 strategic plan that can go out with L&I,
4 we have the technology that we have live
5 tax information in front of us and we can
6 look at potentially putting stickers on
7 some of the businesses to say cease and
8 desist because you haven't come into
9 compliance because we've been trying to
10 reach you for X amount of timeframe or
11 something, that will help us. Again,
12 that's what the state has been doing for
13 umpteens years that we have to get there.

14 COUNCILWOMAN BROWN: Okay. And
15 with the lead bill, one value-added
16 lesson for me was working closely with
17 HAPCO. Even though we started at very
18 different places, we ended up at a good
19 place, because they're on the ground,
20 they're on the front line, and we
21 actually learned from each other and
22 ended up at a good place. And so given
23 who they are and what they represent and
24 the work that they do every day, have
25 there been sit-downs with them? Because

1 3/19/13 - WHOLE - RES. 130088, etc.
2 they too are in the business of
3 collecting rents and the like.

4 COMMISSIONER RICHARDSON: We
5 haven't had formalized meetings with them
6 with Law and Revenue. I've met with a
7 couple of their members and I've offered
8 that to them, to come in and sit down and
9 work with us, because I know they have
10 some grave concerns.

11 COUNCILWOMAN BROWN: Great
12 ideas.

13 COMMISSIONER RICHARDSON: And
14 we are more than willing to work with
15 them. We don't have a problem.

16 COUNCILWOMAN BROWN: I would
17 encourage that, simply because they are
18 on the front lines and doing what you do
19 every day.

20 Back to Councilman Henon's
21 questions regarding foreclosure, and one
22 thing I've learned is knowing what you
23 don't know, and when it comes to housing,
24 I'm still very much a student in how that
25 process works.

1 3/19/13 - WHOLE - RES. 130088, etc.

2 So in your department, do you
3 sort of grade foreclosure status of
4 individuals? What I mean by that, you
5 can use nine months to try to track
6 somebody down, and when you get to them,
7 they have a very legitimate reason on why
8 that foreclosure ended up where it did,
9 death of a sibling. And so when you hear
10 about these circumstances, do you have
11 some systemic red flag, yellow flag or
12 green flag that gauges you or guides you
13 on why this particular action on this
14 home is moving towards foreclosure?

15 MS. BECKLEY: Well, in the case
16 of owner-occupants, we've always had a
17 great willingness to enter into
18 agreements. There is a formalized
19 written policy of what low-income
20 individuals have to be offered as a
21 payment plan with either co-counsel, and
22 we have been working over the last eight
23 months very diligently with some Council
24 staffers and with the legal services
25 community to improve those guidelines,

1 3/19/13 - WHOLE - RES. 130088, etc.

2 and then we plan to make them applicable
3 internally to the Law and Revenue
4 Departments as well as to co-counsel.

5 COUNCILWOMAN BROWN: So is that
6 a new practice?

7 MS. BECKLEY: That's going to
8 be an improvement. It's going to be
9 building on the practice we already have.
10 We already have these written financial
11 hardship guidelines, but they haven't --
12 the exact guidelines haven't applied
13 internally. And we also think by talking
14 together, we've made some additional
15 improvements to them. And it will be an
16 improvement too that they will be -- what
17 the standards are is going to be posted
18 on the website. And so every attorney
19 and any taxpayer who wants to know what's
20 available to a low-income individual will
21 be able to see that.

22 We've also upped the
23 availability of income-based agreements
24 basically to 70 percent of median area
25 income, which is the average Philadelphia

1 3/19/13 - WHOLE - RES. 130088, etc.
2 homeowner. So if the average
3 Philadelphia homeowner is hit by AVI,
4 they can come in and get time to pay that
5 bill over time.

6 COUNCILWOMAN BROWN: And I
7 would submit with all that diligent and
8 thorough outreach, we're going to miss
9 persons, particularly seniors, back to
10 our earlier conversation the Commissioner
11 and I had. So is there a relationship
12 with Philadelphia Corporation of Aging
13 and the senior citizen centers around the
14 City who are going to -- who certainly
15 serve the type of individuals you're
16 talking about?

17 MS. BECKLEY: One of the things
18 that the legal services community
19 correctly has insisted on -- I don't know
20 that they need to do it in quite such
21 detail in the ordinance itself -- is a
22 list of information that has to be
23 provided to people with their first
24 foreclosure notice, so that they know
25 what agencies are available to help them

1 3/19/13 - WHOLE - RES. 130088, etc.
2 and where legal systems is available.

3 COUNCILWOMAN BROWN: I think
4 that's important. I continue to operate
5 from the standpoint, you can't hold
6 people responsible for that which they do
7 not know.

8 MS. BECKLEY: And we wanted to
9 note that one of our partners in that was
10 the Senior Law Center.

11 COUNCILWOMAN BROWN: Very good.
12 Thank you. That's it for my
13 round, Mr. Chairman.

14 COUNCILMAN GREENLEE: Thank
15 you, Councilwoman.

16 And I think we just have one
17 Councilmember that hasn't asked a
18 question yet. Councilman O'Brien.

19 COUNCILMAN O'BRIEN: Thank you,
20 Mr. Chairman.

21 I just had a followup to
22 Councilwoman Blondell Reynolds Brown's
23 inquiry. Councilman Green and
24 Councilwoman Sanchez have recently
25 introduced a bill that would make payment

1 3/19/13 - WHOLE - RES. 130088, etc.
2 plans more consistent across the board.
3 What options are available for taxpayers
4 to pay their bills?

5 MS. BECKLEY: Well, that bill
6 is still under discussion, but the broad
7 outlines are things that everybody has
8 agreed on, which is that, again, people
9 up to what's roughly the income of an
10 average citizen are entitled to a payment
11 agreement. They don't have to argue for
12 it.

13 COUNCILMAN O'BRIEN: But
14 specifically what kind of options do they
15 have? Are there different options they
16 have, different types of payment plans?

17 MS. BECKLEY: They can come in
18 and they can pay -- they will pay based
19 on a percentage of their income, and they
20 will get at least two years to pay their
21 back bill. They have to remain current
22 with their current taxes as part of that,
23 because we don't want to have revolving
24 delinquency, but they're allowed to do
25 that.

1 3/19/13 - WHOLE - RES. 130088, etc.

2 We also can always make a
3 payment agreement with anybody, even a
4 commercial owner, but we try and keep
5 those at a minimum for all the obvious
6 reasons that people have discussed.

7 COUNCILMAN O'BRIEN: Have you
8 ever considered automatic withdrawals for
9 taxpayers?

10 COMMISSIONER RICHARDSON: Some
11 taxpayers do that now, have their --

12 COUNCILMAN O'BRIEN: Are there
13 any banks that participate in that
14 program?

15 COMMISSIONER RICHARDSON: No.
16 It's a matter of you as the -- your
17 account. It's not the bank that does it.
18 It's you as an individual would come and
19 sign the ACH form to complete. So it's
20 something we did making it mandatory for
21 businesses with payroll taxes, but you as
22 an individual can come and do that. We
23 can't mandate a bank to do that.

24 COUNCILMAN O'BRIEN: Is there
25 an ability for every taxpayer who is on a

1 3/19/13 - WHOLE - RES. 130088, etc.

2 payment plan to find out exactly what he
3 or she owes?

4 COMMISSIONER RICHARDSON: Sure.
5 They can give us a call and reach out to
6 us.

7 COUNCILMAN O'BRIEN: No. I'm
8 told that there are no receipts and
9 there's no way to go on and find out. If
10 I'm paying my student loans -- I don't
11 know if this is accurate. It's just
12 something that someone passed on to me.

13 If I'm paying my student loans,
14 I can always call and find out what my
15 balance is. I can get a receipt for
16 what's being paid.

17 The taxpayers on a payment plan
18 or other, can they find out what they owe
19 or what the status is?

20 COMMISSIONER RICHARDSON:
21 Online we're trying to make that
22 available. That's going to take some
23 time.

24 COUNCILMAN O'BRIEN: But it's
25 not now?

1 3/19/13 - WHOLE - RES. 130088, etc.

2 COMMISSIONER RICHARDSON: It's
3 not there now. I mean, they have to give
4 us contact or phone call or e-mail to us.

5 COUNCILMAN O'BRIEN: One other
6 question following up on my friend
7 Councilwoman Cindy Bass and the concern
8 about all these parcels that are
9 delinquent. And it's a followup to the
10 President, Darrell Clarke. He talked
11 about some legislation dealing with
12 foreclosures, and we talked about
13 processes where we shame people into
14 paying. I'm a republican with a sense of
15 advocacy around my kids with disabilities
16 and other things. I'd like to have an
17 advocacy around some of these speculators
18 that come in to the City of Philadelphia
19 and also demonstrate to our partners in
20 Harrisburg, who sometimes aren't willing
21 partners, but show them that we really
22 are serious about this.

23 Is there or has there ever been
24 a discussion about being able to lien
25 properties of those speculators -- it's

1 3/19/13 - WHOLE - RES. 130088, etc.

2 my understanding that if I take 350
3 individuals, they own ten parcels or
4 more, that's 6,937 properties. Has there
5 ever been any thought about liening their
6 property, whether it's in New York or
7 it's in Montgomery County or Bucks
8 County? And there might be different
9 issues relating to whether we can do it
10 in state or out of state, but is that a
11 piece of legislation that you would --
12 let's look at it just in state, and
13 somebody in Montgomery County owns ten
14 parcels in the City of Philadelphia and
15 they're in Northern Liberties and they're
16 just going to wait until the whole
17 neighborhood is improved. We know the
18 story.

19 Has there ever been any thought
20 about going after their principal
21 property, where they live?

22 MS. BECKLEY: I think if -- we
23 have in rare cases already -- we would
24 have to get a personal judgment -- under
25 current law, we'd have to get a personal

1 3/19/13 - WHOLE - RES. 130088, etc.
2 judgment against that person and then
3 take it and transfer it. I think we
4 would be very much in favor of the
5 proposed legislation that would allow us
6 to skip the step of getting the personal
7 judgment and simply transfer the
8 municipal lien to another county.

9 COUNCILMAN O'BRIEN: Maybe we
10 can collaborate and try to get some
11 relief in that regard. If you could help
12 me draft that, we can recommend it to the
13 State Legislature.

14 MS. BECKLEY: I know the City's
15 lobbyist in Harrisburg has asked us, and
16 we've told them that we're very
17 supportive of it.

18 COUNCILMAN O'BRIEN: Thank you.

19 COUNCILMAN HENON: Point of
20 information.

21 COUNCILMAN GREENLEE:
22 Councilman Henon.

23 COUNCILMAN HENON: If I can
24 just answer or at least add to that
25 statement there and recognizing

1 3/19/13 - WHOLE - RES. 130088, etc.
2 Councilman O'Brien's due diligence in
3 making sure that maybe personal liens go
4 towards out-of-town folks who have
5 delinquencies in properties in the City
6 of Philadelphia. The Philadelphia
7 Delegation in the State House,
8 Councilman, has introduced a piece of
9 legislation at the assistance and
10 coordination with our Council President
11 where tax delinquents who own property --
12 who have tax delinquencies for properties
13 in the City of Philadelphia who live
14 outside will give the authority to lien
15 their personal property and assets
16 outside the Philadelphia jurisdiction.
17 So that conversation is taking place
18 right now currently with the Law
19 Department, Revenue, and the Council
20 President and the Philly Delegation. So
21 that is one of the several bills dealing
22 with tax delinquencies not just on that
23 but with the Philly Delegation when it
24 comes to Philadelphia and our ongoing
25 issues.

1 3/19/13 - WHOLE - RES. 130088, etc.

2 COUNCILMAN GREENLEE: Thank
3 you. Thank you.

4 Councilman, you -- you're okay?

5 COUNCILMAN O'BRIEN: Yes.

6 COUNCILMAN GREENLEE: All
7 right. I think Councilman Henon was
8 next, then Councilwoman Bass.

9 Councilman Henon.

10 COUNCILMAN HENON: And I'll be
11 brief. I know we've been here for a long
12 time. I only have five pages of
13 questions, which I will not ask, on
14 processes and policies and data.

15 So real quick. And I'm glad
16 Councilman O'Brien had started to talk
17 about delinquencies outside this body,
18 because several members of this
19 legislative body have introduced separate
20 legislation dealing with tax
21 delinquencies, from the Council
22 President, Councilwoman Maria
23 Quinones-Sanchez, Councilman Green,
24 myself and others, several others,
25 dealing with even authorizing the Law

1 3/19/13 - WHOLE - RES. 130088, etc.
2 Department to enter judgments to other
3 municipalities outside the City, not
4 necessarily for liening but to enter
5 judgments in the municipality to have
6 them -- to get them back here to pay
7 their taxes. So I commend my colleagues
8 and Council President and the State
9 Delegation for doing its due diligence to
10 try to focus in on tax delinquency. And
11 it's the right thing to do for reform.
12 So I wanted to recognize that.

13 I do have a lot of questions,
14 and I'm not going to ask them at this
15 point. So what I'm going to do is, I'm
16 going to talk about it real quick and
17 then I'm going to ask if, through the
18 Chair to Council President, if the
19 Council President would ask this body,
20 other Councilmembers, to have their
21 questions for the folks here who
22 testified that were not able to get in
23 for the sake of time distributed to my
24 office. We can put it together and then
25 we can get it to the folks who were going

1 3/19/13 - WHOLE - RES. 130088, etc.
2 to testify and we didn't get a chance to
3 ask, we can get an answer by next week
4 before you come in for budget.

5 COMMISSIONER RICHARDSON: I
6 would ask if you can give us until April,
7 considering people are off next week for
8 vacation. People are off.

9 MS. BECKLEY: We're actually
10 not due back for budget until the 23rd.
11 So we can do it --

12 COUNCILMAN HENON: Well, then
13 before you come in. So we'll submit
14 questions.

15 Just on some data questions, I
16 was going to ask how many total parcels
17 that are delinquent in the City of
18 Philadelphia, how many owner-occupied
19 homes in the City of Philadelphia that
20 are delinquent, how many vacant
21 properties, how many rental properties,
22 and how many commercial properties are
23 delinquent for data.

24 I had some process questions.
25 My office, myself, and other

1 3/19/13 - WHOLE - RES. 130088, etc.
2 Councilmembers have put together this
3 awesome chart that's hard to read, and
4 what I'm going to do again for the sake
5 of time, I was going to ask everybody to
6 come forward, which I'm not, and walk
7 through the process and to -- this
8 process that I have here that's on the
9 paper is, as I understand it, through
10 conversations with the folks who are
11 going to testify here today. So what I
12 was going to do was ask -- I was going to
13 walk through the process and ask each
14 one, is that correct, what the
15 differences are, and the timelines on
16 that. So what I'll do then is ask if you
17 have any suggestions or changes to the
18 process as we have laid out on this form,
19 could you please submit those changes and
20 the timelines to my office. That can be
21 done by Monday. So I would respectfully
22 ask the Sheriff's Department, Linebarger,
23 GRB, the Law Department, Revenue, and the
24 courts, the Sheriff's Department to
25 please take a look at that chart and edit

1 3/19/13 - WHOLE - RES. 130088, etc.
2 and change -- make suggestions and
3 changes in the timeline in an e-mail to
4 us, and I'll make sure that it gets out
5 through the Council President's office to
6 the members of this body.

7 So I thank you all for coming.

8 COMMISSIONER RICHARDSON: Thank
9 you, sir.

10 COUNCILMAN GREENLEE: Thank
11 you.

12 Before I recognize Councilwoman
13 Bass, just so I'm clear, Councilman, are
14 you suggesting that maybe the other four
15 witnesses today not come forward and wait
16 for the questions to be sent to them?
17 You think that -- because a lot of
18 Councilmembers have left. Because I
19 understand they don't have statements to
20 make. They were just here to basically
21 answer questions.

22 COUNCILMAN HENON: Well, I have
23 a lot of questions, but --

24 COUNCILMAN GREENLEE: If
25 there's other questions for the people --

1 3/19/13 - WHOLE - RES. 130088, etc.

2 COUNCILMAN HENON: I certainly
3 am respectful of the time. I have a
4 question here that I would -- one
5 question I would like to have --

6 COUNCILMAN GREENLEE: Well,
7 we'll have them come up. That's fine.
8 That's fine. I just wanted to see what
9 procedure you wanted. So that's fine.
10 Councilwoman Bass.

11 COUNCILWOMAN BASS: Thank you,
12 Mr. Chairman.

13 I just -- two things. One, I
14 want to thank Councilman Henon for his
15 mentioning of the work that's being done
16 in Harrisburg to address this matter here
17 in Philadelphia with out-of-town
18 delinquent tax property owners. So
19 thanks for bringing that forward.

20 Also, I wanted to circle back
21 just to be on the record about the
22 property I mentioned to you earlier in my
23 district at Broad and Lehigh. It's the
24 Botany 500 building. They owe 116,000 in
25 taxes dating back to 2005. It has four

1 3/19/13 - WHOLE - RES. 130088, etc.
2 liens on it. The Law Department has
3 failed to move the property to Sheriff
4 Sale. And we specifically asked the Law
5 Department and they refused our request
6 to personally serve the owner when he was
7 in town or his representative was here in
8 Philadelphia for L&I code violations I
9 believe on other properties that he owns.
10 And he was at a BRT hearing challenging
11 taxes and fines, and we wanted to have
12 him served right on the spot, and your
13 office, as I understand, or the Law
14 Department actually interceded and would
15 not be helpful in that request.

16 So I'd like to follow up with
17 you on that, but I did want to put it out
18 there just to be on the record on that.

19 MS. BECKLEY: I'm sorry to hear
20 that. The lawyers who work on L&I
21 matters aren't actually in the Tax Unit.
22 We work with them, but that's a separate
23 unit.

24 COUNCILWOMAN BASS: But there
25 should be some coordination. There

1 3/19/13 - WHOLE - RES. 130088, etc.
2 should be -- in my opinion, we should all
3 be working toward a common goal. It's
4 not good enough to say, Well, that's
5 their department, they do that. And I
6 know that's not really what you're
7 saying, but I just really want to make
8 sure that we're all walking together,
9 working from the same playbook, speaking
10 the same language, and that we can get
11 something done. If we kind of say, Well,
12 we're farming it out to this one, or that
13 group is responsible for that particular
14 thing, we're never going to get where we
15 need to get in regard to this problem.

16 MS. BECKLEY: Right. And I'm
17 just going to reiterate that if you'd
18 like to have that particular property
19 taken to Sheriff Sale, we'd be interested
20 in hearing from you.

21 COUNCILWOMAN BASS: Absolutely.
22 Thank you. We'll follow up.

23 COUNCILMAN GREENLEE: Thank
24 you, Councilwoman.

25 We have no other questions for

1 3/19/13 - WHOLE - RES. 130088, etc.
2 this group of witnesses. Thank you very
3 much for hanging in there so long. Thank
4 you very much.

5 We have four other witnesses
6 that are listed, and I understand they'll
7 be here basically to answer questions.
8 And so it's Michael McCabe, Sharon
9 Humble, Joseph Evers, Joseph Vignola. If
10 you all could come up, because the
11 questions may be for all of you or some
12 of you.

13 (Ms. Humble speaking without
14 microphone.)

15 COUNCILMAN GREENLEE: I didn't
16 hear what you said exactly, but if you
17 have testimony, it will be made part of
18 the record, so you don't have to read it
19 unless you want to, but you don't have
20 to.

21 MS. HUMBLE: I'm happy to
22 appear tomorrow or today. Either one.

23 COUNCILMAN GREENLEE: Well,
24 you're here today, so come on up. But my
25 understanding was everybody here was here

1 3/19/13 - WHOLE - RES. 130088, etc.
2 to answer questions.

3 (Witnesses approached witness
4 table.)

5 COUNCILMAN GREENLEE: Mr.
6 Vignola, let me start with you, if I
7 could just ask you one question. Just so
8 I'm clear -- and I know this was
9 discussed, but just on the issue of
10 setting the minimum bids, who does that
11 at Sheriff Sale? Is that the Sheriff's
12 decision, is that the Revenue's decision,
13 some combination of same? How does that
14 work?

15 MR. VIGNOLA: For the record,
16 my name is Joseph C. Vignola,
17 V-I-G-N-O-L-A. I am the Undersheriff of
18 the City of Philadelphia.

19 The minimum bids for City tax
20 sale are set by -- the opening bid are
21 set by the Law Department, and we receive
22 the opening bids from GRB and from
23 Linebarger for the initial opening bid
24 for each Sheriff Sale.

25 MS. HUMBLE: My name is Sharon

1 3/19/13 - WHOLE - RES. 130088, etc.
2 Humble. I'm the Managing Partner with
3 Linebarger Goggan Law Firm.

4 I do want to do a point of
5 correction with that. We do not actually
6 prepare the opening bid for the City. We
7 do for the accounts that we take for the
8 tax lien securitization, but the City
9 does calculate the remainder of the
10 amounts that are provided to the Sheriff.
11 We give the base tax and the cost and
12 expenses due, but then they add the rest.

13 When we are seeking to have a
14 compromise from something for a Sheriff
15 Sale, we propose a compromise amount and
16 then we need to have the City's approval
17 to go to a certain rate. We cannot
18 unilaterally set it at any particular
19 opening bid.

20 COUNCILMAN GREENLEE: Okay.
21 Because I know that's been an issue of
22 some sort. I think it will be addressed
23 in maybe some legislation coming up too,
24 but I just wanted to be clear on just
25 exactly how the procedures go.

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2 Councilman Henon, did you want
3 to ask --

4 COUNCILMAN SQUILLA: Are we
5 waiting for testimony or --

6 COUNCILMAN GREENLEE: Well, no.
7 Basically they were just here to answer
8 questions, was my understanding.

9 MS. HUMBLE: I do have prepared
10 testimony today, but I can offer -- I
11 know you have the panel here that you
12 wanted to ask questions of. So I can do
13 that, but I would also offer myself up
14 for tomorrow or whatever to present
15 testimony and be open for questions.

16 COUNCILMAN GREENLEE: Okay.
17 Well, you're here for questions now.
18 Again, the testimony will be made part of
19 the record.

20 COUNCILMAN SQUILLA: That's
21 fine.

22 COUNCILMAN GREENLEE: Who wants
23 to go first?

24 COUNCILMAN SQUILLA: Go ahead.

25 COUNCILMAN GREENLEE:

1 3/19/13 - WHOLE - RES. 130088, etc.

2 Councilman Henon.

3 COUNCILMAN HENON: Thank you.

4 Thank you all for coming. I

5 apologize -- well, it is what it is.

6 This has been a long tax hearing

7 afternoon, and unfortunately I believe

8 and I hope that we can, Mr. Chairman, at

9 the end of here, because we're running a

10 little late, to recess at the call of the

11 Chair to have the witnesses back, if need

12 be.

13 COUNCILMAN GREENLEE: Okay.

14 Councilman, we will be recessing until 1

15 o'clock tomorrow anyway and I guess we

16 can figure out if you want these folks to

17 come back. We have a long list, I think,

18 for tomorrow, but --

19 COUNCILMAN HENON: We do have a

20 long list.

21 COUNCILMAN GREENLEE: But we

22 can figure that out.

23 COUNCILMAN HENON: We do.

24 So I have a question regarding,

25 how many petitions are filed and how many

1 3/19/13 - WHOLE - RES. 130088, etc.
2 of those ultimately have some sort of
3 resolve, petition to the courts to have
4 orders for judgments for real property?

5 MS. HUMBLE: Over the years we
6 have always sought to file enough
7 petitions on a monthly basis in order to
8 take at least 200 new properties through
9 Sheriff Sale. That has been what our
10 contract has provided for, that we file
11 enough in a month so that we can take 200
12 for Sheriff Sale.

13 We have a little bit broader
14 discretion now in how many we can start
15 to send out, but over the years -- I can
16 give you some statistics for what we have
17 filed.

18 In Fiscal Year 2012, we ordered
19 title work for 2,628 accounts owing \$24
20 million. Ultimately we had filed
21 lawsuits against 1,560 of those owing
22 \$16.4 million. And then setting for
23 Sheriff Sale within Fiscal 2012, we set
24 1,357 new properties for sale that owed
25 23 million in back taxes. Of those, 642

1 3/19/13 - WHOLE - RES. 130088, etc.

2 sold owing \$4.7 million in back taxes.

3 Not everything that gets set
4 for Sheriff Sale is sold, because the
5 taxpayers still have the opportunity to
6 come forward and enter into a payment
7 agreement. So they will still -- or to
8 pay in full, which is the best case. So
9 they come forward and they pay or they
10 enter into a payment agreement. A small
11 amount file bankruptcy and shake out of
12 the system, but we still monitor those so
13 that we can come back and as soon as
14 they're out of the bankruptcy, that we
15 can then set them for Sheriff Sale after
16 that.

17 Over the years in our
18 representation of the City, we have
19 ordered title work, as of the end of
20 Fiscal Year 2012, for 7,536 accounts
21 which owed 84.6 million in taxes; filed
22 lawsuits against 5,540 accounts which
23 owed 62.3 million in taxes. In addition
24 to that, we have also represented the
25 City before five thousand -- before the

1 3/19/13 - WHOLE - RES. 130088, etc.
2 Tax Review Board for over 5,200 cases.
3 That's defending the City's amounts due
4 on that. That's at no additional cost to
5 the City. We don't charge for that.
6 It's value added.

7 COUNCILMAN HENON: Does the Law
8 Department ever withdraw any petitions
9 that you're aware of?

10 MS. HUMBLE: Do they withdraw?

11 COUNCILMAN HENON: Do they
12 withdrew any petitions that you may file
13 or does the Law Department themselves
14 withdraw any?

15 MR. ZWOLAK: They don't
16 withdraw the petition that's in the
17 court. They will withdraw the account
18 from our law firm. So when they withdraw
19 the account from our law firm, we no
20 longer can pursue the petition. Whether
21 or not they substitute in as counsel and
22 continue with it, we don't know because
23 we're not tracking that. But they do
24 have the ability to withdraw any of the
25 accounts.

1 3/19/13 - WHOLE - RES. 130088, etc.

2 COUNCILMAN HENON: How long --
3 and this is for -- you have an answer?
4 You can --

5 MR. McCABE: Sure. My name is
6 Michael McCabe. I'm a shareholder with
7 GRB Law.

8 I would respond to the first
9 question about the number of cases. As
10 the Commissioner testified earlier, we
11 didn't start doing foreclosures until
12 2011 midway through the year, and since
13 then, we've ordered over 4,600 tax
14 information certificates and received
15 those. We send a notice out after
16 receiving the tax information certificate
17 indicating that a petition will be filed
18 in the event of non-payment or a payment
19 plan. That's been a very effective
20 notice for us. About 50 percent of the
21 delinquencies that were subject to the
22 tax information certificates either
23 entered into a plan or paid in full as a
24 result of that notice.

25 So we filed 1,964 petitions for

1 3/19/13 - WHOLE - RES. 130088, etc.
2 Sheriff Sale on those 4,500 tax
3 information certificates. They've worked
4 through the process as services made more
5 people pay, as there are some
6 bankruptcies that occur, but ultimately
7 those initial cases have resulted in 455
8 Sheriff Sales, and of those, most of the
9 taxpayers have paid or entered into a
10 payment plan. We only sold 119
11 properties out of the 455 we listed for
12 sale, and those paid the taxes in full in
13 almost 97 percent of the instances. The
14 other small percentage are bids that were
15 less than full amount of the taxes due.

16 At present, we're receiving a
17 little bit more than 400 tax information
18 certificates a month. With those
19 certificates, it goes through the
20 noticing process and then the petition
21 service of the rule process, and we do
22 get a lot of payments and payment plans.
23 So what happens, it's more like a funnel.
24 You put a lot of case in the front end,
25 but the narrow end at the back is what

1 3/19/13 - WHOLE - RES. 130088, etc.
2 comes out for Sheriff Sale, because you
3 can use the foreclosure process as a
4 collection tool.

5 COUNCILMAN HENON: Are there
6 different charges to take a property to
7 start the process for a Sheriff Sale or
8 is it straight 800 or does one pay 800?
9 Do you guys -- I think the City pays 800.
10 Is that equal or are they different?

11 MS. HUMBLE: It can differ, but
12 it doesn't differ by a lot. One of the
13 things to consider is that it's -- the
14 first thing has to start with ordering
15 the title work. So there's a cost for
16 the title work. After we get that, then
17 we have to serve process on all of the
18 record owners and lienholders. So
19 depending on if there's more of those
20 owners or lienholders, the cost is going
21 to go up, because there is a cost for
22 service on each one. Then after that
23 when it gets set for Sheriff Sale, some
24 of the costs do differ once they're set
25 for Sheriff Sale. We do not have control

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2 over the advertising price, and it's not
3 the same price every month. So once we
4 get that amount from the Sheriff's
5 Office, we add that on to the account.
6 So that is -- that's one that can be a
7 variance. And we have a lot of
8 properties that we have taken to sale
9 more than one time, and so they have
10 incurred additional cost associated with
11 setting them for sale again.

12 COUNCILMAN HENON: Okay. So we
13 have the courts here, the Prothonotary
14 and the Sheriff's Office here, and I want
15 to make two quick questions. The
16 Sheriff's Department, you are capable and
17 able to handle up to six -- possibly 600,
18 possibly more Sheriff Sales in a month;
19 is that correct?

20 MR. VIGNOLA: That is correct.
21 And probably more. In the year 2011,
22 word was coming down that the City wanted
23 to increase the tax sales, all forms, to
24 600, and we were prepared to do that, to
25 accomplish the sales. And we can handle

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2 more right now, as the attorneys for
3 outside counsel pointed out, as well as
4 the City Revenue Department. The numbers
5 that are optimum fall off because there
6 are settlements and payment agreements
7 and outright payments.

8 COUNCILMAN HENON: Right. To
9 the Prothonotary, it's your
10 understanding, not to speak for the
11 courts, but the courts are set up on a
12 daily basis and weekly basis to accept
13 filings to --

14 MR. CHMIELEWSKI: Yes.

15 COUNCILMAN HENON: -- to get on
16 the list, right, for petitions?

17 MR. CHMIELEWSKI: Yes. As we
18 spoke earlier, the vast majority go
19 almost in the nature of a default.
20 They're not contested. Consequently, a
21 decree is entered. So in that capacity,
22 we're simply procedural from filing the
23 petition to the decree. The vast
24 majority, in excess of 90 percent, when I
25 was speaking to Jim Zwolak -- perhaps you

1 3/19/13 - WHOLE - RES. 130088, etc.
2 can confirm that number -- are
3 uncontested. So it's a very clean
4 process.

5 COUNCILMAN HENON: Okay.

6 COURT STENOGRAPHER: Can you
7 state your name for the record.

8 COUNCILMAN GREENLEE: I'm
9 sorry. Could you state your name for the
10 record.

11 MR. CHMIELEWSKI: Stan
12 Chmielewski, C-H-M-I-E-L-E-W-S-K-I.

13 COUNCILMAN GREENLEE: Thank
14 you.

15 MR. CHMIELEWSKI: Deputy
16 Prothonotary.

17 COUNCILMAN HENON: Does anybody
18 know how long the petition sits in the
19 court before they come back to get a
20 decree? I mean, is there --

21 MR. CHMIELEWSKI: After the
22 filing service is effectuated, within 15
23 days, something. The entire process
24 can't be any more than a few months.
25 It's a pretty quick turnaround.

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2 COUNCILMAN HENON: All right.

3 I have, if I may, I have a document here,
4 and this is just something that I came
5 across, and actually it's -- I'd like to
6 give it to GRB. I just happen to see
7 your name on it, where this is a case
8 that was granted authorization for --
9 what do you call that, authorized for
10 Sheriff Sale?

11 MR. McCABE: Correct; the
12 petition for rule.

13 COUNCILMAN HENON: A rule was
14 issued in January 2012, and it's still an
15 open case. A decree hasn't been ordered
16 by the courts. So I don't know where
17 this is in the process. I'll just have
18 you take a look at it.

19 MR. McCABE: Sure. We had seen
20 this earlier in the day and had a chance
21 to look at our collection notes. This
22 was an instance, as happens with many of
23 the cases, and it goes back to my prior
24 statement, you put properties in the
25 foreclosure process, it's an excellent

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2 collection tool. So as we filed the
3 petition and served the rule to show
4 cause, there was a significant payment
5 made of \$3,000 at the time. In April of
6 2012, we would have received the 2011
7 delinquencies. They were not part of
8 this legal action. It included 2010 and
9 prior years. So we had a balance on the
10 account, but it was not part of this rule
11 to show cause procedure. So this case
12 essentially at this point is now paid in
13 full or there's a very slight balance,
14 and we can't bring a property to Sheriff
15 Sale for a few dollars.

16 COUNCILMAN HENON: And I
17 understand that. It was just interesting
18 to even have the question of how many
19 other cases are left open where a decree
20 wasn't ordered. And I get ultimately the
21 tax delinquency being paid or people
22 getting put on a payment plan is
23 fantastic, and that is the end goal.
24 Nobody, absolutely nobody, wants to leave
25 their home or put anybody out of a home,

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2 but actually get put back on the rolls,
3 on the payment plan or paid in full.

4 So the question that I have is,
5 are there many other cases out there that
6 are sitting -- that remain open when we
7 have an enormous amount of tax
8 delinquencies in the City of
9 Philadelphia? At the same time, as
10 Council President had -- I think he got a
11 smile on his face in some of his leading
12 questions on what he would like to do
13 with public property, as well as myself
14 as Chair of Public Property. We're
15 sitting on the surplus and we should be
16 turning things over. And we do want the
17 process to be clean. We do want the
18 process to be collaborative, working all
19 together and not in silos, as
20 Councilwoman Sanchez had indicated.

21 So it was just something I
22 stumbled across today. It raises some
23 questions, and if I could ask both
24 Linebarger and GRB your statistics and
25 testimony, if you could provide that for

1 3/19/13 - WHOLE - RES. 130088, etc.

2 those who aren't here today, that would
3 be helpful in case we have any follow-up
4 questions.

5 MR. McCABE: But the answer to
6 your question, any case that we put into
7 the Sheriff Sale process, our intention
8 is to go all the way through to Sheriff
9 Sale. There are things that derail that,
10 and one of them would be payment in full
11 or a payment plan. A bankruptcy would be
12 another.

13 COUNCILMAN HENON: Which is
14 great, except bankruptcy.

15 MR. McCABE: In this case, it
16 was a payment in full. In other cases,
17 it's one of the other issues. And most
18 of our cases that we filed over the first
19 18 months have resulted in never going to
20 decree. So we've put a significant
21 number of cases into the pay. So that's
22 why it's hard sometimes to get to that
23 200 per month list. And as we go through
24 more the more collectable accounts, we
25 will find ourselves having more Sheriff

1 3/19/13 - WHOLE - RES. 130088, etc.

2 Sales every month, and there'll have to
3 be bidders to resolve it rather than the
4 taxpayer.

5 COUNCILMAN GREENLEE: Thank
6 you.

7 Councilman, is that --

8 COUNCILMAN HENON: I have no
9 further questions. I'll submit mine in
10 writing.

11 COUNCILMAN GREENLEE: Thank
12 you.

13 Councilman Squilla.

14 COUNCILMAN SQUILLA: Thank you,
15 Chair.

16 You stated, I guess it was,
17 that upwards of 200, I guess -- you would
18 like to push upwards of 200 properties to
19 Sheriff Sale a month. Now, obviously we
20 have different -- Linebarger and you
21 guys. Is that the maximum you think you
22 could do?

23 MS. HUMBLE: No. We can do
24 more than that. It's just that we have
25 had limitations in the past on how many

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2 we were permitted to take per month. I
3 think that was set initially out of
4 respect for limitations that might exist
5 on the courts or the Sheriff's Office and
6 the logistics of how many they could take
7 through Sheriff Sale. Some of the
8 limitations in the past has been based on
9 the fact that we are responsible for
10 paying the expenses to get a property to
11 Sheriff Sale.

12 So, for example, when you look
13 at year 2009, when by that time my law
14 firm had spent \$1 million to order title
15 work for properties to take them through
16 Sheriff Sale and had spent \$1.2 million
17 on deposits to set things for Sheriff
18 Sale, to take them through the sale, so
19 that's out of pocket that we had, \$2.2
20 million, and yet we still need to collect
21 that money back to replenish it, and
22 there was a period of time where we went
23 a couple years without being paid those
24 recovered funds. So that does create a
25 business limitation on going forward, but

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2 other than that, there's not limitations
3 on us being able to go forward otherwise.

4 COUNCILMAN SQUILLA: Why is
5 there a couple years before you get paid
6 back?

7 MS. HUMBLE: It's much better
8 now. It was -- that was in the past, and
9 we were certainly working with the City
10 to understand that, but it was accounting
11 issues internally.

12 COUNCILMAN SQUILLA: So now
13 that the City has their act together
14 paying a little better, you would
15 probably most likely be able to do more,
16 and the Sheriff's Department said that
17 they're able to handle over 600 a month.

18 MS. HUMBLE: Correct.

19 COUNCILMAN SQUILLA: So if
20 you're able to do 200 to 300 and you're
21 able to do 200 to 300 and we know -- I
22 would say a certain percentage of them
23 are going to enter into a payment plan or
24 go bankrupt or some reason why it can't
25 go to sale, is there a percentage of a

1 3/19/13 - WHOLE - RES. 130088, etc.
2 number per month, I guess, from either
3 one of you that would be automatically
4 just wiped even though you spent the 8 or
5 9 or thousand dollars per property?

6 MS. HUMBLE: The failure rate,
7 as I call it, of properties that go up to
8 Sheriff Sale and do not sell is
9 approximately 20 percent. They don't
10 sell and they don't enter into a payment
11 agreement. And some of that has to do
12 with the limitations on the opening bid
13 as well. If we could lower the opening
14 bid even more just to the cost, we're
15 happy to sell it for that at that point,
16 because we still have our expenses in it,
17 and at that point, we're looking to
18 recover the expenses.

19 COUNCILMAN SQUILLA: And --

20 MR. McCABE: Setting aside land
21 banking or redevelopment purposes,
22 because that's a whole different
23 discussion, the one thing that you have
24 to keep in mind, Philadelphia has a very
25 active bidders group that attends Sheriff

1 3/19/13 - WHOLE - RES. 130088, etc.
2 Sales, but there are limits to that, and
3 it could be, for example, that there's an
4 appetite or an ability of these bidders
5 that regularly are involved in this
6 process to buy maybe upwards of 400
7 properties a month. So if we go and put
8 800 properties a month, then we're just
9 really giving them a better inventory to
10 select from. So what -- I'm not
11 suggesting those numbers. That's an
12 example, but as we increase the amount of
13 foreclosures every month gradually, we'll
14 get a better feel as to what the market
15 will bear. If the market will bear more
16 properties, then obviously both of our
17 firms are willing to put as many in as we
18 can.

19 COUNCILMAN SQUILLA: When
20 people bid on a Sheriff Sale, is there
21 any development agreement or anything
22 that the City would like anybody to enter
23 into or are we just -- because we could
24 also be selling these to other land
25 bankers to sit on them, and since our tax

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2 structure is very cheap on land, we could
3 let them hold them forever and ever and
4 then sometimes not pay them, and we're in
5 the same process as we were before you
6 got involved.

7 Is there any recommendation or
8 anything that you think the City could do
9 to entice people who buy these either to
10 develop them or market them or something
11 in a way that, if not, the City would get
12 it back?

13 MS. HUMBLE: Over the years,
14 we've spent a great deal of time and
15 effort and money trying to drum up
16 attendance and participation at Sheriff
17 Sales, and there was a point in time
18 where over several years we had 800 to a
19 thousand people showing up to every sale
20 every month. And so at that point, it's
21 better to put more properties for sale,
22 because you have enough buyers, and with
23 supply and demand, then the prices get
24 driven up.

25 Now, with the ones that are not

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2 worth the total amount of taxes due --
3 and part of that, you have to keep in
4 mind, has to do with how many years
5 delinquent they are. They're very
6 underwater. So, for example, in our
7 portfolio, the average years of
8 delinquency in our portfolio is 9.35. So
9 that's the -- so these have been
10 delinquent for a very long time. And so
11 we have to cut the amount in order to
12 sell them. If they don't sell for the
13 full amount, something that other
14 jurisdictions do is, they have it struck
15 off to their jurisdiction and then it
16 becomes in the ownership of that
17 jurisdiction, and then they can transfer
18 it to whomever.

19 COUNCILMAN SQUILLA: My
20 question was, do you think are we adding
21 to the problem by selling these all at
22 the Sheriff Sale with no development plan
23 or any idea of what people are buying
24 these properties for?

25 MS. HUMBLE: You cannot put

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2 that limitation on these properties under
3 the present law that's going to Sheriff
4 Sale. It's an open public sale, and so
5 anybody who is qualified to bid can come
6 bid on the properties without
7 limitations.

8 COUNCILMAN SQUILLA: All right.
9 I mean, it's just fearful that we do this
10 and we can develop a whole new gang of
11 developers out there or land bankers or
12 somebody to come out there and say, Well,
13 they're going to be selling a whole lot.
14 And I don't think we should be selling
15 them for what was owed in the past,
16 because we know our goal was to get these
17 back on the tax rolls so that people are
18 paying taxes. Now, if there's somebody
19 that owns 30 of them and they're land
20 banked forever and then we go through the
21 same process with those guys and say
22 we'll just hold them for another 20 years
23 because the market may be good in this
24 neighborhood, that doesn't benefit us.
25 So as a city, our goal is to get people

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2 paying taxes on them.

3 MS. HUMBLE: Right.

4 COUNCILMAN SQUILLA: So without
5 a development plan, obviously we're going
6 back in the same direction. You're
7 saying right now legally we can't
8 restrict anybody who buys it, but that
9 may be something for Council maybe to
10 look into. Is that something that needs
11 to be done through a city or state?

12 MS. HUMBLE: That's probably
13 for the state, because the reason is that
14 this is a tax lien that secures the
15 payment of the taxes. And so it's not to
16 put the City in the real estate tax
17 business. It's just to recover the tax
18 amounts that are due. So that is what
19 the purpose is.

20 The City still has eminent
21 domain authority. So if it's a property
22 that the City really does need to get, it
23 still has the ability to take what it
24 wants to through eminent domain in order
25 to assemble the land that it wants to

1 3/19/13 - WHOLE - RES. 130088, etc.
2 direct how it gets developed.

3 COUNCILMAN SQUILLA: Yeah. I
4 understand that, and that's costly also
5 to go through eminent domain.

6 Beside the development rights,
7 the City sets the price. You may suggest
8 a price, but it has to be approved by the
9 City.

10 MS. HUMBLE: Correct.

11 COUNCILMAN SQUILLA: Is it just
12 this policy that we need to have a
13 certain value that has to cover all the
14 tax liens? Is there a percentage that we
15 would go below the tax liens, and what is
16 that number?

17 MR. McCABE: Well, I will say
18 this about the process of setting bids:
19 The minimum amount that the property is
20 listed for at the first sale are the
21 costs and expenses of the sale and the
22 taxes that are due. So that's generally
23 referred to as the upset price for a tax
24 sale property. You want to try to get
25 that amount of money because the City

1 3/19/13 - WHOLE - RES. 130088, etc.
2 will be made whole on the taxes that are
3 due. So you don't really want to go out
4 and have a policy to reduce in all
5 instances because you'll never have any
6 bidders that are going to go ahead and
7 want to bid that opening price.

8 COUNCILMAN SQUILLA: So what
9 I'm saying is, if we do that and nobody
10 bids on it, we hold it, or do we put it
11 back up for a lower bid -- do we have to
12 go through the same process and pay money
13 to advertise again and go through or do
14 we lower the bid at that point?

15 MR. McCABE: Well, I've seen
16 more often that cities that have been at
17 it a lot longer than us, so they have
18 some properties that will go up for sale
19 and at times go down to a minimum bid of
20 \$800, and there are properties that no
21 one is even willing to bid \$800 for. So
22 it does happen in a lot of other
23 properties. When it doesn't sell for the
24 full amount of the tax, we'd go back to
25 the City, ask for a reduction. They've

1 3/19/13 - WHOLE - RES. 130088, etc.
2 very liberally granted those requests,
3 and we put it back up for sale, and
4 sometimes there's competitive bidding and
5 the City may get a little bit less than
6 what's owed, but they do get a recovery.

7 MR. VIGNOLA: If I may,
8 Councilman. Joseph Vignola.

9 At the opening -- at the first
10 sale, the opening bid, is all the costs
11 involved, which are the City costs, the
12 City taxes. If it doesn't sell, normally
13 there is a pre-determined postponement.
14 It could be 30, it could be 60 days. And
15 we're told in advance that if a property
16 is not sold today, postpone it 60 days,
17 postpone it 30 days. That gives then in
18 the case of co-counsel or in the case of
19 the City an opportunity to review the
20 property and see what they want to offer
21 it at for the next time.

22 Sometimes if it doesn't sell on
23 the second bid, it will be postponed one
24 additional time, and then the City
25 decides if they really want to unload the

1 3/19/13 - WHOLE - RES. 130088, etc.
2 property, try to get it back on the tax
3 rolls, put it at a bear minimum bid. And
4 some properties are listed at a thousand
5 dollars, and even at a thousand dollars
6 it doesn't sell, at which point the term
7 of art is called the property is stayed,
8 and that is withdrawn from any future
9 Sheriff Sale activities.

10 COUNCILMAN SQUILLA: Ever?

11 MR. VIGNOLA: No. And then --
12 but then a decision has to be made do
13 they want to start the process all over
14 again. But it's never, ever off the
15 list. It just may be withdrawn for that
16 period of time.

17 COUNCILMAN SQUILLA: Now,
18 during your, I guess, recollections
19 within the last year or so, how many
20 properties actually go to the third level
21 as it's being reduced each time? Is
22 there a percentage of properties that
23 will not sell and say you get down to,
24 say, a thousand dollars and it still
25 doesn't sell?

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2 MR. VIGNOLA: Anywhere between
3 10 and 20 percent of all the properties
4 that are listed.

5 COUNCILMAN SQUILLA: So between
6 10 and 20 percent?

7 MR. VIGNOLA: Gets stayed.

8 Now -- on a given list. That
9 is misleading in that some properties get
10 stayed because there is an agreement that
11 occurs. The Sheriff's Office doesn't
12 know why it's stayed. We just knows --
13 our records just show it's stayed.

14 COUNCILMAN SQUILLA: Is there a
15 way for you guys in the Sheriff's
16 Department to maybe add another field in
17 your database to add whether it stayed
18 because it couldn't sell or whether it
19 stayed because there was an agreement?

20 MR. VIGNOLA: Councilman,
21 Sheriff Williams is currently under the
22 process of upgrading our IT system, and
23 the new system, which has been awarded
24 and it's in final contract compliance
25 with the Law Department, will allow us to

1 3/19/13 - WHOLE - RES. 130088, etc.
2 track properties that way, but our
3 current system does not allow us to say
4 why it stayed.

5 COUNCILMAN SQUILLA: And I'm
6 just curious, on the current system in
7 the database, do they put stayed or is it
8 a check mark that it was stayed? How
9 does that work?

10 MR. VIGNOLA: The way the
11 system is designed, there is a drop-down
12 box and you have to hit stayed. If it's
13 postponed, then it pops up to another
14 field, which says postponed to what date.
15 But the minute it's marked stayed,
16 there's no box to say why it stayed. The
17 new system will have a reason why it was
18 stayed.

19 COUNCILMAN SQUILLA: Okay. I
20 think that would help drastically.

21 MR. VIGNOLA: We agree. Like
22 the system that was designed that we're
23 currently using was designed in 1992.

24 COUNCILMAN SQUILLA: All right.
25 I mean, just for our purposes, because,

1 3/19/13 - WHOLE - RES. 130088, etc.

2 again, our goal is to get these into the
3 hand of taxpayers, and even if the City
4 doesn't have to recoup everything, we
5 shouldn't be in the process of land
6 banking also, even though we're going to
7 do that, but our goal is still to get rid
8 of it, really to get us out of that
9 business and to give it to people who can
10 do this properly.

11 Out of the accounts that you
12 guys get, do you get a certain percentage
13 of the number that the City gives you,
14 what is the percentage that is collected?

15 MS. HUMBLE: Of the amount that
16 the City gives us, you'd have to consider
17 the total amount that is assigned to us
18 and then the annual new turnover of
19 accounts. So the new turnover of
20 accounts is the ones that are delinquent
21 for the first time, and those are much
22 more collectable because they're only one
23 year delinquent at this point.

24 COUNCILMAN SQUILLA: We're not
25 talking about the ones that are current.

1 3/19/13 - WHOLE - RES. 130088, etc.

2 Like say if you just did all the ones
3 that you get, the ones that are
4 delinquent ten years or more that you
5 get, what is your, I guess, success rate
6 on being able either to collect something
7 or put it to Sheriff Sale and get your
8 money?

9 MS. HUMBLE: Can I give you the
10 round numbers on that --

11 COURT STENOGRAPHER: Can you
12 please speak into the microphone.

13 MS. HUMBLE: To give you the
14 round numbers on that, our portfolio of
15 assigned accounts is roughly 140 million
16 in accounts assigned to our firm for
17 collection. That's 27,280 accounts.

18 COUNCILMAN SQUILLA: And this
19 is just -- I'm sorry. This is just real
20 estate?

21 MS. HUMBLE: Yes.

22 COUNCILMAN SQUILLA: Just real
23 estate?

24 MS. HUMBLE: Yes. So of those
25 accounts and of that number, last year we

1 3/19/13 - WHOLE - RES. 130088, etc.
2 collected \$18.5 million of that amount,
3 and that was done through mass mailings,
4 it was done through telephone call
5 campaigns, litigation, foreclosure,
6 Sheriff Sales, payment plan agreements.
7 So it's the entire tool bag that's
8 available to us to collect.

9 COUNCILMAN SQUILLA: So it's
10 like between 7 percent and 10 percent?

11 MS. HUMBLE: That's correct.
12 When you look at the years of
13 delinquency, these are the ones that must
14 be taken through the foreclosure process
15 to motivate payment, because they are not
16 otherwise paying willingly or sooner.

17 COUNCILMAN SQUILLA: And --

18 MR. McCABE: Likewise, just on
19 our accounts, Fiscal Year 2012 there was
20 about actually 4,762 accounts that paid
21 in full.

22 COUNCILMAN SQUILLA: How much
23 money, though? Because you're including
24 tax and penalties and everything in this
25 original number, right?

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2 MR. McCABE: Sure. The entire
3 tax amount, yes.

4 COUNCILMAN SQUILLA: So you had
5 140 million?

6 MS. HUMBLE: That's the entire
7 portfolio that's assigned to us for
8 collection. That's what we have to work
9 from.

10 COUNCILMAN SQUILLA: I know,
11 but not the current ones. Could you
12 separate your current ones from what are
13 delinquent longer than ten years?

14 MS. HUMBLE: Those are
15 delinquent. That's our entire portfolio,
16 is 140 -- so they're all delinquent.

17 COUNCILMAN SQUILLA: I know.

18 MS. HUMBLE: We don't have any
19 current.

20 COUNCILMAN SQUILLA: The new
21 delinquent ones.

22 MS. HUMBLE: The newly
23 delinquent that we got last year --

24 COUNCILMAN SQUILLA: Do you
25 separate them from the ones that are ten

1 3/19/13 - WHOLE - RES. 130088, etc.
2 and older?

3 MS. HUMBLE: No.

4 COUNCILMAN SQUILLA: Is it
5 possible for you to be able to do that in
6 the future?

7 MS. HUMBLE: Yes. We can run
8 that report for you.

9 COUNCILMAN SQUILLA: Okay.
10 We're looking -- we go to these meetings,
11 and I know you've heard it when we were
12 out here. People want to know -- we want
13 to collect current taxes and people who
14 just go delinquent also, but there's a
15 perception out there there's a half a
16 billion dollars in uncollected taxes
17 through all the taxes that we have
18 through the City. So it's not all real
19 estate that you guys deal with. They're
20 saying why should they be paying their
21 fair share of taxes when the City doesn't
22 go after and collect money that's been
23 owed for -- you're doing just ten years
24 and back for most of them, not counting
25 the new ones that you get. So if we

1 3/19/13 - WHOLE - RES. 130088, etc.
2 could say we're going collect \$20, \$30
3 million a year of the delinquent taxes,
4 at least the residents feel like, all
5 right, the City is serious about going
6 after these people, getting some of that
7 delinquent tax money, and they're a
8 little -- they still don't like paying
9 it, but they're a little more willing to
10 do that.

11 If we include the old
12 delinquencies with the new delinquencies,
13 because the new delinquencies are easier
14 to collect, the old ones are either
15 almost impossible, you have to put them
16 up for Sheriff Sale or we got to put them
17 into some type of land bank or something
18 with them so that we could get them back
19 on the market, and it would be easier for
20 us to decide how that is doing if we
21 could separate that.

22 MS. HUMBLE: We do track that,
23 and we can separate that for you by year
24 and tell you that.

25 COUNCILMAN SQUILLA: Okay.

1 3/19/13 - WHOLE - RES. 130088, etc.

2 MS. HUMBLE: And as to your
3 number for how much delinquent tax we can
4 collect, that's what we have. We do not
5 have current year. We have the
6 delinquent taxes to collect only. So,
7 for example, at the end of Fiscal Year
8 '08, within that fiscal year we collected
9 36.7 million in delinquent taxes for the
10 City.

11 COUNCILMAN SQUILLA: I know. I
12 think you're just missing my point. We
13 know what you're collecting. Like we all
14 know that it's easier to collect people
15 that just become delinquent, because they
16 don't want to lose their property. So
17 what I was just trying to say is separate
18 those two. Even though you're throwing
19 that whole number in, 36 million, I don't
20 know how much of that 36 million was just
21 ones who just became delinquent over the
22 last year and how much were ten years or
23 more.

24 MS. HUMBLE: We can give you
25 that.

1 3/19/13 - WHOLE - RES. 130088, etc.

2 COUNCILMAN SQUILLA: That was
3 what my main question was, because we
4 understand, I think everybody here gets
5 it, that it's easier to collect new
6 delinquencies. But we have a major -- we
7 have a big group of people that are
8 delinquent for six years or more.

9 MS. HUMBLE: Correct. And in
10 fact, the year that we had reached 36.7
11 million in Fiscal Year '08, we were not
12 getting any accounts until they were at
13 least three years delinquent at that
14 point. So the City was keeping and
15 collecting on those prior to that. But
16 we can break that out for you.

17 COUNCILMAN SQUILLA: That would
18 be great. If we can just get it to the
19 Chair, I would appreciate it. Thank you
20 very much.

21 COUNCILMAN GREENLEE: If you
22 could get that to us, that would be
23 helpful I think.

24 MS. HUMBLE: I mean, it would
25 only be as to our numbers because --

1 3/19/13 - WHOLE - RES. 130088, etc.

2 COUNCILMAN GREENLEE: I
3 understand. You only have what you have.
4 I understand.

5 Ms. Humble, before I recognize
6 Councilman Henon, Councilwoman
7 Blackwell -- this is good news -- just
8 wanted me to express her thanks for all
9 the things your office does in working
10 with her constituents. So I want to get
11 that on record.

12 MS. HUMBLE: Thank you.

13 COUNCILMAN GREENLEE:
14 Councilman Henon.

15 COUNCILMAN HENON: Thank you,
16 Mr. Chair.

17 I guess this is to Linebarger
18 and GRB. So you had just mentioned three
19 years you get tax delinquencies, or you
20 did. You didn't receive anything under
21 three years. So it was three years and
22 greater. Is that standard? Like how
23 many years delinquencies are cases
24 referred over to you, or does the City
25 keep -- and I guess this would be a

1 3/19/13 - WHOLE - RES. 130088, etc.
2 question for the City. Does the City
3 keep the first two years, I guess the
4 low-hanging fruit, I would call it?

5 MS. HUMBLE: I don't think the
6 City does that exclusively anymore, but
7 that's a question for the City. We
8 wouldn't be able to answer it because we
9 don't have information.

10 COUNCILMAN HENON: Do either
11 one of your firms get tax delinquencies
12 within the first -- that are within the
13 first two years?

14 MR. McCABE: Well, the earlier
15 testimony talked about the early
16 collection call campaign on overdue
17 taxes. Our firm participated in that
18 process this past year. So in May of
19 2012, we started to make calls on past
20 due real estate accounts. So that was
21 happening. In April, this coming April,
22 the 2012 taxes that have been filed as a
23 lien as of January 1, those will be split
24 between the Linebarger firm, GRB, and the
25 Law Department would keep those as well.

1 3/19/13 - WHOLE - RES. 130088, etc.

2 So something was different in 2008, but
3 since we've been involved, the accounts
4 have been -- the move-up time in terms of
5 giving it to outside counsel is all the
6 way up into April. So as soon as the
7 attorney fee is attached, those accounts
8 are out for us for collection. Some of
9 them will be a single year, some of them
10 will be just another year added on to the
11 prior year's. And what that does to us
12 in a lot of instances is that there are
13 some balances that are not large enough
14 that could go to Sheriff Sale and justify
15 a petition %in rule, but with the next
16 year, we can put those properties in the
17 Sheriff Sale process and move forward
18 with that process.

19 COUNCILMAN HENON: Do either
20 firms have contracts with any other
21 municipalities?

22 MS. HUMBLE: Our firm does. My
23 firm is a national firm. We're dedicated
24 only to the representation of governments
25 and the collection of their delinquent

1 3/19/13 - WHOLE - RES. 130088, etc.
2 receivables. We collect receivables for
3 over 2,200 different local, state, and
4 federal government clients, including
5 delinquent taxes, fees, fines, service
6 charges, tolls, and other miscellaneous
7 receivables. We represent clients in 23
8 states, and we serve our clients from 45
9 offices across the country, including the
10 City of Philadelphia and in Harrisburg.
11 We have technology and call center
12 offices in Harrisburg, Chicago, Denver,
13 San Antonio, Houston, and Dublin, Ohio,
14 which is just outside of Columbus.

15 COUNCILMAN HENON: Do you --

16 MR. McCABE: Our first is a
17 Pennsylvania law firm. We represent the
18 four largest taxing bodies in
19 Pennsylvania: Philadelphia, the City of
20 Pittsburgh, School District of Pittsburgh
21 in Allegheny County. We also have 150
22 other municipalities, school districts,
23 and authority in Pennsylvania, and we
24 collect significant amounts of real
25 estate and municipal claims, but also a

1 3/19/13 - WHOLE - RES. 130088, etc.
2 number of additional tax types, like
3 earned income tax, vehicle rental tax,
4 alcoholic beverage taxes and so on.

5 COUNCILMAN HENON: Does any
6 other municipality use outside vendors or
7 do they collect themselves? I mean,
8 aside from yourself, do they have
9 multiple vendors in collections? So when
10 you go to Pittsburgh, you say Pittsburgh,
11 are you the only outside vendor or do
12 they have multiple vendors on their tax
13 collection?

14 MR. McCABE: We're the only
15 outside vendor for Allegheny County, the
16 City of Pittsburgh and the School
17 District of Pittsburgh on real estate tax
18 collection.

19 MS. HUMBLE: Where we perform
20 real estate tax collection, all of our
21 other clients use only one vendor, and
22 that's us where we represent them. So
23 this is the only jurisdiction where we
24 actually have another co-counsel.

25 MR. McCABE: I will add

1 3/19/13 - WHOLE - RES. 130088, etc.

2 Philadelphia is just a tad bit bigger
3 than most of our jurisdictions, so...

4 MS. HUMBLE: Just to say, we do
5 represent the City of Dallas and the City
6 of Houston, City of San Antonio, the city
7 of El Paso, many of these cities that are
8 in the largest ten cities in the United
9 States for the collection of delinquent
10 real estate taxes.

11 COUNCILMAN HENON: Well, it
12 looks like I'm all by myself, so I'll end
13 with one question, and, that is, what are
14 the biggest challenges that you both as
15 collections see here in the City of
16 Philadelphia collecting our
17 delinquencies?

18 MR. McCABE: I'll jump in. I
19 think I'll concur with a lot of the
20 things from the earlier testimony of the
21 Commissioner and Frances Beckley in terms
22 of all the changes that have been made.
23 So I think, in my opinion, Philadelphia
24 is on the right track. There's a lot
25 happening, and I think that the results

1 3/19/13 - WHOLE - RES. 130088, etc.

2 of that will be seen in months and
3 hopefully years to come.

4 I think lack of a consistent,
5 sustained approach is probably one of the
6 biggest stumbling blocks. I know there's
7 a lot of soul searching going on right
8 now, what's the right thing to do, how do
9 we increase this, but there have been a
10 lot of different attempts at collection
11 over the past several years, with
12 amnesty, with the lien sale, with other
13 things, and I think these things that
14 have been put in place right now will pay
15 dividends as we go forward.

16 COUNCILMAN HENON: Well, I
17 appreciate your time. We're going to
18 continue these conversations. I know
19 Montgomery County has bulk sale on real
20 property, which I'm interested in having
21 a conversation here with the City, and
22 also resales of Sheriff Sale, resales
23 immediately on the spot, is one of our
24 conversations that we've been having and
25 I've been having with not only the

1 3/19/13 - WHOLE - RES. 130088, etc.
2 Sheriff's Department but the Council
3 President. So I think people are really
4 energized and have a conscious effort to
5 bring people together to be on the same
6 page, address the same issue or address
7 the issue in one.

8 Yes.

9 MR. CHMIELEWSKI: Just one
10 comment. There was some speculation
11 about accelerating the process of
12 filings. That was a number that was
13 negotiated between the court leadership
14 and the City of Philadelphia at the time.
15 So I wouldn't suggest that we can just
16 unilaterally say we're going to triple
17 the filings. It's probably based on a
18 premise that potentially these all have a
19 potential for court intervention. That
20 is, if anyone contested their hearing,
21 contested the petition, then we wouldn't
22 be able to address all those. So any
23 increase would have to be negotiated with
24 the court leadership. That is our
25 Administrative or President Judge.

1 3/19/13 - WHOLE - RES. 130088, etc.

2 COUNCILMAN HENON: Without a
3 doubt. You throw a ball, someone is
4 going to have to catch it. So I
5 certainly agree with that. And plus,
6 I'll tell you what, I'm not quite sure
7 that -- I don't know what the market will
8 stand if we do a total sale on real
9 property at the same time too. So
10 everybody's input is important. I
11 appreciate everybody coming in.

12 COUNCILMAN GREENLEE: Thank
13 you. Thank you, Councilman.

14 And thank you all for being
15 here. We appreciate it very much.

16 The hearing of the Committee of
17 the Whole on these resolutions will be
18 continued until tomorrow, Wednesday,
19 March 20th, 2013 at 1 o'clock.

20 Thank you all very much.

21 (Committee of the Whole
22 recessed at 4:35 p.m.)

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CERTIFICATE

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

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RPR-Notary Public

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