

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON HOUSING, NEIGHBORHOOD
DEVELOPMENT AND THE HOMELESS

Room 400, City Hall
Philadelphia, Pennsylvania
Monday, June 4, 2018
10:35 a.m.

PRESENT:

COUNCILMAN ALLAN DOMB, CHAIR
COUNCILWOMAN CINDY BASS
COUNCILWOMAN JANNIE L. BLACKWELL
COUNCILWOMAN HELEN GYM
COUNCILMAN BOBBY HENON
COUNCILMAN DAVID OH
COUNCILWOMAN CHERELLE L. PARKER
COUNCILMAN AL TAUBENBERGER

BILL 180430 - An ordinance amending Title 10
of The Philadelphia Code, entitled "Regulation
of Individual Conduct and Activity," Chapter
10-800, "Safety," by adding a new Section
10-840, "Criminal and Defiant Trespassers"...

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2 COUNCILMAN DOMB: Good morning.

3 This hearing is now called to order.

4 This is the public hearing of the City

5 Council Committee on Housing,

6 Neighborhood Development and the

7 Homeless. The purpose of this public

8 hearing is to hear testimony on Bill No.

9 180430.

10 I recognize the presence of a
11 quorum of Committee members. Members in
12 attendance are Councilwoman Cherelle
13 Parker to my immediate left, and to my
14 immediate right, Councilman David Oh and
15 to his immediate right Councilman Al
16 Taubenberger.

17 Do any of my Council colleagues
18 have any opening remarks?

19 Councilman Oh.

20 COUNCILMAN OH: Thank you very
21 much, Mr. Chairman.

22 When homeowners are confronted
23 with trespassers in their homes and the
24 police do not act, the homeowners' only
25 option is to file in civil court.

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Homeowners have testified and many, many more have reported that this process takes months and in some cases years to finally remove the trespasser. The critical issue is time. Getting in front of a judge within five days, well, that would resolve many problems that homeowners and those who claim to have been scammed face. This also discourages trespassers who are emboldened, because they can be in a home for months without any consequence, either criminal or civil. This bill not only provides a remedy to this problem, but also reduces those who choose to target homeowners as victims.

I'd like to thank all the community groups and civic organizations that have contacted my office and I know other Councilpersons' offices as well to advocate for this bill, the witnesses who have taken time out of their busy schedules today to testify, and those who wish to be here but were unable and,

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2 therefore, have sent written testimony.

3 I'd like to thank the
4 co-sponsors of this bill - Councilmembers
5 Bobby Henon, Jannie Blackwell, Allan
6 Domb, Derek Green, Cindy Bass, Brian
7 O'Neill, and Councilman Mark Squilla.

8 I'd like to thank Councilman Al
9 Taubenberger for introducing his
10 resolution to hold hearings on this
11 matter and Councilman Allan Domb for
12 bringing all parties together to discuss
13 this, including the City Law Department,
14 Police Department, Office of Homeless
15 Services, Community Legal Services,
16 SeniorLAW Center, Philadelphia Tenants
17 Union, among others.

18 At this point in time, I
19 appreciate everyone's attention to this
20 matter and we will receive the testimony.

21 Thank you.

22 COUNCILMAN DOMB: Thank you,
23 Councilman Oh.

24 We'd like to recognize
25 Councilwoman Cherelle Parker.

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2 COUNCILWOMAN PARKER: Thank
3 you, Chairman Domb, Chair of this
4 Committee. I want you to know that your
5 commitment to finding a solution to
6 address this issue has been well
7 documented. I appreciate the commitment
8 that you've put forth and the spirit and
9 intent of that.

10 I also want to thank the
11 sponsor of this bill, our colleague
12 Councilman David Oh, for finding a way
13 from his perspective to generate a
14 solution to this problem as well, and
15 Councilman Al Taubenberger who held a
16 hearing on this issue in November and who
17 has also remained committed to addressing
18 it. And although I don't see her here, I
19 want to thank Councilwoman Helen Gym, who
20 has also been a vital voice in this
21 conversation.

22 And, finally, I don't know if
23 they are here, but I want to say to the
24 advocates at Community Legal Services, to
25 the Tenants Union Representative Network,

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2 TURN, to SeniorLAW Center, and to the
3 Public Interest Law Center of
4 Philadelphia, I want to say thank you for
5 your efforts to vet this legislation and
6 make sure that members of Council knew
7 from your perspective as the
8 organizations that are literally on the
9 front line addressing these issues when
10 our constituents have legal concerns and
11 challenges that we as Councilmembers
12 can't offer, because we don't provide
13 individual legal assistance to our
14 constituents. We do our best to direct
15 them to agencies that can help them. And
16 I can only speak for the Ninth
17 Councilmanic District to say to you, I
18 know you could have a division for the
19 Ninth. That's how much we refer people
20 to you. So your opinion and perspective
21 is important.

22 I want to note for the record
23 that while I respect Councilman Oh's
24 effort to address this problem
25 legislatively, the fact of the matter is

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2 that he and I simply have philosophical
3 differences on how we find a resolution
4 to this growing problem of what is often
5 referenced and I believe is criminal
6 squatting. In particular, I'm worried
7 about -- and I just want to be real clear
8 about this as you all come forward to
9 testify. I'm really concerned that the
10 definition of criminal and defiant
11 trespasser could lead to innocent victims
12 such as seniors being deemed criminal and
13 potentially being penalized with a \$300
14 fine and/or a 90-day imprisonment. And
15 I'm also concerned with the fact -- and I
16 will ask these departments about this as
17 they come forward -- whether or not this
18 City Council of Philadelphia does have
19 the power to dictate to the Philadelphia
20 Police Department procedure and procedure
21 for the Courts of the First Judicial
22 District of Pennsylvania.

23 So on one hand, while I feel
24 that parts of this bill go too far and on
25 the other hand I have concerns that parts

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2 of this bill are not technically
3 enforceable, and so as we move forward,
4 we'll get a chance to hear from the
5 people who are testifying, but I want to
6 be very clear for the benefit of the
7 residents of the Ninth Councilmanic
8 District who are watching and who may not
9 be in this room. You know that in
10 Lawncrest and Lawndale and Mount Airy and
11 West Oak Lane and East Oak Lane and Olney
12 and Logan, we have dealt with this issue
13 on many occasions, and when you have come
14 to us to tell us that you needed help,
15 there was no general way or a silver
16 bullet that we had that the City of
17 Philadelphia would be able to ensure that
18 it was addressed without your having to
19 be engaged in a long litigious process,
20 and we did not have a solution.

21 So from that perspective,
22 Councilman Oh, I want to say for the
23 record I do thank you for your efforts to
24 put forth a solution, but I also want to
25 note that we have started working to put

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2 together a task force to address this
3 issue. We do not want to delay it, but
4 when we do it, we want to get it right.
5 I don't want to pass any legislation
6 giving my constituents the perspective
7 that I'm giving them a solution to
8 address their problem and then right
9 after I pass it and they say, well, City
10 Council passed this bill, let's say the
11 Mayor signed it, it has become law, and
12 then we find out, you know what? You
13 passed this bill, it may be law, but it's
14 unenforceable. That's not what I want to
15 do.

16 So I know the process is much
17 more strenuous when you have to sit down
18 and do the work and bring people to the
19 table and you vet a bill section by
20 section, line by line with all of our law
21 enforcement agencies, from our District
22 Attorney to the Police Department, if we
23 needed to bring in the Sheriff's Office,
24 we need the First Judicial District. And
25 I'm sorry that I am not going to be here

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today advocating for what may appear to be the immediate gotcha solution that we fix this problem, because I'm not giving my people any false hope. When we do it and we move forward, I want to be sure that this is the process and that they will have some recourse, and right now I'm not certain about that.

So, Mr. Chairman, I thank you very much for your leeway. I'm looking forward to hearing the testimony throughout this process, but I didn't want anyone in my district who is watching or sitting here in this room to be unclear or think that there is any gray area relative to where Cherelle Parker stands on this issue. I support my colleague's effort. I want to see a solution, but I want one that does not have negative unintended consequences and one that is wholly enforceable.

Thank you.

COUNCILMAN DOMB: Thank you,
Councilwoman. Thank you.

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2 We have over 30 people here
3 today to testify, so I'd like to ask
4 everyone to hold, if possible, your
5 comments to no more than two minutes.
6 Your testimony has been received by all
7 of us. You don't have to read it. You
8 can summarize it, but I'd like to keep
9 those boundaries in there, because I
10 think this room is in demand in about an
11 hour, two hours from now.

12 So the Clerk will now read the
13 title of the bill being heard by this
14 Committee today.

15 THE CLERK: Bill No. 180430, an
16 ordinance amending Title 10 of The
17 Philadelphia Code, entitled "Regulation
18 of Individual Conduct and Activity,"
19 Chapter 10-800, "Safety," by adding a new
20 Section 10-840, "Criminal and Defiant
21 Trespassers," establishing and clarifying
22 procedures to remove criminal and defiant
23 trespassers from real property, all under
24 certain terms and conditions.

25 COUNCILMAN DOMB: Good morning.

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2 Please state your name -- you want to
3 call the first panel.

4 THE CLERK: Sure. Inspector
5 Fran Healy, Mike Lee.

6 (Witnesses approached witness
7 table.)

8 COUNCILMAN DOMB: Good morning.
9 Please state your name for the record and
10 proceed with your testimony. We'll
11 reserve questions until after the entire
12 panel has testified.

13 INSPECTOR HEALY: Good morning,
14 Chairman Domb and members of the
15 Committee on Housing, Neighborhood
16 Development and the Homeless. My name is
17 Francis Healy. I'm here on behalf of
18 Commissioner Ross to discuss Bill No.
19 180430, which was introduced by
20 Councilman Oh. First, on behalf of
21 Commissioner Ross, thank you for allowing
22 the Department to voice its opinion on
23 this matter.

24 As I mentioned in an earlier
25 hearing on a similar bill several months

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ago, Commissioner Ross directed that I develop a policy to address a relatively new and emerging crime where offenders are illegally entering and occupying residential properties. These offenders then produce some indicia of ownership or tenancy rights and/or fraudulently rent these properties to unsuspecting renters. These are criminals. They're not homeless individuals squatting on vacant property to get out of the elements. We are talking about criminally minded individuals who have an expressed intent to deprive the owner of his or her property and to use the property to intentionally defraud unsuspecting victims.

The Department policy was initially put on hold with the hopes that Philadelphia legislation would be forthcoming to address the problem. When those negotiations fell through a couple months ago, the Department moved forward with approving our new policy to address

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2 its emerging crime pattern that we are
3 experiencing. The policy has been
4 approved by the Police Commissioner and
5 is in the process of being implemented as
6 we speak.

7 That said, the Philadelphia
8 Police Department supports the intent of
9 Bill No. 180430. And I'm happy to answer
10 any questions.

11 DIRECTOR LEE: Good morning,
12 Councilman Domb and fellow members of the
13 Housing Committee. My name is Mike Lee.
14 I'm the Interim Director of Legislation
15 and Government Affairs for the District
16 Attorney's Office, and we too are very
17 excited and happy to be here this morning
18 to testify on this very important issue
19 concerning potentially all property
20 owners in Philadelphia County. We are
21 thankful that City Council continues to
22 work diligently to address this issue
23 from the multifaceted ways in which it
24 arises in our community. Specifically,
25 we view this issue as both potentially

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2 having civil and criminal procedures and
3 remedies in place.

4 To the extent that Bill 180430
5 reinforces and creates additional civil
6 remedies for this fact pattern, we are
7 very supportive of that fact. We believe
8 that criminal trespass, as defined by the
9 state code, should be and can be enforced
10 through our existing criminal justice
11 procedures, and we are excited to work
12 with our other criminal justice
13 stakeholders to bring justice for those
14 individuals who have been victim to such
15 offenses.

16 Specifically, as the District
17 Attorney mentioned during his testimony
18 for the budget for Fiscal Year 2019,
19 we're allocating resources from our
20 budget to create a unit specifically
21 addressing housing-related matters like
22 deed theft, squatter issues, and other
23 disputed occupancy matters so that we can
24 protect the innocent victims who have
25 been fraudulently living in a property

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2 while prosecuting to the fullest
3 individuals who are taking advantage of
4 the situation.

5 As it relates to the bill, we
6 are a little concerned that there may be
7 double jeopardy issues when there are
8 instances where someone goes through this
9 expedited civil proceeding, pays a fine,
10 and could preclude potentially our
11 ability to prosecute those individuals
12 criminally for things that came out of
13 the same fact pattern.

14 We are also a little concerned
15 about potential Miranda issues as relates
16 to when someone is filing this complaint
17 originally and filing an affidavit that
18 they are aware that speaking with an
19 officer could present some Fifth
20 Amendment issues and that they are
21 properly informed of their Miranda rights
22 so that we don't have to deal with any
23 suppression issues should it turn from a
24 civil to a criminal matter.

25 Thank you.

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2 COUNCILMAN DOMB: Thank you.

3 Thank you, Inspector Healy, and thank
4 you, Director Lee, for your testimony.

5 Are there any questions or
6 comments from members of the Committee of
7 these witnesses?

8 (No response.)

9 COUNCILMAN DOMB: Thank you
10 very much for coming today. Thanks for
11 your testimony. Thank you.

12 DIRECTOR LEE: Thank you.

13 COUNCILMAN DOMB: Will the
14 Clerk please call the next panel of
15 witnesses.

16 THE CLERK: Harvey Spear,
17 Joseph Rey, and Herleen English.

18 (Witnesses approached witness
19 table.)

20 COUNCILMAN DOMB: Good morning.
21 Please state your name for the record and
22 proceed with your testimony. We'll
23 reserve questions for after the entire
24 panel has testified.

25 MR. SPEAR: Hi. Harvey Spear.

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2 MS. ENGLISH: My name is
3 Herleen English.

4 MR. REY: Joseph Rey.

5 COUNCILMAN DOMB: Who wants to
6 go first?

7 MR. SPEAR: I'll go first.

8 I'm President of the Homeowners
9 Association of Philadelphia, commonly
10 known as HAPCO. We represent low- and
11 moderate-income property owners. HAPCO's
12 membership consists mainly of
13 single-family and duplex ownership in
14 neighborhoods of Philadelphia.

15 I want to thank City Councilman
16 David Oh, Allan Domb, and the rest of the
17 panel for letting us come here and voice
18 our support.

19 Philadelphia has a big problem
20 with defiant trespassers, who are
21 commonly known as squatters. Today when
22 someone illegally moves into a property
23 and refuses to leave, the police are not
24 allowed to remove that person and the
25 owner is forced to endure a long process.

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2 The owner cannot go to Landlord and
3 Tenant Court because these people are not
4 considered a tenant. In fact, the
5 illegal squatter has more rights than the
6 landlord or the tenant.

7 HAPCO applauds this bill and
8 wishes to fix the injustice this
9 Committee has to pass with this bill.

10 I also want to give an example
11 that a problem with this bill is, it
12 hurts tenants, legal tenants, because a
13 legal tenant can rent from somebody that
14 owns a property at Sheriff Sale and
15 hasn't yet gotten the deed or permission.
16 They may think they have a lease. They
17 may be in the property, and that problem
18 will happen that the tenant may be paying
19 an illegal landlord. So we recognize
20 that this is another problem with the
21 bill, that we have to support legal
22 tenants, legal landlords.

23 And I want to thank you for my
24 chance to testify today.

25 COUNCILMAN DOMB: Thank you.

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2 MS. ENGLISH: I just want to
3 thank Councilman Oh for allowing me to
4 come here today and to address City
5 Council. I didn't actually prepare it
6 because I know everything is from my
7 heart, so I tried to jot a couple things.

8 I'm here really to represent my
9 son-in-law who couldn't come here today.
10 He's a lieutenant with the Philadelphia
11 Fire Department and my daughter who is a
12 teacher. And so I've actually been
13 helping them through this whole ordeal of
14 my son-in-law who it's taken a toll on
15 him. And so in order for him to
16 concentrate on his job, I told him that I
17 would try to help in whatever way I can.

18 So give you a little bit of
19 background before I read a letter that he
20 wrote the judge that is filed on that
21 case that we actually have currently
22 trying to get the squatter out. Okay?

23 My son-in-law was taking care
24 of his father that had no kidneys.
25 People can live with no kidneys. I

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2 didn't even know that. But he was taking
3 care of his father for months. And so
4 his father actually passed away
5 eventually and was very hurtful to him,
6 because he wanted his father to live so
7 much longer. That's why he decided that
8 he would allow them to take both the
9 kidneys out.

10 After his father died, this was
11 very upsetting to him, so I actually went
12 with him to clean that house out and to
13 see what was there, but he did not want
14 to disturb the house. He said it was
15 just too soon for him to actually do
16 that. So he decided that he would go
17 there every now and then, pick up the
18 mail, because his niece-in-law, which
19 happens to be my daughter's niece, is a
20 single parent with two little kids and
21 can't afford to rent, so we figured that
22 we would let her when her lease expired
23 to move into that building.

24 My daughter usually go pick up
25 the mail, and she went there one day and

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2 couldn't get into the property because
3 the lock was changed. And so she rang
4 the bell, and when she rang the bell,
5 came this lady that said that she was
6 living there. She said, are you kidding
7 me?

8 And she said, yes. I have a
9 lease, which happened to be a fraudulent
10 lease. So these people -- because I
11 researched this a lot and did a lot of
12 research and found that they're told to
13 produce a fraudulent lease to the police
14 and that the police would say, well, we
15 don't know whether it's fraudulent or
16 not.

17 So anyhow, my daughter spoke to
18 her and exchanged some telephone numbers
19 and said, please, could you go.

20 And she said, well, I'll leave
21 to the month. So my daughter went back,
22 called her. She didn't move. Called the
23 Philadelphia Police Department, who came
24 over, took a police report and said,
25 well, we can't make her leave because we

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2 don't know whether this lease that she
3 has is a good lease.

4 So then I decided, well, let me
5 get in touch with my Councilman for that
6 area, who happened to be Kenyatta
7 Johnson. I got no help. That's the
8 truth. No help out of that.

9 Oh, we sympathize, but City
10 Council can't do nothing.

11 Why can't City Council do
12 anything?

13 No, we can't do anything.

14 I stopped by Jannie Blackwell's
15 office. She's not in my district, and
16 they were very sympathetic and said,
17 well, maybe you need to try this, go to
18 City Hall and see if they'll do -- Room
19 268 or something like that. But it
20 wasn't her district.

21 So I got frustrated, very
22 frustrated. I called the DA Office. The
23 DA Office says, we can't do nothing. I
24 called Channel 6 and 10, and they said we
25 just did a big report on this. We can't

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2 do anything anymore.

3 I went online and I spent hours
4 trying to figure out what did some people
5 do to get these squatters out of there
6 and still didn't -- it was a dead end
7 with every single thing, and hours that I
8 have spent trying to help my son-in-law,
9 because we know the effects that this
10 thing was taking on him.

11 So eventually I went to Council
12 Oh's office, who told me about -- because
13 he said he can advise me what to do, but
14 I could go and file to have this squatter
15 evicted. So I went down there, filled
16 out the form. They told me it would take
17 30 days, and 20 days and then if they
18 didn't respond and then we filed a writ
19 of possession. And I said, well, we
20 could live with 30 days. We've been
21 living with this tenant, this squatter in
22 there since October of last year. And so
23 I said, well, 30 days is not that long.
24 I can live with that.

25 So then we went and I got my

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2 son-in-law to come, who is the executor
3 of the estate, to come and file that
4 thing. It took 30 days and we still
5 didn't get anywhere. We're into June
6 right now. You can tell the frustration.
7 I've been to that department so many
8 times. I said, can you please -- is
9 there something you could help me? This
10 is affecting my son-in-law. He needs to
11 go to his job. He's a City employee. My
12 daughter is a City employee. If they
13 can't even get any help, can you imagine
14 that someone did work for the City of
15 Philadelphia cannot even get any help at
16 all, not just the person who is working.

17 So we went through this
18 process. We're waiting on the judge to
19 say what happened. We did everything
20 they tell us to do. We fill out the
21 form. We had our receipt, make sure she
22 signed for it. She got it. We get the
23 Sheriff to go put the notice there.

24 Thirty days went, 60 days went.

25 Now, it was my understanding

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2 that if this -- if she did not respond,
3 that the judge would come into some kind
4 of default and give us a chance to get
5 this property where my son-in-law is
6 paying a huge mortgage and the water bill
7 and everything else he's paying and
8 cannot get in. Can you imagine anybody
9 in City Council that has a property
10 paying a mortgage on a property and a
11 squatter has more rights to that property
12 than the person who is paying it?

13 This is hard, because my
14 son-in-law is paying a mortgage of almost
15 \$2,000 a month and still pulling the
16 mortgage for all of these months and a
17 squatter is in there.

18 When my daughter talked to her,
19 tried to be nice to her, she said, you
20 know, I'll leave tomorrow, go bring me
21 some money.

22 My daughter said, we are not
23 landlord. We can't take money from you.
24 We can't take money. Because she said,
25 go bring me some money, I'll give you the

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2 key. I mean, can you imagine that? And
3 laughing in my daughter's and
4 son-in-law's face and say we're getting
5 out of here, because you can't get us out
6 until we go to court.

7 They know the system. This
8 person, I just want to show you
9 something. Just bear with me a little
10 bit, because this is very, very
11 frustrating to me.

12 This is the person rap sheet.
13 This is her rap sheet. Right now there's
14 an arrest warrant for her. We're not
15 asking for that arrest warrant to be,
16 because we don't want another squatter
17 get in there, because the judge wouldn't
18 rule. When we asked again can the judge
19 rule, my son-in-law sent him a letter,
20 begging him, please, this is affecting
21 me, can you please sign this. And, you
22 know, the judge did not sign it. He
23 denied us the possession. Denied us. We
24 gave him all the paperwork to show that
25 we're entitled to that building. He

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2 denied us that.

3 We're at a point right now
4 where we're totally exhausted. I know
5 Councilman Oh's office, Diane has been
6 trying to help me to go through this and
7 said, wait a little bit, Councilman Oh is
8 trying to help. I said but all along, my
9 son-in-law's son got to go to college.
10 He got to pay that. He's paying his
11 mortgage and paying a mortgage for a
12 squatter to live there.

13 This is the letter. It's on
14 file for -- where he filed with the judge
15 to try to get this out. I'm going to try
16 to read it. I have a bad eye. I had
17 just surgery for my retina, so I'm seeing
18 only with one eye right now. So I'll do
19 the best I can.

20 And he said, Your Honor, when
21 my father, Robert McNeill, II, died last
22 year, I became the owner of 2120 Cemetery
23 Avenue. With both of my parents gone, I
24 needed time to grieve and to choose not
25 to pack up their belongings right away.

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2 However, I did stop by frequently to
3 check on the house. In between one of my
4 visits, Kenya Gillard broke into the
5 house and began living there. When I
6 informed her that she had to leave, she
7 refused to do so. Not only has she moved
8 her belongings in, but she also changed
9 some of the utilities in her name.

10 That's another thing. The
11 electric company don't care about who is
12 the owner of the house that put the
13 electric on. They don't care about who
14 is the gas -- the owner of the property
15 to put the gas on. We couldn't even get
16 her name from them. They said, no, we
17 can't -- that's private. We had to get
18 it from the police. So she changed that
19 in her name.

20 He says, I'm not able to access
21 the house, so I don't know what she did
22 with my father's furniture, clothes,
23 confidential papers, mail,
24 identification, pictures, and other items
25 which hold sentimental value for my

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2 family and I. I also do not know what
3 condition the house is in while I wait
4 for this situation to be resolved. I
5 have to continue paying my father's
6 mortgage, utilities, and other expenses.
7 This includes Ms. Gillard's excessive use
8 of water each month. Not only has she
9 inserted herself into my family's life
10 while we are grieving the loss of my
11 father, but she has also kept us from
12 getting closure. I'm requesting that she
13 be evicted immediately. And the judge
14 denied that possession.

15 COUNCILMAN DOMB: Mrs. English,
16 we're trying to keep the testimony to two
17 minutes.

18 MS. ENGLISH: I understand,
19 sir, but you got to understand --

20 COUNCILMAN DOMB: I know.

21 MS. ENGLISH: -- this is a very
22 situation when you're paying for a
23 mortgage for someone to live free from
24 since October to now and we don't have a
25 resolution.

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2 COUNCILMAN DOMB: I think --

3 MS. ENGLISH: But I thank you
4 very much for allowing me. I'm not able
5 to say everything else because I know
6 there's time, but I wish I was able to
7 tell you a little bit more of what is
8 going on, having someone, a criminal,
9 living in your house with an arrest
10 warrant issued for them and you can't get
11 in there.

12 Thank you very much.

13 COUNCILMAN DOMB: Thank you.

14 Thank you very much.

15 Next witness.

16 MR. REY: Good morning,
17 Chairman Domb, members of the Committee.
18 My name is Joseph Rey. I am the
19 President of the Greater Philadelphia
20 Association of Realtors. With more than
21 2,500 members, we have served as the
22 voice of real estate since 1908. We
23 advocate to protect the rights of private
24 property owners.

25 Thank you for the opportunity

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2 to testify regarding Bill No. 180430,
3 Chairman Domb, Councilman Oh, their
4 staff, the Philadelphia Police
5 Department, and the District Attorney's
6 Office for working with us on this issue
7 since 2016. They have thoughtfully
8 listened to our concerns about squatting
9 and have worked together towards finding
10 problem-solving measures.

11 Squatters are people who
12 illegally move into homes without
13 permission of the owner. Today we ask
14 the Committee for help to protect
15 property rights, property homeowners, and
16 not squatters.

17 We recognize that sometimes
18 people are victims of schemes. We also
19 know that most squatters are complicit in
20 their illegal activity, refuse to vacate,
21 and know exactly what they are doing.
22 The owner is victimized. They go through
23 an expensive, tedious process, being
24 denied of their rights to access or sell
25 their home.

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2 A survey of our members
3 illustrated that squatting is rampant and
4 no neighborhood is immune. Members have
5 related stories to us about encountering
6 squatters. These interactions put our
7 members and clients into unsafe
8 situations. The only recourse is to
9 contact the police, who have limited
10 capacity.

11 I offer a few brief stories.
12 On the sale of one home, a final
13 walkthrough was scheduled the morning of
14 settlement. The agent and homebuyer were
15 greeted by squatters. The sale could not
16 take place. The first-time homebuyer
17 could not move into a new home, lost
18 their inspection fee, appraisal fees.
19 The home seller lost a sale and a
20 nine-month ejectment process, made
21 repairs caused by the squatter, relisted
22 it, sold it again to another buyer, only
23 to have the same thing occur. The
24 squatter tied up the home for two years.
25 Other homes have been left stripped of

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2 copper, appliances, plumbing, wiring,
3 defecated throughout, urinated
4 throughout, and drug activities.

5 Another incident near my own
6 home, the squatter pulled out an obvious
7 fake lease and laughed and mocked at the
8 police officer knowing nothing could be
9 done.

10 GPAR supports the remedies
11 under consideration by this Committee.
12 Council should also consider training and
13 education to give the right tools to the
14 proper authorities to combat this
15 dangerous, costly, and time-consuming
16 problem created by squatting. A message
17 must be sent that we do not tolerate this
18 illegal activity. We stand for property
19 owners.

20 Thank you for your
21 consideration.

22 COUNCILMAN DOMB: Thank you.

23 Ms. English, Mr. Spear,
24 Mr. Rey, thank you for your testimony.

25 Are there any questions?

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2 COUNCILMAN TAUBENBERGER:

3 Mr. Chairman, I have one quick question
4 for Mr. Rey.

5 Mr. Rey, thank you very much.

6 COUNCILMAN DOMB: I recognize
7 Councilman Taubenberger.

8 COUNCILMAN TAUBENBERGER: Thank
9 you. Thank you, Mr. Chairman.

10 Thank you all for your
11 testimony on Panel 2 here. The question
12 I have for Mr. Rey, you could either
13 answer it either way that you know the
14 best answer. How many of your members
15 are you aware of have had -- that is,
16 realtors, have had problems with illegal
17 trespassers in buildings that they need
18 to sell or are about to go to the
19 settlement?

20 MR. REY: I couldn't tell you
21 an exact number, but we've gotten
22 complaints, and my staff, I guess, could
23 let you know. Over the last few years
24 it's escalated. We have actually
25 testimony that's coming up shortly from

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2 our members that deal with these
3 properties.

4 COUNCILMAN TAUBENBERGER: And
5 those realtors that are like friends of
6 yours and so on, how many would you say
7 that you know of that had difficulty
8 there that have complained to you?

9 MR. REY: Specifically?

10 COUNCILMAN TAUBENBERGER:
11 Specifically, yeah. Hey, Joe, you know,
12 we want to sell this house, we can't, we
13 have trespassers.

14 MR. REY: In my testimony I
15 just told you about a story at a property
16 right near my own house. It was again
17 right before settlement. They moved in.
18 They had to actually cut a deal with the
19 squatters. Again, this is -- they knew
20 exactly what they were doing, because
21 they settled on an amount to move out,
22 and just like --

23 COUNCILMAN TAUBENBERGER:
24 That's another modus operandi, cash for
25 keys. You come up with a thousand

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2 dollars, \$10,000, we're out of here.
3 I've seen that.

4 MR. REY: A very expensive
5 dollar amount had to be paid for them to
6 vacate the property, and I'm sure they
7 went right on to the next property.

8 COUNCILMAN TAUBENBERGER: I as
9 a City Councilman have been on site for
10 too many of these things and it's not
11 good, and I do appreciate your testimony
12 and look forward to continue working with
13 you.

14 MR. REY: Thank you.

15 COUNCILMAN TAUBENBERGER: Thank
16 you.

17 Mr. Chairman, thank you.

18 COUNCILMAN DOMB: Thank you,
19 Councilman Taubenberger.

20 I do have a question, two
21 questions actually. Actually, one is a
22 statement, one is a question.

23 Councilman Taubenberger, I have
24 a list from a Roseanne Connor. It's in
25 our folder. There's 53 properties just

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2 in her area that have had this issue.

3 I'm happy to give you this list.

4 Ms. English, I just had a
5 question just to clarify. How long has
6 the squatter been in your -- is it your
7 son-in-law? How long has the squatter
8 been in that home?

9 MS. ENGLISH: The first water
10 bill that my daughter checked because she
11 did online, the water usage went up in
12 November. So we're saying that they went
13 in there in October, because --

14 COUNCILMAN DOMB: Of 2017?

15 MS. ENGLISH: Yes, sir.

16 COUNCILMAN DOMB: All right.

17 Thank you. Thank you for your testimony
18 today. Thank you very much.

19 MS. ENGLISH: And then we
20 filed -- I'm sorry, but I need to let you
21 know this. We filed with the City of
22 Philadelphia to get him out in January.

23 COUNCILMAN DOMB: Okay. Thank
24 you.

25 Thank you all for your

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2 testimony. Thanks.

3 MS. ENGLISH: Thank you.

4 COUNCILMAN DOMB: Will the
5 Clerk call the next panel, please.

6 THE CLERK: Patrick Russell,
7 Chuck Bode, Mary Jo Potts, Tanisha
8 Payton.

9 (Witnesses approached witness
10 table.)

11 COUNCILMAN DOMB: I just want
12 to remind everybody, if it's possible, to
13 keep our testimony to two minutes or less
14 and summarize your written testimonies
15 that were presented to us.

16 Good morning, and please state
17 your name for the record and proceed with
18 your testimony.

19 MR. RUSSELL: Yes. My name is
20 Patrick Russell.

21 COUNCILMAN DOMB: You can
22 proceed.

23 MR. RUSSELL: Okay. I'll try
24 to summarize as much as I could. And I
25 just want to say good morning to Chairman

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2 Domb and the Committee members. Thank
3 you for the privilege and the opportunity
4 to address this Committee in the matter
5 of public safety and equity.

6 As a law-abiding homeowner in
7 Philadelphia, I look to my government to
8 secure my safety in the environment in
9 which I live and to receive justice when
10 I'm wronged.

11 As stated, my name is Patrick
12 Russell. I am 65 years and I lived in
13 the Tacony area since 2006. After much
14 consideration, irrespective of the crime
15 rate at that time, I chose to make
16 Philadelphia my home and make an
17 investment in Philadelphia. I purchased
18 my home in 2012. Though I'm on the
19 calendar as a member of the Tacony Town
20 Watch, I'm here today to testify as an
21 individual and to relay the stories of
22 two friends whose properties were taken
23 over by trespassers.

24 Concerning the criminal and
25 defiant trespassers bill before this

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Committee, I would first like to ask how you would feel if your parents or grandparents arrived home one day and found trespassers taking over their properties? How would you feel if it took three or more months and much money to remove them from the property? I'm sure that none of you would think the intruders deserve to occupy the house because they were impoverished or because they stated that they were renters when indeed they weren't and having the trespassers' words taken over or above that of your parents' or grandparents'. You would probably feel violated and quite angry at the intruders and even more so at City government for inadequately protecting your rights as homeowners.

Mrs. Flemings is one of the friends whose property was taken over at the age of 76. This was maybe four years ago. It took nearly a year to get them out. During the process of getting them

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2 out of the property, they trashed and
3 they stripped the property. After the
4 eviction, she had the property secured,
5 but other trespassers broke in and took
6 up residency. Again, it took more than
7 six months to get them out. How could
8 such a thing happen because of inadequate
9 protections and misinformation?

10 The second friend, Jacqueline
11 Wilson, was one of those whose mother
12 passed away owing a mortgage on her
13 property. Jackie hired a real estate
14 agency to sell her property. While it
15 was up for sale, a trespasser entered the
16 house. Jackie called the police. The
17 police officers arrived at the house and
18 was told that the trespasser stated, I'm
19 not leaving, I'm claiming squatters'
20 rights. Because the officer didn't know
21 any better, Jackie was told to go to the
22 ejection office, which she did, but was
23 told since the property was not in her
24 name, she couldn't do anything at the
25 time.

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2 After the title of the property
3 was transferred, Jackie started
4 procedures, which was in February 2017,
5 to get the trespasser out of the
6 property. Jackie said no one would buy
7 the property while the trespassers were
8 still on location. While this was
9 happening, the trespasser allowed others
10 into the house and eventually trashed it.
11 Jackie said five summonses were served to
12 the trespasser and five times she went to
13 court only to find the trespasser never
14 showed up. Because the mortgage company
15 had an incorrect address to send mortgage
16 notifications, her property went into
17 default and went to Sheriff Sale without
18 her notification.

19 According to Jackie, the last
20 day that she received judgment in her
21 favor to have them evicted, her house
22 went up for Sheriff Sale. So now she's
23 dealing with trespassers who own her
24 house and now she has to deal with the
25 mortgage company in regards to it.

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2 Many people I spoke with about
3 the situation said they would actually go
4 into the house and shoot the people, call
5 the police and say trespassers were in my
6 house. You have an opportunity to
7 prevent such tragedies from happening to
8 other law-abiding homeowners and property
9 owners. So I plead with this Committee,
10 my representatives, to do what is good
11 and equitable and to prevent such trauma
12 from occurring to me and other
13 law-abiding property owners in
14 Philadelphia by saying yes to Bill
15 180430, the criminal and defiant
16 trespasser bill.

17 COUNCILMAN DOMB: Thank you for
18 your testimony.

19 Mary.

20 MS. POTTS: I'm Mary Jo Potts
21 from Elfant Wissahickon Realtors. I've
22 been an agent in Philadelphia for over 30
23 years. I specialize in selling primarily
24 vacant properties.

25 Over the past two years, there

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has been a rash of unauthorized persons moving into these properties. Now, keep in mind, a lot of these properties are rehabbed and have had thousands of dollars spent on them. Walk up to the property one day and there's somebody in there. They have a fake lease, so we can't do anything about it. They extort money. And we're not talking about a thousand dollars for cash for keys. They're saying if you give me 5,000, 10,000, we'll leave, and then we're going to move on to the next property.

Just this past Friday, we walked up to a house and there was a pit bull in it. This was a vacant house. The pit bull almost attacked another agent. Our safety is at risk and not only more so, the people who rightfully own these houses do not have any rights. When a stranger can move into your house at any given time, I just don't understand that. You guys could go on vacation. Somebody could move into your

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2 house. It's just not fair. It has an
3 impact on the economy. It has an impact
4 on people who actually want to purchase
5 in Philadelphia.

6 Something has to be done.

7 There has to be a quicker resolution than
8 sitting in eviction for a year while this
9 person destroys your property, runs up
10 exorbitant bills that you have to
11 reconcile once you get possession again.

12 So I urge you to pass this
13 bill. We need a resolution to this. I
14 can give you more examples. I had
15 another house where they were in there
16 for a little while, go for our weekly
17 inspection and all the windows are gone.
18 That beautiful rehabbed house had feces
19 all over the walls, the plumbing stolen,
20 the heater stolen. Cost our clients
21 thousands and thousands of dollars to
22 restore it again.

23 Thank you for your time.

24 COUNCILMAN DOMB: Thank you.

25 MR. BODE: Thank you. My name

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2 is Charles Bode. I'm with the West
3 Powelton/Saunders Park RCO, and we
4 submitted a written statement. Basically
5 property rights are important to all
6 property owners.

7 In our neighborhood we had
8 someone come in and actually rent out
9 property that they didn't own to other
10 people, collecting security deposits and
11 rent. We just had a property with
12 squatters in, and the solution was to
13 have L&I find enough violations that the
14 City tore the property down. Is that the
15 only way to do something?

16 I think what's really important
17 for everyone in this room to understand
18 is, we could all leave this room, go home
19 and discover we are homeless, with
20 nothing but a cardboard sign on the
21 street, having lost everything we own,
22 having nothing but the property on our
23 backs, no possession, no clothes, no
24 nothing.

25 So on behalf of all the

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2 residents of West Powelton and Saunders
3 Park, we urge Council to find a solution
4 to this problem. If this bill is not
5 quite what's needed, there has to be a
6 solution so people can be secure in their
7 homes.

8 Thank you for your time.

9 COUNCILMAN DOMB: Thank you,
10 Ms. Potts, Mr. Russell, Mr. Bode for your
11 testimony.

12 Are there any questions from
13 our panel for our witnesses?

14 MS. PAYTON: I'm Tanisha
15 Payton. I didn't testify yet.

16 COUNCILMAN DOMB: I'm sorry.

17 MS. PAYTON: Good morning,
18 everyone. I am actually a neighbor to a
19 squatter. My house is directly adjacent
20 to the squatters. They have been living
21 in the property for a year now. The
22 house was actually foreclosed on. By the
23 time the seller got to purchase the home,
24 the squatters had already moved in. I
25 tried to contact the bank to get the name

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2 of the owner, but the City of
3 Philadelphia took forever to list the
4 property owner on the Internet, so it
5 took me months to get to him. By the
6 time I got to the owner, the squatters
7 had already moved in.

8 These squatters have illegally
9 turned on electricity. PECO has been out
10 to the property at least six times to
11 turn the electricity off. They have went
12 into the box, jimmied the box open, which
13 can cause a fire. My house is directly
14 next door to this. I have went down and
15 got license to carry a firearm and I have
16 gotten surveillance cameras. I have to
17 feel like I'm living in a prison because
18 I have people next door who do not belong
19 there.

20 I talked to people in your
21 office, Councilman Domb, and they have
22 gave me information to pass on to the
23 property owner, which I did. He's in the
24 process of filing an ejectment. He spent
25 thousands of dollars with his attorney to

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2 file this, and yet we still don't have a
3 court date.

4 I think this is ridiculous.

5 It's affecting me. I am a property
6 owner. I have lived in my home for 11
7 years, and I should not have to live next
8 door to this, where it can be potentially
9 harm, not just for me but the rest of the
10 block if they start a fire because they
11 turned on all the utilities illegally.

12 So I urge you all, please, to
13 pass this bill. It's very important.

14 COUNCILMAN DOMB: Thank you.

15 Thank you for your testimony, Ms. Payton.
16 What is the address of that?

17 MS. PAYTON: 5330 Euclid
18 Street.

19 COUNCILMAN DOMB: Thank you.

20 Are there any questions for our
21 witnesses?

22 (No response.)

23 COUNCILMAN DOMB: Well, thank
24 you for your testimony today. Thank you
25 very much. Thank you.

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2 Will the Clerk call the next
3 panel, please.

4 THE CLERK: Reverend Sung Lee
5 and Susie Lee, Martin Ward, Keenan
6 Victor, Tsiwen Law.

7 (Witnesses approached witness
8 table.)

9 COUNCILMAN DOMB: Good morning.
10 Please state your name for the record and
11 proceed with your testimony.

12 MS. LEE: Good morning. My
13 name is Susie Lee. I am wife of Pastor
14 Lee of the Lawndale Presbyterian Church
15 at Levick and Oakley in the Lawndale
16 neighborhood of Philadelphia.

17 On Monday, April 2nd, 2017, my
18 husband and I discover house owned by my
19 church, which he don't say we do
20 (unintelligible), was broken and they
21 change all door lock. We try open the
22 door. We can't. They change the door
23 lock. So we bang the door. Some woman
24 came down from second floor and she
25 looked through window side and see and

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2 she not open the door.

3 We called the policeman. We
4 waiting for 30 minutes, and then police
5 come to the door and knocked. Then she
6 open the door and she showed the
7 policeman piece pink paper, one page.
8 This is my lease.

9 Police ask me. I didn't see.
10 She just shake like this. And the police
11 ask, give it to me. So she gave it to
12 police officer, and she explained there
13 was also (unintelligible).

14 I explain, then my husband
15 explain, this not your house. I never
16 see your face. I never signed for piece
17 of lease and the rent.

18 So police say, you have to
19 leave the house for 48 hour. So my
20 husband -- she say, oh, I can't leave in
21 48 hours. So my husband did say, okay, I
22 give her a little more time, 72 hour.

23 So we went there after that.
24 She wasn't there -- or she didn't leave.
25 So I called the policeman. They come and

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they call her. She not answer. And then
after they had -- two, three days later,
union presentation woman from the
(unintelligible) office call me. She
explained to me what I need. I didn't do
nothing. I did not commit crime. So I
spent -- I hang up. And then I sent a
letter to Mayor Kenney. I sent a letter
to Council Parker office. I sent a
letter to Council David Oh. Nobody do
anything. I bother so many people.
Nobody -- say just wait, wait.

So they ask me go to 100 South
Broad Street. So I went there. They
say, oh, you don't have any delayed to
order lease tenant. So I go to Chester
Street, 14 something, 14 something now.
So I went there. Oh, you went to wrong
place. Go to City Hall. So finally I
went to City Hall, Room 296, I think, and
then I try (unintelligible). Then, Oh,
no, no, no. Your church do not belong to
you. You got the lawyer.

So I went home. We tried to

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2 call the lawyer. They cost horrible.
3 Somebody 7,000, somebody 8,000, somebody
4 4,000. I got a nice lawyer, we got
5 2,000. I pay 2,000 already.

6 So he feed her ejection,
7 something like that, and then he said,
8 you do nothing, you have to wait.

9 So I came here to the Council
10 Parker office. I want to talk to Tyson
11 from Council Parker's office. She called
12 me, let me try to help you. I let you
13 know. But she never called. So I came.
14 Then my husband to me, thinking about me,
15 let me go to Council David Oh office. So
16 we went there. We saw all peoples. They
17 didn't do nothing. Then finally David Oh
18 came from the office, so I grab him. And
19 he actioned. So whoever have a problem,
20 go to him. He did.

21 So finally September 22, he
22 called Second District officer, detector,
23 Mr. McIntire.

24 COUNCILMAN DOMB: Can I ask you
25 to summarize, because we're trying to

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2 keep everybody to about two minutes. So
3 maybe just summarize the remainder of
4 your remarks.

5 MS. LEE: Yeah. Okay. It was
6 ten months passed and we saw her out
7 September 22, 1917 [sic]. Both
8 (unintelligible). Everybody say, don't
9 touch it, don't go there. So we can't go
10 anything.

11 So February 17, 1980 [sic],
12 this year, police came, stayed there. I
13 stayed there. She moved out furniture.

14 That's what happened. I did
15 not commit a crime. I have finance the
16 cost from having to hire lawyer. You
17 teach court, debt bill, water bill. How
18 about the City tax? I pay 2,000 to City
19 and the homeowner insurance.

20 I'm asking you, please pass
21 this Bill No. 180430. I don't want any
22 homeowner suffering like this. Take over
23 a year. Every time I get up there, I'm
24 thinking about there. I'm so upset,
25 distressed.

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2 COUNCILMAN DOMB: Okay.

3 MS. LEE: So, please, I'm
4 looking for your leadership regarding
5 this issue. Please pass this bill.

6 COUNCILMAN DOMB: Okay. Thank
7 you for your testimony. Thank you.

8 I'd like to recognize at this
9 point Councilwoman Helen Gym who has
10 joined us. Councilwoman. And also
11 Majority Leader Bobby Henon -- I think I
12 failed to recognize him -- to my
13 immediate right.

14 So let's go with the next
15 panel, next testimony.

16 MR. WARD: Good morning. My
17 name is Martin Ward. I'm a private
18 citizen. Thank you, Chairman Domb.
19 Thank you, Councilman Oh. Thank you,
20 fellow Committee members. I'll try to
21 keep this brief and to the point.

22 Again, my name is Martin Ward.
23 I grew up in the Mayfair section of
24 Philadelphia in my parents' home. After
25 my parents passed away, I became the

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2 executive of their estate and caretaker
3 for their now vacant home. I was
4 preparing the house for sale to an
5 interested buyer. I actually had that
6 buyer with me on Tuesday evening, August
7 the 22nd, 2017. When we entered the
8 house on that date, I realized the house
9 was occupied. I could not gain access
10 because the locks had been changed and
11 there was actually a window unit air
12 conditioner in the residence that was in
13 operation. I later learned that the
14 couple who gained illegal entry into that
15 house, that occurred sometime during the
16 weekend of August 19th to 20th, 2017.

17 On August the 22nd, 2017, I
18 immediately contacted the police with the
19 prospective buyer there. The police came
20 out within five minutes. I told them my
21 story. I produced documentation to the
22 police to show that I was the rightful
23 and legal owner of the property. The
24 police contacted the supervisor. The
25 supervisor came out within five to ten

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2 minutes. Basically we went around the
3 rear of the home. It was obvious that
4 the police -- it was obvious to me and
5 the police that the rear door was
6 tampered with and it showed signs of
7 forced entry. The police, upon my
8 authorization, said if you authorize
9 this, we will enter the property and
10 we'll see what's going on here. I gave
11 my authorization.

12 They forcibly opened the rear
13 door, which already showed evidence of
14 tampering. When he entered the property,
15 they were met by occupants who basically
16 they questioned. The occupants produced
17 a four-page lease agreement that did not
18 even remotely contain any of the required
19 clauses that you all know are required to
20 basically rent property in the City of
21 Philadelphia, such as lead paint, such as
22 housing suitability and all the other
23 City ordinances that go with it. They
24 were unable to give police a phone number
25 of the landlord, the fictitious landlord.

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2 They were unable to give the police any
3 other information.

4 The police took myself and the
5 occupants to the police district,
6 Northeast Detective Headquarters. We
7 filled out a police report basically and
8 the police privately, the detective
9 assigned, said privately there's not much
10 we can do here, this is more of a civil
11 matter than a criminal matter. Granted,
12 it looks like there's potentially forced
13 entry, but we can't do much more than
14 that.

15 I have all this documentation.
16 I'm going to leave it here, a copy of the
17 fictitious lease agreement, a copy of the
18 police incident report.

19 So, again, just to summarize,
20 so despite my mother's deed, proof of
21 ownership, the police felt they could do
22 nothing here. They considered this a
23 civil matter. I e-mailed traffic
24 correspondence with the assigned
25 detective, and I'll quote. He said,

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2 "Hey, Martin, I left a few discouraging
3 voice mails with the occupant. Hopefully
4 he realizes it's in his best interest to
5 move on." This is the Police Detective
6 Prazinski (ph) from the Northeast
7 Detectives, 15th District.

8 To summarize, because they
9 broke in unexpectedly, I could not turn
10 off the utilities, including gas, water,
11 and electric. Moreover, I pay for the
12 cost of those utilities out of pocket. I
13 pay for the cost of the real estate taxes
14 to ensure the property was legally
15 basically up in compliance with the real
16 estate. I pay for every other fee that
17 was associated with the house, the
18 outside maintenance, the lawn care, the
19 snow removal. And to make matters worse,
20 the two residents who lived on either
21 side of the property that I've known
22 since I've been growing up, those
23 individuals who had my contact
24 information would correspond with me via
25 text messages, and to show you how

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2 egregious this situation is, one of the
3 occupants in the neighboring property --
4 this is a row house, middle of the block
5 row home -- said, hey, Martin, can you
6 believe this? The occupants are having a
7 mattress and a refrigerator delivered and
8 here's text pictures, which I have on my
9 phone, which I can leave with you, text
10 pictures of a mattress and a refrigerator
11 being delivered to a property that they
12 illegally occupy. Does it get more
13 egregious than that?

14 So, lastly, the prospective
15 buyer obviously went away. I was unable
16 to gain access and show the property to
17 anybody else. After going through the
18 court process and engaging Mr. Law here,
19 an attorney, to go through the court
20 process, it was the spring before I
21 actually got a court order to evict these
22 individuals after filing all the legal
23 requirements.

24 Again, during the periods of
25 occupancy, this was March 2017 when a

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2 formal notice from the Sheriff's
3 Department was pasted to the door of the
4 property, and they moved out -- the
5 Sheriff was going to evict them on
6 Monday, May the 12th. They left that
7 weekend, and the reason I know that is
8 because the residents on both sides of
9 that property basically told me via text
10 message that they had just moved out.

11 So, again, during periods of
12 occupancy, the residents were complaining
13 to me -- I had no control -- of loud
14 noise and what they described as bad and
15 possibly criminal behavior demonstrated
16 by the people who lived there.

17 Again, I appreciate your
18 ordinance for criminal trespass. It
19 gives the police more authority to
20 investigate, recommends an expedited
21 court hearing.

22 And, lastly, I just want to
23 make a final point. This affects not
24 only the individuals, the legal owners of
25 the property. It affects the City in

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2 general. It affects the safety,
3 well-being of the residents, the
4 law-abiding citizens of the City of
5 Philadelphia. It affects the quality of
6 life of the community at large. It
7 affects the neighbors who adjoin these
8 vacant properties, and it affects your
9 constituents. And it's a growing,
10 mounting, rampant problem, and it's not
11 going away. And basically there's no
12 legislation that's perfect. Absolutely
13 everybody's circumstances are different.
14 Everybody who testifies today will have a
15 different fact pattern, different fact
16 and circumstances, but delay is not
17 acceptable. A task force to look into
18 this any further is not acceptable. Some
19 sort of action needs to be taken and it
20 needs to be done now.

21 Thank you very much.

22 COUNCILMAN DOMB: Thank you.

23 Thank you.

24 COUNCILMAN HENON: Excuse me.

25 Point of order, Mr. Chairman.

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2 COUNCILMAN DOMB: The Chair
3 recognizes Councilman Henon.

4 COUNCILMAN HENON: Can you
5 state your name again?

6 MR. WARD: My name is Martin
7 Ward, private citizen.

8 COUNCILMAN HENON: Look, I
9 understand your frustration and I can
10 hear it, and I take whatever you say is
11 to be fact. All right? But I just
12 wanted to state for the record I find
13 your comment about having a task force is
14 irrelevant and will not do anything,
15 because I hold -- what we do as a body
16 here is, we determine what policies we
17 set for our communities are in their best
18 interest.

19 So understand your frustration
20 and know that it is a significant issue
21 and problem moving forward, but I think
22 what we do when it comes to committees
23 and task force and bringing stakeholders
24 together is extremely important to
25 address the issues that you describe, but

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2 I would think that you would hope and
3 would want a task force on this issue
4 moving forward as opposed to saying it
5 will do nothing.

6 So I just want to state that
7 for the record and hope that you would
8 understand and reconsider. I would
9 assume that you just kind of got caught
10 up in the emotion. But we hear you.
11 Thank you.

12 MR. WARD: Just to respond to
13 the Councilman, I didn't say it was
14 irrelevant, and I think it's always good
15 to study an issue or a problem and make
16 sure you make an informed decision, but I
17 want to just say that action needs to be
18 taken now sooner rather than later. So
19 agree. You should not act irrationally.
20 You should not act just knee-jerk
21 reaction. You should have all the facts
22 and circumstances, but the time to act is
23 now. So that's my point.

24 COUNCILMAN HENON: And we do,
25 and we always reserve the right to add

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2 and change things and tweak things as we
3 move forward. I mean, today is just the
4 beginning on this issue. So more will be
5 revealed. I just wanted to state that
6 for the record for all the integrity and
7 hard work that our colleagues put into
8 everything that we do here.

9 COUNCILMAN DOMB: Thank you,
10 Councilman.

11 Councilman Taubenberger.

12 COUNCILMAN TAUBENBERGER:
13 Question and a quick comment. I could
14 not agree more with my colleague
15 Councilman Henon. I will have to say and
16 I sense your frustration, and I've been
17 to three different matters as it relates
18 to illegal trespassers. I don't want to
19 even call them squatters anymore.
20 Illegal trespassers. And it can be very
21 emotional, and it's bad.

22 The wheels of government
23 sometimes move very slow, sometimes
24 slower than we'd all like it to be, but I
25 will assure you one thing, they do move.

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2 So you have everyone's attention. The
3 fact that this is a bill, we've had
4 hearings, and we're going to continue to
5 meet to get this right, because we have
6 to.

7 But I do want to go back to
8 your testimony just to make sure I got it
9 right. This matter with your home
10 started in August?

11 MR. WARD: This matter
12 started -- I first became aware of the
13 matter on August 22nd, 2017.

14 COUNCILMAN TAUBENBERGER: And
15 it ended, was that May 12th of this year?

16 MR. WARD: It ended -- actually
17 the date of formal eviction from the
18 Sheriff Department was posted to the
19 property March 12th, 2018.

20 COUNCILMAN TAUBENBERGER: 2018,
21 of this year.

22 MR. WARD: And that was, in my
23 view, an expedited process, only because
24 I immediately engaged an attorney to get
25 things going ASAP and not to wait and not

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2 to try to handle the matter on my own. I
3 sought legal counsel immediately.

4 COUNCILMAN TAUBENBERGER: And,
5 Mr. Ward, I will have to say that is way,
6 way, way too long. So I get your
7 frustration and the fact that you're very
8 upset, because that is ridiculous
9 actually.

10 So, Mr. Chairman, I thank you
11 for the ability to ask some questions.

12 Mr. Ward, thank you and, Ms.
13 Lee, thank you also for your testimony
14 and that you're coming out today to speak
15 about this, because we need to hear this,
16 and hearing it firsthand from you is very
17 important, and I thank you.

18 COUNCILMAN DOMB: Thank you,
19 Councilman.

20 I think, Mr. Law, you wanted to
21 testify.

22 MR. LAW: Yes. Thank you for
23 this opportunity. My name is Tsiwen Law.
24 I'm a real estate attorney here in the
25 Commonwealth of Pennsylvania. My

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2 practice is primarily real estate here in
3 Philadelphia County. I get many of my
4 referrals on these types of cases, and I
5 have a 50 percent practice on ejectment
6 actions, which has expanded over the last
7 several years because of the number of
8 ejections that are involved.

9 I want to acquaint you with two
10 of my -- I had invited two other clients
11 to come here to testify. One woman, who
12 is a realtor, grew up in the Kensington
13 area. Her father passed away, similar to
14 Mr. Ward's testimony, and she became the
15 executrix of the estate and had to handle
16 the probating the estate and all the
17 affairs of putting together the affairs
18 of her father. And under the state law,
19 they have -- the executrix has nine
20 months from the date of passing to get
21 the inheritance taxes filed. She needed
22 access to her father's belongings and
23 papers in order to add it, but somebody
24 broke in. Betty Torres broke into the
25 property up at 301 East Thayer Street and

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2 brought in friends and brought in all
3 their belongings, and that was last
4 August. They broke in. And I was not
5 able to get a court order until this
6 February to have them actually removed,
7 and the delay has been because the courts
8 now require, which it did not in the
9 early part of last year, a 1034 -- Rule
10 1034 hearing before an actual writ of
11 ejection is put into place by the court.
12 And so that on top of the normal four
13 months waiting time for a case to go to
14 trial, you have -- which is the
15 scheduled -- normally would schedule a
16 hearing, what they call the next day or
17 trial pool hearing, which is you get
18 called 13 hours before the hearing and
19 then you go the next morning to the
20 hearing. But they take these cases out
21 of the trial pool and set a date certain,
22 and that adds another 30 days delay. So
23 we're talking five months, and that's why
24 my client was stuck until February 1st
25 before she could legally take all of the

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2 junk that this person had accumulated out
3 of the properties to settle the affairs
4 of her father's estate.

5 I had another case where it was
6 a legitimate purchase at a real estate
7 closing of the estate of the owner. In
8 other words, the son was appointed the
9 executor. He was selling his mother's
10 property, and a client bought it at an
11 arm's length transaction. He went out,
12 and there was a woman there who had
13 occupied the property. It turned out she
14 was the sister of the executor of the
15 estate. She refused to leave the
16 property. She called the police when he
17 went out there. The police found out
18 that -- they checked with L&I. The
19 property was condemned because it had a
20 collapsed roof and a collapsed wall, and
21 they escorted her out. He boarded the
22 place up, and about a few weeks later he
23 came back. She had removed the boards.
24 She had reentered the property. This is
25 a property that had no plumbing, no

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2 kitchen, no bathrooms or anything,
3 impossible to live in. It turned out she
4 was living somewhere else. She would
5 come every day to sit in this house. For
6 two years she sat there until we were
7 able to get an execution order, a writ of
8 execution to grant possession to my
9 client. Two years, while he was paying
10 insurance. She actually interfered with
11 his ability to maintain his insurance on
12 the property, because he bought general
13 liability, believing that it was a risk
14 with a collapsed roof, and L&I refused to
15 take any action to get her out, saying it
16 was not imminent danger to her even
17 though the building itself could
18 collapse.

19 He had -- the insurance company
20 required him to set up some railings
21 outside in order to maintain his
22 insurance when it came time to renew. He
23 put the railings up. She took them down.
24 Even after we had the writ of possession,
25 the signed order from the judge, she then

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2 delayed -- she continued to occupy the
3 property and delayed removing herself
4 from the property until after the Sheriff
5 notified her attorney that order had been
6 entered.

7 COUNCILMAN DOMB: May I ask you
8 just to summarize in 15 seconds.

9 MR. LAW: So because some of
10 these properties involved estate cases,
11 as far as Bill 180430, the affidavit that
12 has to be signed by the buyer of the
13 property requiring that buyer to
14 establish that there is no relationship
15 with the prior owner is probably going to
16 limit the scope of what can be covered
17 under the legislation. I ask you to
18 consider a broader definition of --
19 because in one case, the case in which
20 the client couldn't come today, the
21 person who was the illegal trespasser
22 claimed that he had a right from his
23 stepmother to stay in the property, and
24 that of course, that dragged out for a
25 year, proving that he had actually put in

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2 the property and titled it to himself
3 illegally contrary to the estates and
4 fiduciaries law, which requires that it
5 be approved by the Orphans Court. He
6 never went to Orphans Court to have it
7 approved. He appointed himself the
8 executor of the estate and then put the
9 deed in his own name, even though legally
10 as a stepson he was not entitled to do
11 so.

12 So these kinds of
13 relationships -- so he claimed of course
14 that he was entitled to squat in the
15 property when he was not. So I ask you
16 to consider that aspect of the bill.

17 COUNCILMAN DOMB: Okay. Thank
18 you.

19 MR. LAW: Otherwise support it.
20 Thank you.

21 COUNCILMAN DOMB: Thank you.

22 I want to thank you, Ms. Lee,
23 Mr. Ward, and Mr. Law for your testimony.

24 Are there any questions by the
25 panel?

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2 I also want to recognize
3 Councilwoman Cindy Bass. Thank you for
4 joining us. Thank you, Councilwoman.

5 Any questions?

6 (No response.)

7 COUNCILMAN DOMB: Thank you for
8 your testimony.

9 Will the Clerk please call
10 Panel No. 5.

11 THE CLERK: Cateria McCabe,
12 George Gould, Jennifer Schultz, Phil
13 Lord.

14 (Witnesses approached witness
15 table.)

16 COUNCILMAN DOMB: Good morning.

17 MS. SCHULTZ: Good morning.

18 I'm Jennifer Schultz with Community Legal
19 Services. With the Chair's permission,
20 I'd like to reserve my comments until
21 after my clients testify in Panel 6.

22 COUNCILMAN DOMB: Okay.

23 MR. GOULD: Good morning. My
24 name is George Gould and I'm a senior
25 attorney at Community Legal Services in

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2 Philadelphia. I've worked in the area of
3 housing for almost 50 years. I'm very
4 grateful to have worked with City Council
5 for decades to protect the rights of
6 tenants and to promote decent, safe, and
7 affordable housing in this city.

8 We recognize that Philadelphia
9 is facing a serious problem of criminal
10 trespass by those who have no legal right
11 to occupy the property. You have heard
12 much of that testimony today. However,
13 with all due respect, we submit that Bill
14 No. 180430 is not the appropriate
15 mechanism at this point to deal with this
16 problem. The bill, while well
17 intentioned, fails to protect tenants,
18 equitable owners, people trying to repay
19 taxes after their home was sold at
20 Sheriff Sale, and victims of elder and
21 domestic violence. While certainly not
22 intended, it will allow scam artists and
23 unlicensed landlords to wrongfully obtain
24 possession of a property through an
25 expedited court procedure.

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2 It's important to note that
3 Section 10-840(5) in the bill creates a
4 five-day emergency court process, which
5 we believe clearly violates the
6 Pennsylvania Constitution separation of
7 powers by imposing procedures on the
8 courts. It also sets procedures for the
9 Police Department to follow, and we also
10 believe that is clearly improper. I
11 think Councilwoman Parker eloquently
12 stated these problems and other problems
13 with the bill.

14 We agree that there's a serious
15 problem, and we submit that the
16 appropriate way to deal with this is
17 through a resolution sponsored by
18 Councilpersons Parker, Gym, and Domb,
19 which deals with criminal trespass and
20 was passed by City Council on May 3rd.
21 The resolution calls for the convening of
22 a task force of interested parties,
23 including the Police, District Attorney,
24 City Council, the Courts, and advocates
25 to deal with this issue. It is our

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understanding that invites have been sent out by Councilwoman Parker's office and a meeting of the task force is scheduled for the middle of June.

In the midst of the mortgage foreclosure crisis almost ten years ago or even longer, City Council passed a resolution calling for the Courts to create a program to deal with this serious problem. A group was formed out of this made up of the Court, foreclosure lawyers, and advocates for homeowners. Out of this, the Mortgage Foreclosure Diversion Program was created. It was the first in the country and the most successful. Thousands and thousands of homes have been saved from foreclosure. This is an excellent example of what can happen when interested parties sit down in a room and work together to help resolve a serious problem.

Bill 180430, as previously mentioned, has serious probes. On May 2nd, we sent a letter to the Committee

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2 members outlining some of the specific
3 problems with the bill. I'll just
4 highlight these.

5 The bill will allow
6 unscrupulous landlords, often without
7 rental license, to avoid the standard
8 eviction process and have tenants removed
9 within five days. The only requirement
10 is to sign an affidavit stating the
11 tenants have no right to live in the
12 property.

13 Tenants may not even know
14 there's a hearing in five days.
15 Moreover, tenants often lack proof they
16 have a lease, because oral leases happen,
17 they're legal in Philadelphia and
18 Pennsylvania, and it may be difficult --
19 and the landlords collect cash, and it
20 may be difficult for tenants to prove in
21 fact they're legal occupants. This bill
22 creates a loophole, allowing landlords to
23 bypass the established eviction process.

24 The bill also does nothing to
25 protect -- and there's been testimony

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about it today -- fraudsters that rent out properties which they do not own. Every legal service attorney in the City has come across cases by these, where someone says they own a vacant property and rent it out to an unsuspecting tenant who thinks it's legitimate. This bill will criminalize people who have been victim of this sort of fraud by placing them squarely within the category of criminal and defiant trespassers.

The bill could also hurt domestic violence and victims of elder abuse by giving abusers a way to assert economic control over them. Often in situations of domestic violence and elder abuse, the abuser will ensure that his or her name is the sole name on the deed, another form of control. The victim may have few, if any, documents linking them to the right to live in the residence.

The definition of criminal and defiant trespassers, it is so broad that includes many people with legitimate

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ownership or occupancy rights to the property. A good example is homeowners who fell behind on their taxes and the property has been sold at Sheriff Sale. In Pennsylvania, that person has a right to remain in the property during the period of redemption to pay off and set aside the Sheriff Sale. What can happen -- and we have seen it happen -- is purchasers at the Sheriff Sale attempt to evict this person and call them squatters.

These are many examples of problems that can exist and we believe will exist if this bill passes. The bill would ensnare many Philadelphia citizens who do not fit into the narrow category of people at which this legislation is aimed. These individuals and families would be classified as criminals and forcibly removed from their homes.

Homelessness continues to be a serious problem. Council is also aware that we are facing a severe eviction

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2 problem. We should not take steps which
3 will exacerbate this problem, as we
4 believe this is what the bill will do.
5 This bill should be put on hold and allow
6 the task force created by City Council
7 resolution the opportunity to
8 appropriately address this problem.

9 Thank you.

10 COUNCILMAN DOMB: Thank you.

11 Thank you for your testimony.

12 Who would like to go next?

13 MS. McCABE: Good morning. My
14 name is Cateria McCabe. I'm Director of
15 Veterans, Kinship Care, and Tenant Rights
16 at SeniorLAW Center. Thank you,
17 Councilman Domb and members of City
18 Council, for another opportunity to
19 provide a response to the proposed
20 legislation governing treatment of
21 persons classified as criminal and
22 defiant trespassers and, in the
23 vernacular, squatters.

24 At SeniorLAW Center, we protect
25 the rights of older Pennsylvanians. We

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2 save homes, prevent homelessness, fight
3 for grandparents' rights, stop elder
4 abuse, fraud and exploitation, and
5 promote independence and dignity to over
6 5,000 seniors each year. We're an
7 independent non-profit and the only
8 non-profit organization solely dedicated
9 to providing legal protection to
10 Pennsylvania seniors.

11 In our work, we come across
12 cases whereby persons will attempt to
13 gain access to seniors' homes and then
14 refuse to leave, often resulting in
15 dangerous and threatening situations for
16 the seniors located in the home. As
17 others have testified before this
18 Committee, these seniors are made
19 vulnerable longer because the process for
20 removing these trespassers can take three
21 to six months for an ejectment.
22 Additionally, the Police and District
23 Attorney's Office often refuse to bring
24 trespassing charges against the
25 perpetrators for a variety of reasons.

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2 We too would like to see a process
3 whereby these trespassers are removed
4 more quickly, thus securing the seniors'
5 safety.

6 We applaud the attempt to
7 ensure that dangerous trespassers are
8 removed more swiftly from properties
9 under Bill 180430, but we continue to
10 have concerns that the proposed bill will
11 have negative consequences for innocent
12 seniors in our community.

13 Where a perpetrator has forced
14 a senior to sign over their property
15 through fraud, undue influence or
16 threats, the perpetrator could sign an
17 affidavit, file an ejectment, and force
18 the senior out of their home.
19 Additionally, as more seniors lose their
20 lifelong homes as the result of tax
21 foreclosure, under the proposed
22 legislation a purchaser of the property
23 at Sheriff Sale could have the senior
24 removed from the home and potentially
25 arrested even though that senior may have

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2 a right of redemption under the law.
3 Similarly, a tenant with an oral lease
4 who has no written proof of a contractual
5 relationship or even payment of rent may
6 be arrested and removed from their home.

7 We are deeply concerned about
8 situations where bad actors will make
9 false affidavits. The danger is great
10 that perpetrators currently preying on
11 vulnerable seniors will use the
12 provisions of this bill to complete their
13 attempts at gaining control of the
14 senior's residence and rendering the
15 senior homeless.

16 We would like to see the
17 current criminal trespass statutes more
18 widely enforced in Philadelphia and would
19 like for an expedited process for
20 removing the illegal trespassers where
21 such charges are pursued. However, we do
22 not want to risk innocent Philadelphians
23 being removed from their homes or charged
24 criminally where they are rightfully in a
25 property. Our senior population in

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Philadelphia is particularly at risk, as we have the largest percentage of seniors of the ten largest cities in the country, nearly 20 percent. Additionally, nearly 50 percent of seniors age 60 and older in Philadelphia are defined as poor, meaning they live at or below the poverty level. For many seniors, their greatest asset is the home for which they've worked their entire lives. Unscrupulous actors, recognizing the gaps in our system, can utilize these gaps not only to gain unlawful entry to homes, but also to try to steal the homes of seniors or force them out illegally.

We need to draft legislation carefully so as not to provide these perpetrators with additional tools to force seniors unlawfully from their homes.

We agree with our colleagues that providing a more user-friendly court process and access to legal assistance should be a priority to encourage more

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efficient and timely resolution of
ejectment matters. We applaud the
provision of information about legal and
housing resources as well as fact sheets
to be developed by the City. We suggest
that these materials be available widely
as well as multiple languages so that
others who are not English speakers
naturally would be able to access the
information.

We're under the opinion that
the bill in its present form is too broad
and has unenforceable provisions where
the legislative branch seeks to create
procedures for the judiciary. Moreover,
the fact that a similar bill was voted
down in November emphasizes the need to
proceed with caution.

In an effort to protect
citizens, we must not make the error of
causing harm. It is important to
carefully -- to be committed to carefully
weighing the options and reaching sound
resolutions that would accomplish the

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2 goal of evicting trespassers within the
3 law while protecting those who could be
4 victimized by unscrupulous perpetrators
5 seeking to take advantage of the
6 vulnerable.

7 We, therefore, support the
8 pragmatic approach of creating a task
9 force. The members would include
10 stakeholders dedicated to evaluating the
11 policies in place, exploring the need for
12 systemic changes, and determining ways to
13 make impactful changes for the protection
14 of Philadelphia citizens with trespassers
15 in their homes. We stand ready to serve
16 on that task force if it is created as a
17 primary provider of legal services for
18 Philadelphia seniors and the non-profit
19 throughout the Commonwealth protecting
20 elder rights.

21 Thank you so much for your time
22 and your attention.

23 COUNCILMAN DOMB: Thank you for
24 your testimony.

25 Mr. Lord.

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2 MR. LORD: Thank you. My name
3 is Phil Lord. I'm the Executive Director
4 of TURN. We advocate on behalf of
5 tenants and we provide counseling and
6 classes and educate tenants.

7 This issue is very real for us.
8 We see tenants all the time who are
9 victims of scam artists who put them in
10 places that they are then found not to
11 have the right to be in and they wind up
12 having to move out. We see this all the
13 time. I talked to a young man just a
14 couple months ago who paid rent for a
15 year on a foreclosed property being
16 foreclosed and to someone who didn't have
17 any relationship with the owner.

18 I've seen young people, a
19 couple had twins, little infant children,
20 and they moved into a property and they
21 found out after moving in and buying
22 furniture and paying a deposit that the
23 person they dealt with had no right to
24 give them the right to that property.

25 So scam artists hurt tenants as

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2 well as owners and landlords, and we want
3 to do something about it.

4 I'm going to be brief, because
5 I don't see how this legislation helps
6 anybody, to be honest with you. I'm
7 reading it and I don't know what we're
8 talking about, because all it really does
9 is say, okay, the police have to do what
10 the police do, which they do anyway. We
11 can't control the police. The Courts
12 have to go forward and provide better
13 procedures. They're working on that
14 already and we can't tell them what to do
15 about that, so that's not very
16 constructive. It redefines criminal
17 trespass and defiant trespasser, which I
18 don't think is possible to do because
19 that's state criminal law and this
20 definition doesn't even require mens rea
21 or criminal intent or anything like that.
22 So this definition is not a criminal
23 definition. It's a civil definition.
24 That doesn't make sense.

25 But the bottom line is, what

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2 this bill does do, which I'm troubled
3 with, is allow a private party to go to
4 the police station, fill out a form, and
5 get a police officer to walk with them to
6 a house and interrogate somebody, ask
7 them for their ID, ask them for why
8 they're there, ask them how they got
9 there, find out personal stuff and make a
10 record and report of that. That's very
11 intimidating. That's an invasion of
12 people's privacy. If there's no basis
13 for it other than someone filling out a
14 form, that's downright illegal. It's not
15 even probable cause.

16 So my understanding about this
17 whole system is it opens the door to
18 harassment by people to get people out.
19 And if you're an immigrant, if you're a
20 returning citizen, if you're a low-income
21 person who doesn't understand the law
22 very well, you're going to wind up being
23 harassed by this, because this law
24 creates that possibility.

25 But in terms of the situations

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2 that we've heard about today, there are
3 situations where police are already
4 informed, where courts were involved.
5 Nothing happened. This bill is not going
6 to change that in any way that I can see.

7 So I would like to solve the
8 problem. I think a task force is a
9 solution, a possible way to do that. I
10 appreciate Councilwoman Parker's words.
11 We need to come up with a real solution
12 to address a real problem and not just go
13 through these motions that really in fact
14 only open the door up to abuse. And I
15 think the abuse can be serious, because
16 frankly from our viewpoint, self-help
17 evictions, illegal evictions are a much
18 bigger problem than squatting, even
19 though squatting is very serious and I
20 know it hurts a lot of people and it
21 hurts their economic situation, which is
22 serious, but we have to find a
23 comprehensive solution that doesn't take
24 one party's rights away to give it to
25 somebody else.

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2 COUNCILMAN DOMB: Thank you.

3 Thank you all for your

4 testimony.

5 Councilman Taubenberger.

6 COUNCILMAN TAUBENBERGER: I

7 have two questions. One for Mr. Gould.

8 First of all, thank you for being here.

9 Your working on this matter has helped me
10 personally and I think it helps the

11 process. But, Mr. Gould, the question I

12 have for you, you had stated in your

13 testimony, in the midst of the mortgage

14 foreclosure crisis, City Council passed a

15 resolution calling for the creation of a

16 program to address the issue, which was a

17 task force. How long did that take,

18 approximately?

19 MR. GOULD: Actually it was

20 done relatively quickly.

21 COUNCILMAN TAUBENBERGER:

22 What's your definition of "quickly."

23 MR. GOULD: I would say in a

24 couple months. Several meetings were put

25 together. Judge Rizzo, of course, was

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2 involved. There were several lawyers,
3 foreclosure lawyers, and there were
4 several advocates. And obviously on the
5 surface we had competing interests,
6 because they were interested in
7 foreclosing and we were interested in
8 protecting homeowners. But by sitting
9 down, even though there were very diverse
10 views, we came up with the Mortgage
11 Diversion Program. It was literally in a
12 couple months, and the program came
13 operational. The ten-year anniversary is
14 coming up fairly soon and we're going to
15 have a big celebration with all
16 interested parties. And what it did, by
17 having us sit down in the room with the
18 foreclosure lawyers and the court, we
19 really were able to come to a resolution,
20 hear what people's concerns were, hear
21 what they could do and not do, and quite
22 frankly it created what all considered to
23 be the best program in the country.

24 COUNCILMAN TAUBENBERGER: And
25 you stand behind that, that is the best

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2 program or one of the best programs in
3 the country?

4 MR. GOULD: Yes. It was the
5 first. I think it has saved by far the
6 most number of homeowners, and it's been
7 said by people outside of Philadelphia
8 it's the best program.

9 COUNCILMAN TAUBENBERGER: The
10 result of that task force was a policy or
11 an ordinance that eventually was passed
12 by this Council, or was it just a policy?

13 MR. GOULD: No. City Council
14 never ended up passing anything except
15 the initial resolution calling for the
16 courts and others to come together, just
17 like the City Council resolution that was
18 passed on this issue, to come up with a
19 solution to the problem.

20 COUNCILMAN TAUBENBERGER: Thank
21 you very much.

22 And, Mr. Lord, I do have a
23 question for you. You had talked about
24 unscrupulous land -- let me get this
25 right. People that are giving out fake

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2 leases more or less. I think you'll get
3 my drift. If you have questions of me on
4 this, then we'll define it better. But
5 to your knowledge -- this is where I'm
6 asking -- the people that have been
7 involved, these scam artists, these scam
8 artists who say here's a lease and move
9 in and this is your property and in
10 reality they kicked the door in and given
11 the person the fake lease, have any of
12 those people ever, to your knowledge,
13 been prosecuted for that crime?

14 MR. LORD: No. That's the
15 problem. No. I think you focused right
16 on it. There's nobody being prosecuted
17 for anything in regards to this issue,
18 and as long as that's the case, it will
19 be done with impunity. It's not enough
20 just to get somebody out. You have to
21 make sure that the person that put them
22 in there fraudulently has some
23 consequences. There are no consequences.
24 And I don't see the consequences this
25 bill is going to generate. So I think we

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2 have to figure out how -- the police have
3 these blanket exclusions that are more or
4 less their own policy, but in fact need
5 to be modified to reflect these concerns,
6 and that's not what's happening.

7 COUNCILMAN TAUBENBERGER: Okay.
8 And no one, to your knowledge, has ever
9 been prosecuted or brought forth because
10 of doing that scam artistry?

11 MR. LORD: No. Well, you know
12 what happens? The tenants when they find
13 out someone knocks on the door and say
14 you need to deal with the owner, they
15 call the owner, who doesn't give them an
16 address, and they can't get an answer.
17 So these people who give them these
18 leases disappear once something happens
19 that's significant, and the tenants of
20 course very often, they have to move out
21 right away. They don't go through the
22 court. The scam artists are not going to
23 go to court to defend what they're doing.

24 COUNCILMAN TAUBENBERGER:
25 Mr. Lord, do you believe there's a way to

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2 catch them and enforce the laws that
3 exist as far as these scam artists?

4 MR. LORD: Yeah, I think there
5 is. If folks took it seriously enough,
6 you could have sting operations. You
7 could use private criminal complaints to
8 intervene quickly. There are ways to
9 go -- and you can track down based on
10 phone numbers what's going on. There are
11 investigative techniques that can be
12 done, but if you're going after the
13 person in the building who again moves
14 out and then you're done, you're not
15 going to get there and you're going to
16 wind up having that happen over and over
17 again.

18 COUNCILMAN TAUBENBERGER: Thank
19 you very much for the time you put in.

20 Mr. Chairman, thank you.

21 COUNCILMAN DOMB: Thank you,
22 Councilman.

23 I would like to recognize
24 Councilwoman Helen Gym.

25 COUNCILWOMAN GYM: Thank you

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2 very much, Mr. Chairman.

3 And thank you very much to all
4 of you for coming up and testifying. I
5 think we've been here in this place
6 before. We had a hearing earlier in
7 November about this issue.

8 One of the questions that --
9 I've been on record as being very clear
10 that I support Councilwoman Parker's --
11 the importance of having a task force,
12 and I think all of us also are together
13 on a task force that has been extremely
14 effective, in my opinion, which is the
15 Anti-Eviction Task Force that the City
16 has been convening for the last eight
17 months of time. And among the things is
18 is that we're dealing with a very
19 complicated issue around at that time --
20 this is totally separate from what we're
21 talking about here today, but I do want
22 to talk about the importance of the task
23 force, which is that we're dealing with
24 an extremely complicated issue around
25 evictions. It involves multiple parties,

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2 including L&I. It includes housing. It
3 includes our courts. It includes access
4 to counsel. It certainly includes our
5 advocates. And one of the things we're
6 trying to -- what we were trying to
7 understand through the eight months of
8 the task force was all the different ways
9 in which all of us have to work in unison
10 in order to tackle the issue without
11 putting undue harm on unintended parties
12 who we may not have thought through the
13 consequences of legal action. There were
14 certainly some of us on City Council who
15 would have liked to have moved on bills
16 and legislation, but it was felt like it
17 was not the right time to do that until
18 we had a better understanding of the
19 problem.

20 And so I'm wondering if you
21 can -- and I think you did this already
22 with my good Council colleague Councilman
23 Taubenberger, but again just talking
24 through what your vision is of an
25 effective task force. Like how does

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2 this -- how is it that so many parties
3 coming together, as Councilwoman Parker
4 has proposed, how will that actually move
5 us towards smart solutions that may be
6 legislative and in other cases may
7 require action by the Courts? That's
8 what we certainly got from the
9 Anti-Eviction Task Force. We got action
10 by the Courts that could not have come
11 through legislative action.

12 So could you talk just a little
13 bit about how you see task forces
14 actually being extraordinarily effective
15 ahead of legislation.

16 MR. GOULD: Yeah. I can
17 mention I was very actively involved with
18 the creation of the Mortgage Foreclosure
19 Diversion Program, and quite frankly
20 after City Council passed the
21 resolution --

22 COUNCILWOMAN GYM: George,
23 could you push your microphone a little
24 bit closer.

25 MR. GOULD: I said I was very

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2 involved in the creation of it, and quite
3 frankly after Council passed a
4 resolution, I was a little skeptical,
5 because the parties were really pretty
6 opposite, the foreclosure lawyers and the
7 advocates, and we weren't exactly sure
8 where the Courts were. But by sitting
9 down in the room and everybody speaking
10 freely and candidly of the issues, we
11 were able to come to a resolution very
12 quickly actually. I was just impressed.
13 And through that process, I think having
14 everybody in the room -- and I think with
15 this task force, we have everybody on the
16 same page; that is, they're all
17 interested in dealing with the problem.
18 They want to have criminal trespassers
19 dealt with in an appropriate way. So we
20 don't really have that conflict, which
21 quite frankly existed in the foreclosure.

22 So I think reaching a
23 resolution I think could happen.
24 Everybody could set forth what their
25 proposals are, what they want to do, and

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2 we can hear from the Courts what they
3 think is appropriate, what they want to
4 do, and I know the Police and the
5 District Attorney's Office is also very
6 interested in that.

7 So I think a task force is
8 really the way to go to resolve this
9 problem.

10 MS. SCHULTZ: If I can add to
11 that. I think what the testimony today
12 over and over has alluded from people
13 struggling with this problem on a
14 personal level is the difficulty in
15 getting the correct direction. They go
16 to the Police, they go to the Courts,
17 they go to L&I. They get bounced around
18 and they're really not directed on how
19 the system works, and I think that
20 illuminates a fundamental informational
21 gap. And having the different players in
22 the room and sorting out what the system
23 really is and how the system handles
24 this, tweaking those areas that need to
25 be tweaked; for instance, creating an

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expedited process through the courts that is able to respond to these urgent matters as they come up, and then having that information properly shared among all the different stakeholders so that regardless of where the person is seeking help, they're given the same correct advice about how to actually get help. Because some of the really horrible stories that have been shared today, the person bounced around for three or four months before they found their way to the courts. Nobody told them get a lawyer, go to the courts. And had they done that more quickly, they would not have suffered as long. And making sure we get that information out there and that it's clearly and consistently the same information and it's the correct information I think is what's crucial, and a task force will let us fix that in a way that legislation will not.

COUNCILWOMAN GYM: Thank you.

Thank you.

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2 And Mr. Lord.

3 MR. LORD: If I could add,
4 Harvey Spear from HAPCO spoke earlier,
5 and I really respect his work and what
6 he's done, and he said that he wanted to
7 make sure that we make sure that we are
8 considering tenants' rights in this
9 process, and I appreciate that. And I
10 think from my viewpoint, we're not trying
11 to get squatters or people who commit
12 fraud to be able to do that against the
13 law. We want to make sure that gets
14 dealt with.

15 And so we have a common ground
16 here. It's not as though we have an
17 adversarial relationship around this. We
18 have to figure out what the limits are,
19 why Police have the policies they have,
20 why the Courts are not moving as quickly
21 as they should. If we're all in the same
22 room, we can do that. If everybody asked
23 us individually do we like this bill or
24 don't we like the bill, that's a
25 different conversation. We can bounce

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2 off each other different ideas, different
3 approaches, we get to a solution. I
4 think that's what we need to do here.

5 COUNCILWOMAN GYM: And is it
6 your opinion also that a task force would
7 be helpful towards that?

8 MR. LORD: I think it's
9 essential.

10 COUNCILWOMAN GYM: And just for
11 clarity, for each of you, I know that --
12 prior to my Council colleague
13 Councilwoman Parker calling for the
14 resolution for the task force, had you
15 previously been invited to any kind of
16 task force of that measure since our last
17 hearing on this issue?

18 MR. GOULD: Yes. We have
19 received invites, I know our office has,
20 to be members of the task force.

21 COUNCILWOMAN GYM: From whom?

22 MR. GOULD: Excuse me?

23 COUNCILWOMAN GYM: From whom?

24 MR. GOULD: Councilwoman
25 Parker.

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2 COUNCILWOMAN GYM: Before

3 Councilwoman Parker, had you had an

4 opportunity to be part of a task force

5 before Councilwoman Parker invited you to

6 the table?

7 MR. GOULD: Well, there was

8 no -- a task force didn't exist.

9 COUNCILWOMAN GYM: So you had

10 not had a chance to sit around the table

11 with all the parties? Effectively what

12 I'm trying to understand is, has there

13 been a table where you've sat down with

14 the Police, with the District Attorney's

15 Office, with our Courts, with our other

16 members, impacted stakeholders prior to

17 the Councilwoman inviting you to a task

18 force?

19 MR. GOULD: No. There has been

20 no task force.

21 COUNCILWOMAN GYM: Thank you

22 very much. I think this is an important

23 aspect --

24 COUNCILMAN OH: I have a point

25 of information. That's inaccurate.

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2 COUNCILWOMAN GYM: -- to

3 clarifying that.

4 COUNCILMAN OH: A point of

5 information.

6 COUNCILMAN DOMB: Okay. Thank

7 you.

8 Councilman Oh.

9 COUNCILMAN OH: We actually did

10 meet and we did speak and then we sat in

11 the caucus where your representatives

12 from the Tenants Union, Phil Lord was

13 there, from Community Legal Services, and

14 from the SeniorLAW Center spoke about the

15 bill and -- actually, two bills, and in

16 addition, we asked for any

17 recommendations that you would like to

18 make, of which you made no

19 recommendations.

20 MS. McCABE: If I may

21 respectfully clarify, I believe that was

22 a meeting, but I believe what

23 Councilwoman Gym is talking about is a

24 task force where the important

25 stakeholders sit down and participate to

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2 have productive discussion about how we
3 should productively move forward. I
4 don't believe what you're talking about,
5 Councilman Oh, is the task force that
6 we're speaking of and that we're all in
7 support of at this time.

8 COUNCILMAN OH: Yeah. Thank
9 you. What she said is because there was
10 no task force, you couldn't have met with
11 a task force. Then she asked so you had
12 no opportunity to sit down and meet all
13 parties together.

14 COUNCILWOMAN GYM: No, that's
15 not correct. So point of information,
16 Councilman Domb or Mr. Chairman. What I
17 asked was has there been an opportunity
18 for you to be part of a table in which
19 all of the impacted stakeholders are
20 present. It is not whether you've had a
21 chance to meet with the sponsor of a
22 specific bill of legislation. I believe
23 that that has occurred. I was there at
24 that meeting. But the question that we
25 raised at that specific meeting as well

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2 was the need for not only advocates to
3 meet with the sponsor of the bill but
4 specifically for the advocates, for the
5 Courts, for the District Attorney's
6 Office, for the Police Department, and
7 for other stakeholders, which may include
8 landlords, other types of entities, to
9 also be at the table, not to specifically
10 debate the merits of one specific piece
11 of legislation, but to tackle the broader
12 issue of why so many of our constituents
13 are having so much difficulty trying to
14 gain action on a case of clear
15 fraudulent -- in the case of fraudulent
16 behavior, and to that question of whether
17 you have been invited to a broader table
18 with impacted and other types of
19 stakeholders, for clarity your answer to
20 that is no; is that right?

21 MR. GOULD: Yeah.

22 MR. LORD: Yeah. I'd like to
23 add, I thought that was going to come out
24 of that meeting. I thought the end of
25 that meeting we were supposed to have a

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2 follow-up where everybody would be at the
3 table, and that did not happen. But I do
4 think whenever it does happen, it's going
5 to produce good results, because people
6 really want to see this problem solved
7 for real.

8 COUNCILMAN DOMB: Thank you.

9 MR. GOULD: If I may just
10 comment, Councilman Oh is correct. There
11 was a meeting of some advocates with him
12 about the bill. However, as you stated
13 clearly, the Court was not there, the DA
14 was not there, the Police were not there,
15 and they're the parties we believe who
16 have to be involved to set up a system to
17 deal with this problem.

18 We think there is an issue, a
19 serious issue, of City Council trying to
20 tell the Courts what procedures to follow
21 and also to tell the Police what they
22 have to do. I think they should all be
23 in the room so we can come up with that
24 resolution.

25 COUNCILWOMAN GYM: Thank you

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2 very much.

3 COUNCILMAN DOMB: Thank you.

4 Thank you, Councilwoman.

5 The Chair would like to

6 recognize Councilwoman Parker.

7 COUNCILWOMAN PARKER: Thank

8 you, Mr. Chair.

9 I want to thank each of you for
10 your testimony. I also want to say a
11 special thank you to Councilman Henon who
12 during one of the previous panels
13 provided a little clarity relative to, I
14 think, the substance of Council's ability
15 to create task forces.

16 I've been in this building --
17 I'm ashamed to say it now because I'm
18 getting older. When I was 17, I didn't
19 feel like that. But I've been here long
20 enough to remember that even before the
21 foreclosure crisis, we were defining
22 predatory lending in the City of
23 Philadelphia, and in order for mortgage
24 products like PHIL loan, mini-PHIL loan,
25 the bill that was passed, we had a

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2 predatory lending task force that worked
3 with the industry. I'm not sure how many
4 of you remember that, but there were
5 subprime lenders and prime lenders along
6 with -- I see my friend Irv Ackelsberg
7 and Ira Goldstein and ACORN and all of
8 those agencies, and we were in the room
9 at a table hammering out what this
10 process will look like.

11 So with that being said,
12 Councilwoman Gym, when you asked your
13 line of questioning, you made me think
14 that it was necessary to just note for
15 the benefit of this audience that
16 there -- I don't think you've heard from
17 a member of City Council that this issue
18 does not need to be addressed, and it
19 has, I'm telling you, challenged
20 neighborhood upon neighborhood in every
21 corner, in every section of this city.
22 It is threatening homeownership and the
23 quality of life in neighborhoods, and it
24 needs to be fixed. But what you have
25 heard today I think from each of you who

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2 have testified is that if we're going to
3 proffer a solution, it should be done
4 with all stakeholders, those who are
5 engaged in this process to have a voice.

6 Those who were asked -- and I'm
7 not sure in the meeting that you
8 referenced, Mr. Gould, or that you
9 referenced if these people were there,
10 because when we talked about a table,
11 which is what I thought was happening in
12 November when this issue was addressed, I
13 thought you were meeting with these
14 people, the Courts, because we have said
15 in this legislation that the Courts will
16 have five days to respond, but I have not
17 heard from the Courts that the five days
18 that they're being given to respond is in
19 accordance with their abilities, their
20 process, what it is that they do. So
21 what we've done is, we've invited the
22 President Judge Court of Common Pleas and
23 Chair of the Administrative Governing
24 Board. A copy went to the District Court
25 Administrator; Keir Bradford-Grey, Chief

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2 Defender, Defenders Association; District
3 Attorney Larry Krasner; our Commissioner
4 Richard Ross; our L&I Commissioner David
5 Perri; Tom Conway from CLIP; Commissioner
6 David Jones from DBHIDS; Elizabeth Hersh
7 from the Office of Homelessness; Debra
8 McCarty from Philadelphia Water
9 Department. Why? We've heard these
10 heartaches, these stories about
11 utilities, along with PECO, along with
12 PGW.

13 In addition to that, we have
14 the President of PGW; James Leonard from
15 Records; Cynthia Figueroa from DHS;
16 Marcel Pratt, City Solicitor; George
17 Gould, Snyder, Phillips, CLS; SeniorLAW;
18 Public Interest; TURN; GPAR; HAPCO; and
19 all members of Council.

20 So, again, I just wanted to
21 note for the record that when you all
22 talked about -- I remember the hearing in
23 November because I had an emergency and
24 couldn't attend. I remember the issues
25 that were raised. I remember some saying

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that a group would come together to hammer out the challenges, and I thought that when you say you were bringing stakeholders together, George, I'm thinking the meeting that you referenced that you attended, that the law enforcement officials, along with the Courts, along with legal counsel, that all of these stakeholders were going to be at the same table and you were going to be hammering out all of the challenges that you referenced so that we could come back united and vote for this. Because I also want to be clear for the record that there's no one person in this body who cares about this issue more than another. This is about quality of life in neighborhoods and homeownership, and as I just said to Councilwoman Cindy Bass, in the Ninth Councilmanic District -- the City has a 52 percent homeownership rate. In the Ninth Councilmanic District, I have 64 to 67 percent and in some neighborhoods almost 74 percent

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2 homeownership.

3 So, Councilwoman, as I just
4 mentioned, I get this.

5 Councilman Domb, Councilman
6 Taubenberger, and Councilman Oh, because
7 of your leadership, you are right on
8 this. These horror stories we heard,
9 they are wrong. I just beg of you all,
10 please allow us to go back to the table,
11 Councilman Oh, allow the stakeholders we
12 just mentioned the ability to hammer out
13 a compromise on the powers associated
14 with the Courts, the powers associated
15 with the Police Department, the powers
16 associated with our City, and if they
17 can't get it done, Councilman, on that
18 first day that we meet to say that, okay,
19 here's a path, we can get it done, then
20 maybe it's not possible. But we should
21 at least say that we have put everyone
22 together at a table to hammer out any
23 unintended consequences. And that's our
24 issue, because this issue is challenging
25 and damaging neighborhoods across the

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2 City of Philadelphia, and these are
3 horror stories that you heard from
4 residents paying full mortgages, \$2,000 a
5 month and someone changes the locks. We
6 know that story, and that is wrong, but
7 we've got to cross our T's and dot our
8 I's.

9 And so I just wanted to say
10 thank you.

11 And, Councilwoman Gym, thank
12 you for outlining -- I thought that this
13 meeting had already occurred. Forget the
14 task force, but I thought that there was
15 a meeting, because I remember asking can
16 you just meet with all of the
17 stakeholders. So I thought that
18 everybody from the group that I just
19 mentioned was a part of that meeting, but
20 unfortunately that did not occur.

21 Thank you all for your
22 testimony.

23 COUNCILMAN DOMB: Thank you,
24 Councilwoman.

25 Are there any other questions

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2 for this panel?

3 (No response.)

4 COUNCILMAN DOMB: Seeing no

5 further questions, thank you.

6 I'd like the Clerk to call the

7 next panel, Panel No. 6.

8 THE CLERK: Morris Simpkins,

9 Margaret Green.

10 (Witnesses approached witness

11 table.)

12 COUNCILMAN DOMB: Good

13 afternoon now. Please state your name

14 for the record, and we're trying to keep

15 the testimony to two minutes, if we can.

16 So please proceed.

17 MR. SIMPKINS: My name is

18 Morris Simpkins. I'm here to testify

19 about getting my home back, thanks to

20 Jennifer Schultz, and if it wasn't for

21 her, I wouldn't have the house. And if

22 it wasn't for her, I'd be in a world of

23 trouble.

24 So I recently got my home back.

25 Thank God I did. That's the only thing

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2 I'd like to say.

3 There's a lady came to my house
4 on March 14th, and the thing about it,
5 they said they had purchased my house. I
6 wasn't aware of that. I was so
7 surprised. This lady comes to my house,
8 said I just purchased your house.

9 I said, how did you purchase my
10 house? I said, I lived in this house
11 since 1956. My parents bought the house,
12 and then after they passed on, I'm the
13 only child. So I was surprised about
14 this situation that came to me. So if it
15 wasn't for Jennifer Schultz, who buy my
16 house back. That's the only thing I got
17 to say about this.

18 She want to try to take my
19 house from me, and I was -- you know, I
20 was unaware of this. And she didn't have
21 no kind of proper papers to submit to me
22 about my house, but she said, I just
23 bought your house.

24 I said, how you bought my
25 house? I wasn't aware of this. She

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2 didn't even have the proper papers to
3 even present to me. So I was surprised
4 and I was shocked about this. So thanks
5 to Jennifer Schultz, I went the legal
6 ways to try to get my house back, which I
7 did, and thanks to her.

8 Thank you.

9 COUNCILMAN DOMB: Thank you.
10 Thank you very much for your testimony.

11 MS. GREEN: Good morning. My
12 name is Margaret Green. I live in North
13 Philadelphia. I was in a bad situation
14 at the time and the guy proposed to me,
15 it was his house and his son house, and
16 they rented me the house. I started
17 having issues about the water. So I
18 called them because I was in the process
19 of making the repairs myself as a part of
20 their agreement of me moving in. When I
21 called to tell them what the Water
22 Department said, I never heard from
23 nobody again.

24 I moved in this property 2015.
25 I've been there up until recently. I

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2 went -- I got a letter in the mail from
3 City Hall stating that it was a
4 fraudulent document was submitted to
5 their record room. I came down here.
6 While I was down here trying to find out
7 what was going on, the guy from the
8 neighborhood was banging on the door,
9 talking about some people at my house
10 through Sheriff Sale. And basically he
11 just want to come in, he want to fix it,
12 I can give him rent and things of that
13 nature. And I'm just in a lose-lose
14 situation basically, because I don't have
15 no rights. I tried to do everything. I
16 was compliant with L&I trying to keep the
17 house. I tried to pay the back taxes. I
18 didn't have no rights. I still
19 maintained the property. There's no
20 living heirs. There's no nothing. I've
21 been in this property since 2015, and now
22 he trying to take it over and is getting
23 ready to go to Sheriff Sale. So I'm in a
24 lose-lose situation, and me and my
25 children about to be in the street. I've

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2 just been taken for granted all the way
3 around the board.

4 COUNCILMAN DOMB: Thank you.
5 Jennifer.

6 MS. SCHULTZ: Thank you. Both
7 Mr. Simpkins and Ms. Green also have
8 written testimony that flushes out the
9 facts of their cases a little more. If I
10 can provide a little clarity.

11 Ms. Green is currently dealing
12 with a deed fraudulator. He claims that
13 he owns the property. The deed that he
14 has is dated April of this year and was
15 purportedly signed by two women who have
16 been dead for over a decade.

17 MS. GREEN: Over ten years.

18 MS. SCHULTZ: Over ten years.

19 So that gentleman is not
20 somebody who has legal ownership because
21 it's a fraudulent deed, but he has record
22 ownership. And Ms. Green has been having
23 great difficulties interfacing with the
24 legal system, with the Police, to get
25 them to address the harassment and

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2 intimidation that he's been engaging
3 against her.

4 Mr. Simpkins lost his house for
5 property taxes at a Sheriff Sale. He had
6 the right to redeem the property, and he
7 was able to successfully redeem and now
8 owns the property in full, but during
9 that time when he was getting the money
10 together to complete that right of
11 redemption, the Sheriff Sale purchaser
12 engaged in a very hostile campaign to try
13 and get him out of the property. She
14 tried to shut the utilities off. She had
15 the Police come out to the house multiple
16 times claiming he was a squatter. She
17 even attempted to evict him through the
18 Landlord-Tenant Courts by signing false
19 documents saying that there was an oral
20 lease, when no agreement had ever been
21 made.

22 The reason that I have my two
23 clients testifying here today is because
24 under this Bill 180430, they would both
25 be criminals and they would both be

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facing up to three months in jail, and that is why these compelling stories demonstrate the complexities of these property cases and that is why I urge you to vote no on this bill. It does not protect previous owners of properties after Sheriff Sales. It does not protect victims of domestic violence. It does not protect other people who do not have tenancy relationships with an owner, and it does not protect victims of scams.

We agree that Philadelphia needs to address the problem of criminal trespassers. We need a system that can easily be accessed by victims, one which will be responsive to complaints and one which is capable of careful and complete review of accusations to determine the merits of these accusations of criminal activity. Councilwoman Parker's task force is the right approach to achieve this goal.

Thank you.

COUNCILMAN DOMB: Thank you for

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2 your testimony.

3 Any questions?

4 Councilwoman Parker.

5 COUNCILWOMAN PARKER: Thank
6 you, Mr. Chairman.

7 Ms. Schultz, you mentioned the
8 word "domestic violence," and I don't
9 know throughout any of the testimony that
10 we've heard here today that the term --
11 I've heard the term "domestic violence."
12 What does domestic violence have to do
13 with the legal occupation of property,
14 squatting?

15 MS. SCHULTZ: Yes. So
16 unfortunately we don't have any clients
17 that we have permission to share their
18 stories, but I think Mr. Gould and the
19 previous testimony alluded to this
20 problem where an abuser may have a lot of
21 economic control and they may be the sole
22 owner of the property that they may have
23 been sharing as a domestic residence for
24 many years and may even have had children
25 in common, and then when he decides he

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2 wants the woman out and she refuses to
3 leave, there may be a call to the police
4 saying, I want this woman out of my
5 house, I don't know her. I have had
6 clients with that story. And there are
7 many different examples of economic abuse
8 that's a part of a larger pattern of
9 domestic violence.

10 I think the SeniorLAW Center
11 also talked about elder abuse examples
12 where you may have coercive deeds, giving
13 properties to other families members, and
14 then they say, I want you out of this
15 house, get out. And under the bill,
16 there is no protection for people who
17 say, well, I've been living here for ten
18 years. The bill says if you don't own
19 the property or you're not a tenant, you
20 are a criminal trespasser. That is far
21 too broad a definition to effectively
22 capture the true problem of this crime,
23 and I think as many of the different
24 attorneys have testified today, the
25 current laws on the books that contain a

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2 knowing requirement, those are the right
3 laws. They're written the right way. We
4 just need to get the system to actually
5 enforce those laws correctly.

6 COUNCILWOMAN PARKER: And I
7 don't know, and maybe I'll have to ask
8 this question later. I wanted to know
9 since the hearing was held in November --
10 and, again, I was not because of a prior
11 commitment able to attend the hearing in
12 November -- have you heard anyone from
13 the Courts respond to the five days? I
14 have not. I'm asking you, because
15 according to this legislation, the
16 bill -- the Courts will have to have an
17 emergency hearing within five days.
18 However, the language states that the
19 Court shall schedule an emergency hearing
20 within five business days, or such other
21 time period as is necessitated by the
22 circumstances presented or applicable by
23 court procedures.

24 Are you familiar with that?

25 Have you heard --

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2 MS. SCHULTZ: I'm not aware of
3 the Court's position to this bill
4 specifically. I think several attorneys,
5 and myself included, we do not think that
6 that portion is honoring the separation
7 of powers. It's trying to dictate
8 procedures to the Court, which is solely
9 within the Court's purview.

10 There are already procedures,
11 standard procedures, for emergency
12 hearings if a party knows how to access
13 them. I think that the current barrier
14 is that many people who are victims who
15 are trying to get to the Courts don't
16 have the skills and the expertise to do
17 those emergency petitions, but I do know
18 that the Administrative Judge is trying
19 to come up with a pro se form that will
20 make it easier for unrepresented
21 individuals to be able to put in that
22 request and have it reviewed timely by a
23 judge.

24 COUNCILWOMAN PARKER: Okay.
25 Now, you just said something that if

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2 you're not a lawyer, and I am not, you
3 will not know what that meant. You said
4 the Administrative Judge is working on a
5 pro se form. What does that mean?

6 MS. SCHULTZ: Right. Well, pro
7 se means for one's self. It means you're
8 unrepresented by an attorney. And so the
9 Court has the ability to create forms
10 that can be made available to the public
11 when they come and seek help and there's
12 a help room that's available to people
13 that's staffed by attorneys. And so
14 right now there isn't a form they can
15 hand those individuals, but the Court is
16 working to change that. I'm aware of
17 that. I'm actually working with the
18 Court on that, along with other attorneys
19 from both sides of the table.

20 COUNCILWOMAN PARKER: Thank
21 you, Mr. Chairman.

22 COUNCILMAN DOMB: Thank you,
23 Councilwoman.

24 Councilman Oh.

25 COUNCILMAN OH: Yes. Thank

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2 you.

3 This bill would not affect
4 either of you two, and at the end of the
5 day, what we're really talking about is
6 this: If any of these situations arise,
7 any of them that were talked about by the
8 last panel, the question is who resolves
9 it, and it's resolved in a court of law
10 by a judge. The only issue that we're
11 dealing with that we have dealt with with
12 CLS and the Tenants Union is they don't
13 want it to happen faster.

14 We've heard from so many people
15 that it takes eight months, 16 months,
16 even years to get into a court, and just
17 as much as people who may be tenants are
18 unaware, who may be victims, so are
19 homeowners. The issue that this bill
20 presents is simply this: Get in front of
21 the proper judge faster. The issue of
22 are they criminals, no, they're not
23 criminals. If they were criminals, they
24 would have been arrested. This is what
25 happens when a homeowner finds someone in

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2 their home or when you are being dealt
3 with someone harassing you, and whatever
4 claims occur, you have to get in front of
5 a judge if it is not resolved out of
6 court.

7 And so it is a civil,
8 non-criminal, remedy that allows the
9 homeowner and persons like yourself to
10 get in front of a judge for resolution.

11 Fighting this process of
12 providing a faster day in court is what
13 this entire hearing and process has been
14 about, because the City Law Department
15 does not say that this process or bill is
16 illegal. They say it is legal. The
17 Police Department was here to testify
18 that they're not in objection. The DA's
19 Office is not in objection and supports
20 it. In fact, the court system, they are
21 a separate branch of government, but they
22 don't act on their own. The Court
23 doesn't just go out solving the City's,
24 state's, and country's problem. They let
25 the Legislature -- they ask the

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2 Legislature to set the legislation, then
3 they make their procedures.

4 And, yes, we have spoken with
5 the Courts, both Councilman Taubenberger
6 and myself. We have spoken with the
7 Police, the DA's Office, the Office of
8 Homelessness, the City Law Department,
9 CLS, the Tenants Union, and the SeniorLAW
10 Center, and at the end of the day, what
11 we said is this: Here is a solution, not
12 more delays. This problem has existed in
13 Philadelphia for decades and is getting
14 worse. But if you have a remedy, please
15 submit it, and to date, no remedy has
16 been submitted.

17 At the end of this hearing, if
18 this matter is voted out of Committee
19 with a favorable recommendation, there is
20 a date listed for this task force, and if
21 you can present some concrete examples of
22 language you'd like to present, then
23 please do.

24 Thank you.

25 COUNCILMAN DOMB: Thank you,

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2 Councilman.

3 COUNCILWOMAN PARKER: No. I'm
4 sorry.

5 COUNCILMAN DOMB: Councilwoman
6 Parker.

7 COUNCILWOMAN PARKER: Let me
8 just note for the record, Councilman
9 Domb, and again it is highly likely that
10 this bill will pass out of Committee
11 today with a favorable recommendation.
12 I'm not a magician, but I went to
13 elementary school and I can do some
14 simple math. Let me say this to
15 residents of the Ninth Councilmanic
16 District, because those are the people
17 who I've been working with very
18 specifically about this issue, is that,
19 one, we know that this issue needs a
20 process that is instituted to address it
21 so that we can get remedies that don't
22 take month after month. I will tell you
23 what you are never going to hear from me,
24 is you will never hear me come to a
25 meeting and communicate to you that I

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2 have a bill that will have this issue
3 addressed -- have you in front of a judge
4 within five days. Five days. That is
5 what has been communicated to the public
6 about this bill, when that is not the
7 case. You heard me read the section, and
8 I will read it again. The language in
9 the bill, for example, we can't force the
10 Courts to have an emergency hearing
11 within five days, and even the language
12 in the legislation, it reflects it. It
13 says, the Court shall schedule an
14 emergency hearing within five business
15 days, or such other time period as is
16 necessitated by the circumstances
17 presented or applicable court procedure.

18 Now, again, I'm just saying
19 let's be direct. Don't tell people that
20 you have a process that you're putting in
21 front of them where you are going to
22 be -- I can guarantee that you get to a
23 judge within five days, when that is not
24 what the legislation says.

25 So I want to just speak --

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2 because, again, I can only be held
3 accountable for my own vote, and this is
4 an explanation for mine. You heard from
5 Community Legal Services. You heard from
6 the SeniorLAW project about the
7 unintended consequences this can have on
8 senior citizens, who through forced
9 coercion could have someone force them to
10 sign some documents, and they gave very
11 specific examples, and who could be
12 impacted by this. I had never even
13 thought about mentioning today the issue
14 of domestic violence until you reiterated
15 it in your testimony.

16 In addition to that, I think
17 everybody has agreed and I surely agree
18 that this six months, 12 months, 16
19 months, all of the horror stories that we
20 have heard today that, listen, they are
21 unnecessary and they are illogical and we
22 need a process, but I would argue that
23 the voice of reason here today is saying
24 before we move anything forward, is it at
25 all possible -- and I don't know. Maybe

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it's just me because this is the way I've always worked to put together any legislation that's been complex -- all of the stakeholders who are impacted by the this process going into a room, sitting at the table at the same time, walking through this bill, walking through the process, saying this is our problem, but this is the fix.

I respect what the sponsor of this bill has just stated when he noted that if you have a problem, we've asked people to give us a fix, but there is something different that occurs and you probably don't know that it occurs unless you've done it before when you get everybody at the same table at the same time instead of them just electronically sending you a copy of an e-mail and/or a memo saying this is my perspective. When you get all of the stakeholders in the room and they are at the table together, sometimes solutions that we never thought of can come forward.

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2 And so with that being said,
3 Mr. Chairman, I just needed to note for
4 the record, one, I appreciate your
5 testimony. I appreciate you all
6 emphasizing the impact on seniors, on
7 domestic violence, and all of the
8 unintended consequences that we may not
9 have thought about, and as we move
10 forward, I want you to know from the very
11 beginning of this process until the end
12 of it, I will not lose sight of that. We
13 will work until the very end to make sure
14 all of those issues that you have raised
15 and that I've heard too from
16 constituents, that we get an answer to
17 them and we get them addressed.

18 But I just wanted to note for
19 the record this idea that anybody who is
20 not in support of this effort right now
21 is trying to delay the process, who is
22 fighting against sort of advancing a much
23 more aggressive process and/or timeline
24 to address this issue, it is wrong. It
25 wrongly characterizes or mischaracterizes

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2 what I know my individual perspective is,
3 and my not voting in favor of this
4 measure today in committee in no way,
5 shape or form sends a signal that I
6 embrace it. I want it solved. I want it
7 addressed and I want people to get
8 answers quickly. I just want to make
9 sure that we don't cut off our nose
10 despite our face in the meantime trying
11 to get it done.

12 Thank you, Mr. Chairman.

13 COUNCILMAN DOMB: Thank you,
14 Councilwoman Parker.

15 I just want to reiterate that I
16 believe all of our colleagues, all 17
17 Councilpeople, want to solve this issue
18 and we're all on the same page and we are
19 trying to bring everybody together to get
20 peaceful resolution to get a good
21 solution here.

22 So thank you, Ms. Schultz, Ms.
23 Green, and Mr. Simpkins for your
24 testimony today. Thank you for coming
25 down.

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2 MS. SCHULTZ: Thank you,
3 Mr. Chairman.

4 COUNCILMAN DOMB: Will the
5 Clerk call the next panel, please.

6 THE CLERK: Gladys Lackey,
7 Briana Cannon, Robert Clegg, Michael
8 Galdi.

9 (Witnesses approached witness
10 table.)

11 COUNCILMAN DOMB: Good
12 afternoon. I'd like to get started.
13 We're trying, again, to keep the
14 testimony to two minutes, if possible.
15 Please state your name for the record and
16 let's start.

17 MR. GALDI: My name is Michael
18 Galdi. I'm a real estate broker in
19 Philadelphia. I've been selling homes
20 and listing homes for 40 years. So I
21 deal primarily in every neighborhood with
22 first-time buyers. I'm the guy that
23 brought this squatter issue to the
24 limelight a couple years ago, and how I
25 did that was, I had ventured into vacant

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2 homes that had people living in it. The
3 first one was in Manayunk, second one was
4 in Holmesburg, third one was in
5 Northwood, and the fourth one was in West
6 Philly, all at the same time. So it kind
7 of threw me over. So I didn't know how
8 to deal with it. They were bank owned.

9 So I brought it to GPAR, which
10 I'm a member of, and I reached out to all
11 the members to see how many people were
12 affected by having trespassers break into
13 their homes. We got a couple hundred
14 homes and addresses that was affected by
15 this.

16 Now, I'm not a guy that says --
17 if you're a tenant and you live in a
18 house, you take care of that house. If
19 you break in, you don't care. You don't
20 take care of the house.

21 Back in 2010 when I started
22 researching it, it says if there's signs
23 of forced entry that a squatter is
24 trespassing, the Police have a right to
25 remove that person. That's been on the

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books forever. I don't understand what the controversy is. I don't know about domestic violence, seniors or anything else that's affected by it, but squatters do not care about that property, the neighborhood.

How I handled them was whenever the neighbors started calling me complaining about the people who moved into the house. Now, I put a letter out on the block to say that these people do not belong in the house, they're not tenants, and you neighbors have the right to complain to your local State Senator or whoever else is in the neighborhood, which they did.

The one in Manayunk, we got her out in three months, and the reason we got her out is because she killed her tenant. She was renting rooms out. She shot him, went to jail, and we served her in jail, and the judge allowed us to evict her.

The second one stayed in for a

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2 year. She got 2,500 bucks and moved out.

3 The third one got evicted after
4 a year and a half by the Sheriff.

5 In West Philly, they got into
6 the house and I got them right out by
7 just means.

8 So I don't know where the
9 answer lies with this bill, but I know
10 that if you don't belong in the house and
11 you broke in, you don't belong in the
12 house. That's plain and simple. It's
13 black and white.

14 If you're a tenant with a real
15 lease and you went to a reputable person
16 and gave them deposits and signed the
17 lease and you moved in, they gave you the
18 keys, you belong in that house and you'll
19 take care of it and become a good
20 neighbor. But the people that break
21 in -- and I've seen the leases that are
22 fake and I've seen what they do. They go
23 in, they change the locks, they produce a
24 lease, they meet the people out at Front
25 and Hunting Park, give them keys, take

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2 money, and they never see them again.

3 I tracked down every lease, and
4 none of them had real owners. The
5 addresses were all false. The phones
6 were all false.

7 So there are people that are
8 victimized, and they should be dealt with
9 differently than somebody that broke into
10 a house and damaged it. There's just
11 different people.

12 I deal in every neighborhood
13 and I see the same thing. It's the same
14 people doing the same things. I think
15 one time -- one of the Councilmen asked
16 if anybody was ever arrested for doing
17 this. I think I heard of one person
18 being caught doing that. I'm not sure of
19 the timeframe and all, but I do know that
20 I tracked them down. I got all my guns
21 and I tracked down people that were
22 giving fake leases. And they're hard to
23 prove, so...

24 COUNCILMAN DOMB: Okay.

25 MR. GALDI: I'm glad that we

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2 got to this point two years later.

3 COUNCILMAN DOMB: Thank you for
4 your testimony. Thank you.

5 MS. CANNON: Good morning --
6 afternoon. My name is Briana Cannon.
7 I'm a realtor with Coldwell Banker
8 Preferred here in Center City, and I just
9 have a story to share about one of my
10 clients and one of the situations that he
11 went through dealing with a squatter.

12 So a few months ago, a client
13 of mine found himself in a battle for his
14 own home. I had his property listed for
15 sale and there was a lockbox on this
16 Frankford area house for convenience of
17 showing. The seller had been spending a
18 few nights at a time at his girlfriend's
19 house, and after one of those stretches,
20 he went out of town for a few days.
21 During that time, it was brought to my
22 attention by another realtor who
23 attempted to show the property to a
24 prospective buyer that there was no
25 lockbox at the property. I alerted the

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seller, and the following day he went to the home, and to his surprise, there was a family living in his home. They claimed that some guy had rented the house to them and they paid this person in cash. They showed the seller a piece of paper that was supposed to be a lease, but it had no rental amount or any other terms on it. The seller called the Police, who told him that because the people had been there for more than 72 hours at that point, he would now have to go to the Courts and start an eviction process.

"Eviction?" he questioned.

"How can I evict someone that I never even rented to? I live here. I was away for a few days and now I can't even come back home?" He was in disbelief and out of a place to live in this moment.

So the next day he went to the police station to try for different results and was told by an officer, who had overlooked the picture of the bogus

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2 lease that the new occupants had showed
3 the seller, the officer told him it was
4 definitely fraudulent and advised the
5 seller to go back to the property and to
6 call 911 again and to let the operator
7 know that people were trespassing in the
8 house.

9 The seller followed what the
10 officer told him, and he just had the
11 same result as the previous night. So
12 the officers arrived on the scene. They
13 reiterated that they would have to start
14 an eviction process and warned him that
15 he could be tied up for possibly a few
16 months trying to get these people out and
17 that it could be quite expensive.

18 So we took the property off the
19 market, of course. There were showing
20 requests that we had to turn down due to
21 this issue. The seller did come down
22 here to the Courts to file for an
23 eviction, and fortunately after he served
24 them court papers stating that they would
25 have to appear in court to prove they had

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a rightful lease to the house, the people ended up just leaving after about a week, but it took him a few more weeks on top of that before he could return to live in the home and to get it back on the market. During that time, the seller had to clean up the house, get rid of the smell of drugs and cat urine and install a security system, obviously.

The current laws and protocols do not protect property owners who in this case still reside in the property and are virtually left homeless during this long, arduous, and potentially costly eviction process.

COUNCILMAN DOMB: Thank you.

The Chair would like to recognize Councilwoman Blackwell who has joined us.

COUNCILWOMAN BLACKWELL: Thank you.

COUNCILMAN DOMB: Thank you.

Our next witness, I believe is that Mrs. Lackey?

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2 MS. LACKEY: Yes. My name is
3 Gladys Lackey. Good afternoon, and I'd
4 like to thank Councilman Oh and
5 Councilperson Domb for coming out and
6 Councilperson Blackwell for coming out to
7 my house to observe some time ago. My
8 name is Gladys Lackey. I've lived in the
9 Germantown area since 1956 when my
10 parents bought their property, their
11 first property. After purchasing all the
12 materials I needed to renovate my
13 property, I went there to check on my
14 house and, to my amazement, a fence had
15 been erected, and the fence was part of
16 the materials that I had put inside.
17 After investigating further, I found out
18 that squatters had taken over my property
19 and the materials left inside.

20 Once I found out squatters was
21 in my property, I immediately called the
22 police district, and that was when my
23 nightmare began.

24 And I'd like to interrupt by
25 saying I'm a senior citizen. I'm 70

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2 years old, and this really affects me,
3 you know. Having said that, let me
4 continue.

5 I was bombarded with court
6 fees. Nothing seemed to get close to
7 closure -- to come close to closure. In
8 order to get assistance with procedures,
9 I visited and made phone calls to various
10 elected officials so they could advocate
11 and place calls and write letters in my
12 behalf.

13 This squatter happens to be a
14 school teacher of ten years, still
15 working in the system. The other person
16 claimed to be a contractor of 20 years.

17 During these five months, I've
18 called upon Police, the Sheriff
19 Department several times throughout my
20 ordeal. When all was finalized, I was
21 left with a shell. Ten windows gone,
22 doors gone, radiators gone, electrical,
23 plumbing destroyed inside and outside,
24 and house trashed. At this time, I was
25 handed a letter from the Mayor, and up

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2 until now, no one has been accountable
3 for any of my losses. No one. I am
4 appalled. I am outraged. This is a
5 travesty.

6 My purpose for being here
7 today -- excuse me. The purpose of
8 passing this bill, that no one will ever
9 have to go through what I've experienced
10 and what I've gone through with the
11 experiences that I incurred.

12 Thank you.

13 COUNCILMAN DOMB: Thank you for
14 your testimony.

15 Thank you all for your
16 testimony today.

17 Are there -- Councilwoman Bass.

18 COUNCILWOMAN BASS: Thank you.

19 Ms. Lackey, I just wanted to
20 say that I'm sorry to hear of your ordeal
21 that you've gone through for you and so
22 many others, who have literally almost
23 walked out of your property and walked
24 back to find someone has taken it over.
25 And what we're doing today is really

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trying to find the balance between recognizing people who have been taken advantage of and then there are people who clearly know better, someone who is a school teacher and who is very familiar with obviously how to operate the system. It sounds like that's what has happened to you.

And so I just wanted to say that I am sorry that you haven't received the level of help that you certainly deserve and would love to talk to you afterwards about anything else that our office can do to be of assistance to you. So I just really wanted to say that, and also for the folks who were here earlier who I think have left who were also victimized when they went to rent a property and then found out they rented from someone who did not actually own the property. So there's so many victims that are happening in these sorts of situations.

The bill is going to be voted

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2 on, I know, very shortly and,
3 Mr. Chairman, I just wanted to be on
4 record in saying that I do intend to
5 support the bill, but I also recognize
6 that the bill sponsor, Councilman Oh, has
7 agreed that he would work with
8 Councilwoman Parker, who had very
9 heartfelt concerns and is working really
10 hard on this issue as well. So I'm
11 looking forward to working with the two
12 of them to try to bring some resolution
13 for everyone affected.

14 So thank you so much.

15 COUNCILMAN DOMB: Thank you,
16 Councilwoman.

17 The Chair would like to
18 recognize Councilwoman Blackwell.

19 COUNCILWOMAN BLACKWELL: Thank
20 you.

21 Good afternoon. It is great to
22 see you again. We personally and
23 physically saw what you've been going
24 through, and it's really, really unfair.
25 And I think this is an issue where I

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2 certainly respect where this Committee
3 has gone and what the issue is, and we
4 certainly agree with Councilwoman Parker
5 on what we're trying to do to protect
6 people who could be further victimized if
7 the Police come in and they don't have
8 the protections they need.

9 So we're hopeful that we can
10 get this done. And while I'm supporting
11 this bill, certainly I support us trying
12 to come up with something. I support
13 Councilwoman Parker and will agree with
14 her amendments that she's been fighting
15 so hard on to try to make this situation
16 the way it should be, to try to have a
17 true correction to protect all involved.

18 Thank you.

19 COUNCILMAN DOMB: Thank you,
20 Councilwoman.

21 Thank you all for your
22 testimony today. Thank you very much for
23 being here. Thank you.

24 The public hearing on Bill No.
25 180430 will go into a public meeting

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2 shortly to consider the action to be
3 taken on Bill No. 180430.

4 (Pause.)

5 COUNCILMAN DOMB: I just want
6 to mention after we take the vote, we're
7 going to go back into a public meeting,
8 because I know there are a few people who
9 still wanted to testify, but we wanted to
10 get to the vote now.

11 So I'd like to recognize at
12 this point Councilmember Oh for a motion
13 on Bill No. 180430 -- I'm sorry. Yes,
14 Councilman Taubenberger.

15 COUNCILMAN TAUBENBERGER: Thank
16 you, Mr. Chairman, and I thank all that
17 have given hours of time for testimony
18 and research and have been in contact
19 with my office. I'd like to say that
20 before the vote is cast, that I am
21 supporting this bill, though I believe
22 very clearly it is not a perfect piece of
23 legislation for a number of reasons. But
24 I'm supporting it because we're at a
25 crisis point with illegal tenants and you

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2 want to call them squatters or criminal
3 trespassers, and something must be done
4 now.

5 I personally have been involved
6 in three criminal trespass situations.
7 I've seen the harm these incidents can do
8 to the rightful owners in Philadelphia,
9 to the neighbors, and to my knowledge, we
10 are the only big city in America that has
11 a problem of this nature. However, I do
12 not believe this bill is the complete
13 answer. It's merely a starting point.
14 It is entirely possible, if not
15 practical, that this bill will see
16 further amendments, and it can and should
17 be made better.

18 I look forward to serving on
19 the task force, which is very much a part
20 of Councilwoman Parker's resolution. I
21 have already agreed to do that, and I
22 look forward to working with her.

23 I also need to advise my
24 colleagues, which they may know or may
25 not, that my dear friend and colleague in

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2 the State House, State Representative
3 John Taylor, who actually first brought
4 the first situation of criminal trespass
5 to my attention, is working on state
6 legislation to address the criminal
7 trespass issue, and should that pass,
8 that new legislation could very much
9 curtail the issue that legislation would
10 likely supersede the City's own.

11 But in summary, I am voting aye
12 on this bill.

13 COUNCILMAN DOMB: Before we go
14 to Councilman, I just want to echo some
15 statements as the Chairperson. I'm in
16 support of the bill. I'm also in support
17 of Councilwoman Parker's task force to
18 meet. And as Councilman Taubenberger
19 said, all of us here have the same goal,
20 including those Councilmembers that
21 aren't here, and that is to solve this
22 problem in the right way. So whatever we
23 can do to solve it in the right way, that
24 is our goal. It was our goal back in
25 November, and I'm glad we're continuing

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2 to move forward to achieve that goal.

3 So with that, Councilman Oh.

4 COUNCILMAN OH: Thank you,

5 Mr. Chairman. I move that Bill No.

6 180430 be reported from this Committee

7 with a favorable recommendation and

8 further move that the rules of Council be

9 suspended to permit first reading of this

10 bill at the next session of Council.

11 (Duly seconded.)

12 COUNCILMAN DOMB: It's been

13 moved and properly seconded that Bill No.

14 180430 be reported from this Committee

15 with a favorable recommendation and

16 further moved that the rules of Council

17 be suspended to permit first reading of

18 this bill at the next session of Council.

19 All those in favor of the

20 motion will signify by saying aye.

21 (Aye.)

22 COUNCILMAN DOMB: Those

23 opposed?

24 (No.)

25 COUNCILMAN DOMB: The ayes have

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2 it and the motion carries. Bill No.
3 180430 will be reported from this
4 Committee with a favorable recommendation
5 with a request that the rules of Council
6 be suspended to permit first reading at
7 the next session of Council.

8 Are there other people who
9 still wanted to testify on this bill?

10 Sure. Come forward, please.
11 (Witness approached witness
12 table.)

13 COUNCILMAN DOMB: This
14 concludes the public meeting and we're
15 going to go back into the hearing.

16 And please state your name for
17 the testimony.

18 MS. BENOIT: My name is Julie
19 Anne Benoit.

20 COUNCILMAN DOMB: Feel free to
21 testify.

22 MS. BENOIT: There are several
23 issues that were brought up today, and I
24 think my situation sort of covers them
25 all, but where I want to start is that

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I'm a United States Air Force veteran. I was also tasked with the responsibility of being caregiver to my mother, who was born in 1923. Right after she was sold a home in a flood zone, within a year she met with 12 feet of water. Following that, she ended up with four strokes. I then became her caregiver. And the property that was flooded was signed over to me as a proud returning advanced medical director.

In conjunction with being her caregiver, I was then faced with two floods, the first of which was a malfunction with the waterways. Water dam had broken and had given us about four or five feet of water. By that time, we had no heat. The furnace had been washed out. The water heater had been washed out. We didn't receive any kind of assistance. We were directed by the counsel to seek a low-interest loan. That was out of the question because we were already living on a fixed budget.

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Although we had gone through all of the agencies to receive compensation or assistance for being a relative or a caregiver of an elder parent or relative, there was no compensation given, so we were already on a fixed budget. With my mother having four strokes and was diagnosed with breast cancer, money was not the primary concern for me. Keeping her alive was.

After suffering the two floods, there again came another situation where my mother had to be placed in a long-term care facility because we had no heat and no hot water as a result of the flood. During that time, my mother was placed, and I was tasked again with recovering our home. This was after being flooded twice.

About 95 percent into the renovation or restoration of our home, we were flooded again. This time I made contact with the White House and let them know that we needed federal assistance

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because the last time we were flooded,
help did not come. Having been subject
to multiple floods within a short period
of time, I felt it was necessary to make
that connection myself instead of
reaching out to people who had never
suffered from a flood and did not know
what kind of issues you have to be faced
with. Given a quarter bottle of
disinfectant, a quarter bottle of bleach,
a disposal mop and a disposable broom and
a pair of gloves is not sufficient when
you have to take out hundreds of gallons
of water of your house, especially when
your life has to stop in order for you to
do so and you have an elder relative to
take care of.

My experience with the United
States Air Force helped me to understand
the chain of command and documentation
management. So immediately after
contacting the White House and receiving
federal compensation, I immediately went
out and started the process of renovation

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2 and restoration. During this time, my
3 whole life had to stop and my life was
4 only focused around maintaining our
5 homestead, which was purchased by my
6 sister, then transferred to my mother and
7 then to me and to my family so that we
8 would always have a place.

9 When FEMA came in to do the
10 assessment of the damages, the pictures
11 were taken, but before that happened, you
12 have to show ownership. FEMA would not
13 even enter the home unless the homeowner
14 was there.

15 COUNCILMAN DOMB: Excuse me.
16 We're trying to keep the testimony to two
17 minutes, so if you could just summarize.

18 MS. BENOIT: Yes, I am.

19 COUNCILMAN DOMB: Thank you.

20 MS. BENOIT: Some of the issues
21 involved that were raised today were
22 elder abuse. When a person has taken
23 everything that they own, everything that
24 they've worked for and sort of like
25 downsized it and put it into a little

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home and then gets flooded out, there has to be more than just a task force of Councilpeople who address the issues that are related to flooding. Now flooding is happening in areas where flooding never happened before. You can't assess, well, this is a hundred-year floodplain and this is not. There are new properties that are being built that the next year they're being flooded out. We have to have federal individuals who are familiar with the federal laws and the protections. We have to have veterans on staff who are familiar with the veterans' protections when you have certain rights that have been granted to you that are inalienable rights that are granted to you for life as a United Air Force veteran. They should not be addressed by --

COUNCILMAN DOMB: I'm sorry, but I can give you another 10 or 15 seconds, because we have another hearing that's coming up and we're already 25

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2 minutes late. So just try to summarize
3 in ten seconds, if you could.

4 MS. BENOIT: All right. Well,
5 when you have a situation when you're
6 asking for individuals to deal with
7 something as if it's a civil matter when
8 it's definitely criminal, how can you
9 have someone who has violated the federal
10 laws, committed fraud, presented
11 fraudulent documents, and still say it's
12 not criminal and it's a civil matter?

13 COUNCILMAN DOMB: Okay. Thank
14 you for your testimony today. Thank you
15 very much.

16 There being no further business
17 before the Committee on Housing,
18 Neighborhood Development and the Homeless
19 today, this concludes the public hearing
20 and the business of the Committee on
21 Housing, Neighborhood Development and the
22 Homeless for today, and thank you very
23 much for your attendance.

24 Thank you.

25 (Committee on Housing,

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2 Neighborhood Development and the Homeless
3 concluded at 1:25 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
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