

1 COUNCIL OF THE CITY OF PHILADELPHIA
2
3 JOINT PUBLIC HEARING OF COMMITTEES ON
4 LICENSE & INSPECTIONS and PUBLIC SAFETY
5

6 City Hall, Room 400
7 Philadelphia, Pennsylvania
8 Monday, March 31, 2025
9 10:00 a.m.

10 PRESENT:

11 CHAIRMAN MICHAEL DRISCOLL
12 CHAIRMAN CURTIS J. JONES, JR.
13 COUNCILWOMAN NINA AHMAD
14 COUNCILWOMAN KENDRA BROOKS
15 COUNCILWOMAN JAMIE GAUTHIER
16 COUNCILWOMAN KATHERINE GILMORE RICHARDSON
17 COUNCILMAN JIM HARRITY
18 COUNCILWOMAN QUETCY M. LOZADA
19 COUNCILMAN NICOLAS O'ROURKE
20 COUNCILMAN JEFFREY YOUNG, JR.
21
22
23
24

MS. MCDONALD, CLERK

1 - - -

2 CHAIR DRISCOLL: Good

3 morning, colleagues. And good

4 morning, everyone.

5 I now note that the hour

6 has come.

7 Ms. McDonald, will you

8 please call the roll to take

9 attendance. Members that are in

10 attendance will please indicate that

11 you are present when your name is

12 called.

13 THE CLERK: Councilmember

14 Brooks.

15 COUNCILMEMBER BROOKS:

16 Present.

17 THE CLERK: Councilmember

18 Squilla.

19 COUNCILMEMBER SQUILLA:

20 Present.

21 THE CLERK: Councilmember

22 Phillips.

23 COUNCILMEMBER PHILLIPS:

24 THE CLERK: Councilmember

1 Gauthier.
2 COUNCILMEMBER GAUTHIER:
3 Present.
4 THE CLERK: Councilmember
5 Lozada.
6 COUNCILMEMBER LOZADA:
7 Present.
8 THE CLERK: Councilmember
9 Thomas?
10 Councilmember Harrity.
11 COUNCILMEMBER HARRITY:
12 Here.
13 THE CLERK: Councilmember
14 O'Rourke.
15 COUNCILMEMBER O'ROURKE:
16 Present.
17 THE CLERK: Councilmember
18 Young.
19 COUNCILMEMBER YOUNG:
20 Present.
21 THE CLERK: Councilmember
22 Gilmore-Richardson.
23 COUNCILMEMBER GILMORE -
24 RICHARDSON: Present.

1 THE CLERK: Public Safety

2 Chair Jones.

3 COUNCILMEMBER JONES:

4 Present.

5 THE CLERK: Chair Driscoll?

6 CHAIRMAN DRISCOLL:

7 Present.

8 Thank you. A quorum of the
9 committee is present and this
10 hearing is now called to order.

11 This is the joint public
12 hearing of the Committees on
13 Licensing & Inspection and Public
14 Safety regarding resolution No.
15 250052.

16 Ms. McDonald, will you
17 please read the title of the
18 resolution.

19 THE CLERK: Resolution No.
20 250052, authorizing the Committee on
21 Licenses & Inspections and the
22 Committee on Public Safety to hold
23 hearings on enforcement against drug
24 paraphernalia in stores.

1 CHAIRPERSON: Before I ask
2 the clerk to call the first panel, I
3 would like to recognize the sponsor
4 of the resolution, our Council
5 Majority Leader Katherine Gilmore-
6 Richardson.

7 COUNCILMEMBER GILMORE-

8 RICHARDSON: Thank you. Thank you
9 very much, Chair, and thank you so
10 much to Chairman Driscoll and
11 Chairman Jones, and all of the
12 colleagues present here today for
13 joining us regarding this really
14 important issue across the entire
15 city of Philadelphia.

16 We are continuing to see
17 grocery and convenience stores pop
18 up in our neighborhoods with the
19 promise to sell food. However, the
20 majority of items that these stores
21 sell are drug paraphernalia.

22 Even more troubling is the
23 fact that many of these convenience
24 stores are not properly zoned or

1 licensed to sell drug paraphernalia
2 and lack community approval. Not
3 only are they breaking the law, but
4 they often serve as hubs of illegal
5 activity and crime.

6 Throughout my time here as
7 a member of this legislative body I
8 have worked to address quality of
9 life issues in nuisance businesses.
10 And I want to take the moment to
11 thank Councilmembers Bass and
12 Phillips for their continued work on
13 this issue as well.

14 In 2021, I passed
15 legislation, Bill No. 210059, that
16 updated the definition of drug
17 paraphernalia in our code for the
18 first time in more than 40 years.
19 This legislation empowered the
20 City's Law Department, Licenses &
21 Inspections and other departments to
22 adequately enforce against the law
23 and hold these nuisance businesses
24 accountable.

1 In 2023, I passed Bill No.
2 230569 to strengthen the city's
3 nuisance abatement plan so we can
4 have more leverage to cease business
5 operations and to establish stronger
6 cases if cease operation orders are
7 challenged in court. However, as
8 I've mentioned before, the more we
9 try to hold these bad actors
10 accountable, the more creative they
11 get in circumventing the law.

12 Additionally, I have done
13 tours across our city with my
14 colleagues and our partners in the
15 administration, including License &
16 Inspection, the Health Department,
17 the Law Department and our
18 Philadelphia Police Department. And
19 we have seen firsthand the lengths
20 that some of these businesses will
21 go through to circumvent the law.

22 In fact, we all have seen
23 it in our communities. So many of
24 our colleagues here today have

1 introduced or supported legislation
2 to hold these bad actors
3 accountable. And that's why today's
4 joint hearing between Council's
5 Committees on Licenses & Inspections
6 and Public Safety is so important.

7 I look forward to hearing
8 from our partners in the
9 administration on what is currently
10 being done and I'm eager to hear
11 from the community to learn more
12 about how these nuisance businesses
13 are impacting the lives of everyday
14 Philadelphians.

15 However, there is one thing
16 that I know for sure. Upon the
17 conclusion of today's hearing, we
18 must address this issue once and for
19 all. Thank you.

20 CHAIRPERSON: Leader
21 Gilmore-Richardson, thank you for
22 your leadership on this. I remember
23 when I was in the House of
24 Representatives, you and I toured

1 Frankfort Avenue and Torresdale
2 Avenue and Cottman Avenue in
3 Northeast Philadelphia. And you
4 know you were very aggressive then
5 and you haven't given up on this,
6 so, you know, I just want to commend
7 you for sticking with this such
8 important issue.

9 And before we move on, I
10 want to recognize Chairman Jones,
11 our Public Safety Chairman.
12 Chairman Jones?

13 COUNCILMEMBER JONES: Thank
14 you, Mr. Chair. And I want to thank
15 publicly the author of the
16 legislation Member Gilmore-
17 Richardson. It wasn't that long ago
18 that you and I walked up 54th Street
19 with Dee Dukes and others and walked
20 into one of the local
21 establishments. And I said, well,
22 what is that? And it was a gambling
23 machine.

24 And that was the first time

1 I ever saw one of those gambling
2 machines and was taken aback as to,
3 well, who are they licensed by and
4 who actually keeps account of the
5 payouts and who keeps track of where
6 they're located. And the answer to
7 all of that was nobody.

8 But as you mentioned,
9 member that's when Cindy Bass
10 introduced legislation about Liquor-
11 by-the-Drink, when many of us have
12 had to deal with Lucy cigarette
13 sales, when many of us have had
14 paraphernalia in stores and drugs
15 actually sold behind counters.
16 These things create what I think is
17 a watering hole effect. A watering
18 hole effect.

19 When you look at some of
20 the nature shows and the gazelle
21 creeps down to get water that it
22 needs, right? It's the lions hiding
23 in the tall grass to snatch them up.

24 Well, when you put all of

1 these toxic elements in one store, a
2 location, it creates that watering
3 hole effect and predators looking at
4 that as an opportunity to take
5 advantage of people.

6 Now, I admire what -- the
7 work that the Nuisance Business Task
8 Force done -- does, but I need to
9 get more clarification as to when a
10 business along with paraphernalia,
11 along with Lucys, along with illegal
12 drinking becomes that nuisance and
13 what the progressive steps we can
14 take to shut them down because it's
15 not one thing, it's many things.

16 It's does the Health
17 Department come in and get the back
18 of L&I? And in that task force
19 approach, they know that you're not
20 going to get away with just any old
21 thing in our neighborhoods. And so
22 I look forward, Mr. Chairman, I look
23 forward, members of the committee to
24 seeing what some of those answers

1 are. Thank you so much.

2 CHAIRMAN DRISCOLL: Well,
3 thank you, Chairman. And I'm glad
4 we're working together, our both
5 committees here, because it's that
6 important.

7 Member Harrity?

8 COUNCILMEMBER HARRITY:

9 I just want to thank
10 everybody for having this hearing
11 and coming. I would like to know
12 out of this how do we fix it, like
13 everybody else.

14 I, too, I spent six years
15 as Chief of Staff to Senator Street,
16 we passed numerous bipartisan
17 legislation because the takeout
18 stores were so bad everywhere. It
19 wasn't just a Philadelphia thing.
20 We were able to get everybody to
21 agree to pass this stuff, and I
22 thought that was going to change the
23 narrative of how we were able to
24 enforce and shut down these nuisance

1 establishments.

2 But apparently it's not
3 working because we still have them
4 everywhere. I mean, in my
5 neighborhood and almost every
6 neighborhood I travel to. I've been
7 all over the city this weekend alone
8 and these places are everywhere.

9 The paraphernalia stores are just
10 disgraceful. And, you know, I don't
11 even want to get into the stores
12 that we have in our neighborhood
13 where they have about five bottles
14 of soda and six bags of chips and
15 they're supposed to be a grocery
16 store. And you got six guys in
17 there selling other stuff rather
18 than groceries.

19 So I thank Kathy Gilmore
20 for, our leader, for bringing this
21 subject to the forefront. And I
22 look forward to getting some answers
23 on how we can make it easier to
24 enforce these type of things. Thank

1 you.

2 CHAIRMAN DRISCOLL: Thank
3 you, Member Harrity.

4 Ms. McDonald, will you
5 please call the first panel we have
6 to testify on resolution No. 250052.

7 THE CLERK: Bridget
8 Collins-Greenwald. Available for
9 questions are representatives from
10 the Philadelphia Police Department
11 and the Department of Health.

12 CHAIRMAN DRISCOLL: Good
13 afternoon, Commissioner. Just
14 please state your name, for the
15 record, and begin your testimony.

16 COMMISSIONER GREENWALD:
17 You're ahead of me because
18 I'm still in morning time,
19 Councilmember.

20 Good morning, Chairperson
21 Driscoll, Chairperson Jones and
22 members of the License & Inspections
23 and Public Safety Committees. My
24 name is Bridget Collins-Greenwald

1 and I serve as the commissioner of
2 Licenses & Inspections quality of
3 life.

4 I appreciate the
5 opportunity to testify today on
6 resolution No. 250052 introduced by
7 Councilmember Gilmore-Richardson,
8 which authorizes the committee on
9 L&I to hold public hearings on
10 enforcement against illegal drug
11 paraphernalia stores.

12 I'm joined here today by my
13 colleague Renee Reinhardt, the newly
14 appointed, permanently, Director of
15 Code Enforcement and ex -- yes,
16 right, it's so exciting. An expert
17 on all things zoning, drug
18 paraphernalia and licensing.

19 The drug paraphernalia
20 enforcement program was launched in
21 2021 after Bill No. 210159 became
22 law. It is a city-wide initiative
23 designed to address the illegal sale
24 of drug paraphernalia by local

1 businesses. This program is not
2 only a regulatory measure, but a
3 vital public safety effort aimed at
4 reducing crime and improving the
5 quality of life of our communities.

6 Since the exception of this
7 program L&I has conducted hundreds
8 of thorough investigations and
9 inspections in collaboration with
10 our city partners in the Police
11 Department and the Department of
12 Health. These efforts have resulted
13 in the issuances of notices of
14 violation and full or partial cease
15 operations orders.

16 We have found that in many
17 cases store owners are willing to
18 comply and were previously unaware
19 of the city's regulations. In these
20 instances stores remove the drug
21 paraphernalia and remain open and
22 operational.

23 We remain committed to
24 working closely with the City

1 Council, the Department of Public
2 Health, the Philadelphia Police
3 Department and the community to
4 address these challenges and ensure
5 the continued success of our
6 enforcement program. We are also
7 eager to work on increasing public
8 awareness of these laws to reduce
9 misunderstandings and help store
10 owners avoid unknowingly operating
11 in violation.

12 Thank you once again for
13 the opportunity to testify today.
14 We welcome any questions you may
15 have and look forward to
16 collaborating further in our shared
17 mission to make Philadelphia safer
18 and healthier. Thank you.

19 She's not reading read
20 testimony, just for --

21 CHAIRMAN DRISCOLL: That's
22 a joint testimony there.

23 COMMISSIONER GREENWALD:
24 Yes, is that okay?

1 CHAIRMAN DRISCOLL: Very

2 good.

3 COMMISSIONER GREENWALD:

4 Unless you want introduce

5 yourself.

6 CHAIRMAN DRISCOLL: Very

7 good. Yeah. So we'll get right

8 into questions. And let me start

9 with our leader first Katherine

10 Gilmore-Richardson.

11 COUNCILMEMBER GILMORE-

12 RICHARDSON: Thank you. Thank you

13 so much. Thank you so much,

14 Mr. Chair, and thank you very much

15 commissioner. And it's good to see

16 Renee and congratulations on the new

17 role. And I just want to thank the

18 Nuisance Business Task Force for all

19 the work that you all have done over

20 the last three-and-a-half, four

21 years now. And especially thankful

22 for all of the tours that we've gone

23 on together.

24 As the Chairman mentioned

1 previously, I remember in the last
2 term we had one tour in particular,
3 and I think that was in now
4 Councilman Young's district, before
5 you were the council person, where
6 the folks who were selling
7 additional illegal things surrounded
8 us outside of that store that had no
9 life licensing at all. And that was
10 one of the most prolific examples of
11 why we need to continue to address
12 this issue.

13 So I wanted to just ask a
14 couple of questions regarding the
15 process, you know, so that we can
16 get it on the record. If you could
17 just walk us through what happens
18 when a business is caught selling
19 illegal paraphernalia. And then
20 typically how do we -- is it that we
21 receive the complaint regarding the
22 business, and then that's the
23 trigger for L&I to then go out and
24 initiate the inspection. And then

1 what happens from there?

2 MS. REINHARDT: Yes, all of
3 our complaints. Well, the majority
4 of our complaints come via 311.
5 Once we --

6 CHAIRMAN DRISCOLL: I'm
7 sorry, just state your name for the
8 record. That's all.

9 MS. REINHARDT: Yes, Renee
10 Reinhardt.

11 We received most of our
12 complaints via 311. Once the
13 inspector receives the complaint
14 they will research the location
15 before going out to see what their
16 legal zoning is. They'll do a
17 physical inspection.

18 If they identify that the
19 business is selling drug
20 paraphernalia, they will have a
21 conversation with the operator or
22 whomever is on site identifying the
23 items that are paraphernalia, and
24 telling them that they are not

1 allowed to sell them without a
2 zoning permit.

3 And then immediate cease
4 operations will be issued for the
5 sale of the paraphernalia, only if
6 the store has some other legal
7 operation. And it's usually retail
8 sales of consumer goods or food,
9 beverages and groceries. So the
10 store will be able to continue to
11 operate.

12 COUNCILMEMBER GILMORE-
13 RICHARDSON: So the store will be
14 able to continue to operate as long
15 as they remove the drug
16 paraphernalia while the inspector's
17 on site?

18 MS. REINHARDT: Not
19 necessarily. So they'll issue the
20 cease operations and they'll be told
21 that they have to immediately stop
22 selling the paraphernalia. It is
23 not always the case that they'll
24 remove it right on the spot. The

1 inspector will return within 30 days
2 to make sure that the paraphernalia
3 is removed and the cease operations.

4 COUNCILMEMBER GILMORE-
5 RICHARDSON: Okay. And lifting of
6 the cease operation only occurs if
7 in the second inspection the drug
8 paraphernalia has been removed.

9 MS. REINHARDT: Yes.

10 COUNCILMEMBER GILMORE-
11 RICHARDSON: Okay. And then to that
12 effect, what are we doing with the
13 repeat offenders? As an example,
14 the same instance that I referred to
15 previously, we had the same business
16 owner. And so at the point we were
17 on our way to the next store, which
18 happened to be on North Broad
19 Street, they had already called the
20 store from the last store. They had
21 no licensing at all.

22 Like the first store had no
23 licensing whatsoever to operate.
24 They were selling food, they didn't

1 have a health license. They had
2 nothing. And so they were issued a
3 cease operation on the spot because
4 they had no licensing to even
5 operate as a store. But because the
6 same individual owned or ran
7 multiple locations in that
8 community, at the point when we got
9 to the next location they had
10 already tipped them off, and then
11 they had removed -- you could tell
12 they have removed like all of the
13 drug paraphernalia.

14 How are we dealing with the
15 folks who are repeat offenders that,
16 you know, they'll open a LLC under
17 one name and then open another LLC
18 under another name? How are we
19 dealing with those folks?

20 MS. REINHARDT: So we've
21 found that during the course of the
22 program, we've had 30 repeat
23 offenders. And the repeated offense
24 was at least three months or more

1 between the previous inspection and
2 the new one, so the process starts
3 over. So we will keep track of the
4 fact that this store is selling drug
5 paraphernalia again, but at that
6 point it's not it doesn't escalate
7 to us sending you to court because
8 you're selling paraphernalia again.

9 COUNCILMEMBER GILMORE-

10 RICHARDSON: Under a new -- because
11 it's under a new name, but it's the
12 same location.

13 MS. REINHARDT: Yes.

14 COUNCILMEMBER GILMORE-

15 RICHARDSON: So that for me, I look
16 at that as a legislative opportunity
17 for Council for us to address in
18 further legislation how to deal with
19 a location versus dealing with just
20 the name of the said business.

21 Because we know it's the same
22 location and 9 times out of 10 it's
23 the same people. So if we deal with
24 a location versus dealing with just

1 the business name that could give us
2 additional leverage. So I'm looking
3 at that as a legislative opportunity
4 for follow-up for my team and I.

5 And then lastly is -- I
6 know my colleagues have a ton of
7 questions. Are we still keeping
8 track of the Google Drive that we
9 have? Can we still add businesses
10 and business complaints to that
11 drive when we receive them in
12 Council?

13 MS. REINHARDT: Yes.

14 COUNCILMEMBER GILMORE-
15 RICHARDSON: Okay. Okay. And then
16 could we give access to all of the
17 offices to the drive or how do you
18 want us to do that? I think it
19 was -- right, can we give access?

20 MS. REINHARDT: Yes.

21 COUNCILMEMBER GILMORE-
22 RICHARDSON: Okay. Okay. Okay.
23 Thank you, Mr. Chair. I'll come
24 back around.

1 CHAIRMAN DRISCOLL: I'd
2 like to recognize Chairman Curtis
3 Jones.

4 COUNCILMEMBER JONES: Thank
5 you so much and very good inquiries
6 Majority Leader.

7 I mentioned the water hole
8 effect. Do we keep track of and how
9 do we keep track of that all of
10 these preponderance of issues,
11 whether it's Liquor-by-the-Drink,
12 drug paraphernalia, all of that
13 stuff, is there a correlation to
14 what happens when crimes happen at
15 these same locations?

16 And that, you know, with
17 all of that going on, is that
18 something that we can add to the
19 matrix of evaluation as to this
20 location being a dangerous watering
21 hole. And that for a period of time
22 unless certain things happen and
23 ownership changes and things like
24 that, that we need to hold back

1 their licenses because people's
2 lives are in danger.

3 There are sites and we
4 started keeping track of it with the
5 gambling machines where, you know,
6 the correlation of somebody was
7 shot, but there was a gambling
8 machine inside that they were -- and
9 we're talking about from police
10 officers to victims to that there is
11 a correlation with these bad
12 activities that go on at a location
13 that attract the predatory response
14 of crime. And do we manage that in
15 our expectation of a nuisance
16 business?

17 COMMISSIONER GREENWALD: We
18 do. We're collaborating with the
19 Nuisance Unit of the Police
20 Department, we go hand in hand.
21 We're out with them all the time on
22 these different various topics that
23 you're talking about. The drug
24 paraphernalia, the machines, all of

1 them. So when we have a nuisance
2 business, we go out full force hand
3 in hand, so yes, we do coordinate
4 with that.

5 COUNCILMEMBER JONES: So
6 what is the tipping point of how
7 many shootings have to happen at a
8 place or robberies have to happen at
9 a place before us to say, oh, my
10 goodness, it might be the location.

11 COMMISSIONER GREENWALD:
12 I'm going to ask Deputy
13 Commissioner Healy of the PPD to
14 come up. I don't want to speak for
15 the Police Department so.

16 COUNCILMEMBER JONES:
17 Deputy Commissioner, how are you?

18 DEPUTY COMMISSIONER HEALY:
19 Good morning. Deputy
20 Commissioner of Philadelphia Police
21 Department.

22 COUNCILMEMBER JONES: Pull
23 that mic a little closer.

24 DEPUTY COMMISSIONER HEALY:

1 Testing.

2 COUNCILMEMBER JONES: It's
3 that wire you got on. Deputy
4 Commissioner, take that wire off.

5 CHAIRMAN DRISCOLL: Try
6 again.

7 DEPUTY COMMISSIONER HEALY:
8 Good morning. Frank Healy,
9 Deputy Commissioner of Philadelphia
10 Police Department.

11 To answer your question as
12 to the number of shootings. If
13 you're called under 94400, it was
14 recently amended actually to carve
15 out critical nuisances versus
16 chronic nuisances.

17 Critical nuisances, any
18 single incident of act of violence
19 shooting, homicide or rape, anything
20 along those lines automatically
21 creates a critical nuisance.

22 A nuisance -- and what that
23 triggers is it triggers a
24 preliminary investigation by our

1 nuisance -- neighborhood nuisance
2 enforcement unit. That unit will go
3 out to determine whether or not the
4 business had any nexus or connection
5 with the incident that happened.

6 Either doing something illegal or
7 not illegal, but whatever it may be.

8 But they take an overall
9 view to see whether or not, No. 1,
10 the business own is cooperative with
11 police, whether or not there's poor
12 lighting, whether or not they
13 contributed to the crowd or anything
14 along that that may have actually
15 precipitated the violence. If
16 that's the case, then that case will
17 follow the course of a critical
18 nuisance, and an immediate notice of
19 intent to decess operations will
20 occur.

21 All other incidents are
22 considered chronic nuisances. That
23 would be repeated acts of city -- of
24 any city code violation would be one

1 of them, also public disorderly
2 conduct, any of those, includes
3 crowds. It's three incidents within
4 a year would classify it as a
5 chronic nuisance. And the chronic
6 nuisance would then be elevated to
7 once you hit the third violation
8 within a year you'd be subject to a
9 notice of intent violation. That's
10 the premise of 94400.

11 COUNCILMEMBER JONES: So --
12 so is there room based on member
13 Richardson's idea that not just to
14 the license, but to the location and
15 that we put a freeze on that type of
16 location for a period of time to
17 kind of in effect cool things down
18 in the neighborhood that, okay, if
19 we working together and, okay, my
20 license got stopped, I just open up
21 in your license and we're back in
22 operation within a couple of weeks.

23 Can we say this location
24 needs to be looked at for factors

1 that are contributing to the water
2 hole effect of crime?

3 And I just think that, you
4 know, there's a geography of crime
5 that where things happen is not just
6 what happens there, it's where they
7 happen. And there's a preponderance
8 of opportunity when you create this
9 watering hole. And so there's --
10 not to go in my soap box, but
11 there's a senior citizens facility
12 out at 56th and I'm going to say
13 Arch. And they won't go to a corner
14 store because they're aware of the
15 water hole effect and that during
16 any time, not just at night, during
17 anytime they are vulnerable because
18 of that location, so they have to
19 steer away from that area because of
20 the actors.

21 And the case where we were
22 at 54th Street, you'll probably hear
23 from later testimony, that is the
24 hangout, that is the spot now, and

1 that is the central headquarters for
2 bad things to happen. And so
3 locations, as well as licenses
4 should be considered is my point.

5 What do you think? You got
6 a mic.

7 DEPUTY COMMISSIONER HEALY:

8 I think -- I think, well,
9 in the a bigger context of how
10 businesses elude their
11 responsibilities are how they change
12 ownership. The issue is LLC, one,
13 LLC is considered a person legally.
14 And when they close that corporation
15 and open a new one, it's a brand new
16 organization technically.

17 So the issue is if you -- I
18 think -- I think -- and that's the
19 game they play. They play this with
20 the liquor code all the time. The
21 same thing with liquor license
22 establishments changing. The
23 primary people just get a new LLC,
24 but it's the same people basically

1 running it, but it's under a new
2 name.

3 I think if you want to get
4 to that you probably have to get
5 into something along the lines of
6 like what IRS regulations have.
7 Where they're tracking -- you're
8 tracking ownership. The issue is if
9 it's substantial number of the same
10 people own the next company, then
11 for all intent and purposes it's the
12 same company and all penalties and
13 fines should apply to that new
14 company as well.

15 I mean, that may be
16 something to consider to avoid the
17 shell game is really what they do.
18 Trying to figure out how to avoid
19 them from playing that shell game is
20 as I said, like if I have one LLC
21 and it's you know party A, B and C.
22 And the next shell game because
23 they've got all these notice of
24 intent to cease, they've all these

1 fines against them, they suddenly
2 close, go out of business, and then
3 they open and sell the business to
4 the next corporation and have the
5 same players that own it. That's
6 effectively the same company and all
7 they're doing is playing a shell
8 game.

9 So I think you would figure
10 out how to how -- how to -- how do
11 we do tax or tack the violations
12 from one corporation onto the next
13 corporation, and that would be
14 something that would probably
15 address what you're talking about.
16 Because that's what happens, it's
17 the same corners, but different
18 businesses doing the same thing.

19 COUNCILMEMBER JONES: I'm
20 familiar with that approach and want
21 to explore that. What I am talking
22 about, there used to be a notorious
23 bar called Long Acres. You got to
24 be a certain age to know what that

1 is. And that's where all of the
2 young guys used to that -- underage
3 drinkers used to get the old heads
4 to go in and buy their -- you don't
5 know what I'm talking about. All
6 right. But anyway, this -- Jimmy
7 does, right?

8 But this was that spot and
9 from time-to-time people would get
10 murdered there and people would get
11 shot there and people would get
12 robbed there. At some point you got
13 to say no matter who owns this, this
14 location is toxic it. It's a
15 problem.

16 And so I would love to have
17 us look at location based activities
18 that might come into our view that
19 says, no, this is just a bad place
20 for a bar and let us look at it. So
21 I appreciate your answer, but we're
22 going to try to find some other
23 relief from this.

24 Thank you, Mr. Chairman.

1 CHAIRMAN DRISCOLL: Thank
2 you, Deputy Commissioner, too.
3 Member Jimmy Harrity and then Member
4 Lozada.

5 COUNCILMEMBER HARRITY: I'm
6 far away over here. I'll move up.
7 How's that? All right.

8 Commissioner, we have found
9 that in many cases store owners are
10 willing to comply and were
11 previously unaware of the city
12 regulations. In these instances
13 stores removed the drug
14 paraphernalia and remain open and
15 operational.

16 How can we, A, better
17 publicize what is allowed and what
18 isn't allowed, and in that same
19 thing, how do we distinguish between
20 the actors, so you know what I'm
21 saying? So basically how do we help
22 you do your job better? So that we
23 can get rid of the businesses that
24 are not -- and listen, to be honest,

1 I see it everyday. You know,
2 businesses don't just open up like
3 in cases of my neighborhood. They
4 have good intentions, but then they
5 have to deal with, like the
6 councilman said, the area.

7 You know, we and right on
8 my block on the top of my street, I
9 have more than a few stores within a
10 block radius including a takeout
11 beer store. One, two, three, four
12 grocery stores within a one block
13 area of each other all of which have
14 some very unsavory characters
15 hanging outside that, quite frankly,
16 you know, would scare most people
17 especially store owners, you know
18 what I'm saying?

19 These guys especially where
20 -- because I agree with Councilman
21 Jones, sometimes it's just that
22 area. You know, there's multiple
23 shootings on that block out front of
24 these places on regular occasions.

1 So my thing is how do we rectify
2 this situation so that we can -- I
3 just don't get why it takes so long
4 to get rid of a bad actor, you know
5 what I'm saying?

6 So can you just like walk
7 us through that, and then just try
8 to tell us how you think that we can
9 improve it by legislation.

10 COMMISSIONER GREENWALD:

11 I'm going to go back to
12 your first question about how do we
13 get the information out there. So
14 we do have a program which we call
15 our BEE program, it's Business,
16 Education and Enforcement.

17 And actually a lot of you
18 are district councilmembers up here.
19 So we had met with each
20 councilmember and said where are the
21 areas that are really giving you the
22 biggest pain point, right? Where
23 are they?

24 Ten out of 10 identified a

1 commercial corridor in their
2 district that said this is where a
3 lot of the stuff is happening. So
4 what we have done is we've -- we've
5 gone to those corridors, we've given
6 some education so to let people know
7 this is what you can and cannot do.
8 We've recently discussed we
9 give like a general information
10 packet. It's in multiple languages,
11 but it's like it's very, very
12 clearcut, pictures, graphics. Do
13 this, yes; can't do this, slashes
14 through them. We recently discussed
15 we have a pamphlet on drug
16 paraphernalia what you can and
17 cannot do. We're going to start
18 handing that out on the corridors as
19 well. That would get the
20 information piece out. I'm sure
21 working with all your offices, too,
22 giving you that information piece
23 so, you know, when you have meetings
24 or community meetings or whenever

1 you're down, like maybe getting that
2 information out. I think that would
3 help us.

4 I think a lot of times we
5 are seeing we go into places for a
6 myriad of different issues and when
7 we go in the business owner just
8 doesn't know that what they're
9 supposed to do to be in compliance.
10 So we go with them, we sit with
11 them, we talk them through
12 everything, we do that. So that I
13 think would be helpful to your first
14 question.

15 I think your second
16 question was the same as
17 Councilmember Jones is like how do
18 we go about picking something up
19 from our location base. Was that
20 what your second question was?
21 Yeah. Yep. So I think to DC
22 Healy's point, I think we'd have to
23 look into that. We'd have to work
24 with your offices. I think we'd

1 have to talk to the Law Department
2 to see how that's possible.

3 We all know the same thing
4 about the shell game that's going
5 on, so how do we stop that? So that
6 I do not know the actual answer to.
7 I think we could work with the Law
8 Department to see if it's legal. I
9 think it's very simple to say, yup,
10 we know this location it's been
11 owned by A, B, C, D, goes down the
12 line and it's always, you know, a
13 bad location. What do we do about
14 making sure that it doesn't stay
15 open or reopen or whatever it is?

16 But I don't know if you
17 have anything to add, but I feel
18 like you covered --

19 DEPUTY COMMISSIONER HEALY:

20 No, I would agree. I mean
21 the issue is I hear you when you
22 talk about place-based issues and
23 trying to identify them. In that
24 discussion we definitely need to

1 include the Law Department because
2 the issue of due -- and this is
3 where the length comes into play.

4 When we start the
5 enforcement action they have rights
6 to appeal, then they delay the
7 appeals and things get drug out.
8 And then suddenly in the middle of
9 the appeal the business is sold and
10 everything changes. It's a game
11 they play. If we can somehow impact
12 how they play that game to stop them
13 from being able to transfer the
14 ownership and avoid all the
15 liabilities and accountability, that
16 would be a first step.

17 I mean, there are things
18 like I said -- I'm vaguely familiar
19 with the old IRS rights, but there
20 was a way that the IRS would tack
21 one business to another to avoid
22 this type of stuff. Maybe that's
23 something we would like to take a
24 look at and model to avoid these

1 people playing these shell games
2 within Philadelphia. Because that's
3 exactly what they're doing and
4 they're doing it in those areas
5 where there is a historical problem,
6 so they do it on purpose.

7 CHAIRMAN DRISCOLL: The
8 Chair recognizes Councilmember
9 Quetcy Lozada.

10 COUNCILMEMBER LOZADA:

11 Thank you for being with us
12 this morning. A few questions
13 because I think that over the last
14 few weeks we've been talking a lot
15 about businesses. And people are
16 like, well, we're open for business,
17 but you guys are putting all of
18 these barriers in place for
19 businesses to exist. And I want to
20 make sure that people understand
21 that that's not the case, right?

22 I think for a really long
23 time folks got accustomed to
24 whether it be because of COVID or

1 whether it be because of a lack of
2 staff, we weren't enforcing the laws
3 that are in place. Right? You
4 know, L&I and the Health Department
5 both went out with me multiple times
6 into the 7th District to do all of
7 these education campaigns. So for
8 people to say that they don't know
9 or they don't understand, I think
10 that's BS, right?

11 People have gotten
12 accustomed to doing things the way
13 they want to do them and we are --
14 we are witnessing in our city the
15 results of that. Right? The result
16 of people just being able to do
17 whatever the heck it was they wanted
18 to do in their business. We went
19 into business where a woman had not
20 had her permits or her licenses in
21 place and an inspector had not
22 visited her for eight years, and
23 she's serving food.

24 And so this is -- this is a

1 problem. We walked into convenience
2 stores where they're selling needles
3 right above candy. This is a
4 problem. Right? And so we need to
5 figure out how we hold that location
6 accountable, but also the individual
7 who's running that business.

8 Because if he's a problem
9 on the 3100 block of Kensington
10 Avenue and he moves his -- he moves
11 his business to the 3500 block, or
12 he moves to West Philly, he's going
13 to be a problem because he knows the
14 system. Right? He knows the system
15 so regardless of where he goes, he's
16 going to be a a problem business
17 person.

18 And so how do we -- I want
19 to figure out how do we -- how do we
20 tighten up the process in a way
21 that's going to hold people
22 accountable. That if you're not a
23 good business person, then you
24 shouldn't be conducting business in

1 our city, at least not in my
2 neighborhood, right? I'm sure my
3 colleagues will feel the same way.
4 They don't want this nonsense in
5 their neighborhoods either.

6 But I Councilmembers
7 Squilla and I were we having a
8 conversation. Is it a fact that you
9 all don't confiscate the materials
10 or the product, you have them take
11 it down? And so how is that solving
12 anything? You're taking it down,
13 he's putting it in the back, right,
14 and the minute you all walk away,
15 who's to say that he's not going to
16 take it back out? I mean, it
17 doesn't make any sense.

18 And so how do we become a
19 common sense government that will
20 allow us to continue to enforce and
21 protect neighborhoods.

22 COMMISSIONER GREENWALD: So
23 to answer your first question. No,
24 we do not confiscate the materials.

1 We do go back for reinspection. As
2 Renee had said, we found like the
3 ones that are on our radar that we
4 went back, only for 14% of them have
5 been a repeat offender. The ones
6 that we've seen. I'm not saying it
7 doesn't exist out there. So the
8 other ones are in compliance when we
9 go back the paraphernalia is
10 removed.

11 So whether we can
12 confiscate or not, we're told
13 legally we cannot. I mean, it's a
14 discussion we can have with the Law
15 Department, but I know that's
16 something we've been told.

17 CHAIRMAN DRISCOLL: Well,
18 that's a -- that's a question. So I
19 know when, you know, when the sports
20 teams do well and there's these
21 pop-up businesses, we do confiscate.
22 Is that because they don't have a
23 business privilege license or a
24 vendor license? I mean, what's the

1 difference between confiscating
2 there and not confiscating something
3 illegal here.

4 MS. REINHARDT: So I can't
5 say what the difference is right at
6 the moment. But some of the items
7 that people are selling at the
8 vending locations may be counterfeit
9 and we are allowed to confiscate
10 those items. However, a brick and
11 mortar store, we're not allowed to
12 just go in and remove their items.
13 And that is a direction from the Law
14 Department.

15 CHAIRMAN DRISCOLL: So
16 that's something, Leader, that we
17 might want to look at. You know,
18 the difference between a brick and
19 mortar and a pop-up per se. Maybe
20 there's something we can figure out,
21 Deputy Commissioner, in the legal
22 language, I don't know, just spit
23 balling, but, you know, that's what
24 this hearing is for is to try and

1 come up with some ideas.

2 Member Brooks?

3 COUNCILMEMBER BROOKS:

4 Okay. So my questions are
5 kind of on the same line. So do you
6 guys track like zip code
7 distribution where you see these
8 things popping up or do you see like
9 an influx of these type of
10 establishments in certain areas
11 based on social economic status?

12 COMMISSIONER GREENWALD:

13 So -- so we've been working
14 with the overall Nuisance Business
15 Committee in the city so they're
16 tracking things. It's actually
17 being tracked with the Philly Stat
18 360 program. So we are actually
19 tracking what's going on. There's
20 overlays of what goes on in each
21 area from all different departments,
22 us, the Police Department, the
23 Health Department and I'm not even
24 actually sure exactly who else, but

1 they have all kinds of information

2 they overlay into these maps.

3 COUNCILMEMBER BROOKS:

4 Okay. And then you

5 mentioned that -- just for clarity,

6 I know the LLCs, they switch up.

7 But the business license, isn't it

8 the same person connected to the

9 business license? Like is there any

10 way we can like single out -- and

11 I'm just -- I don't really

12 understand it around drug

13 paraphernalia. But I know it was a

14 bar at the corner of my block,

15 someone got killed there many years

16 ago. And every time they think

17 they're about to pull that L&I sign

18 and take that door down, I'm on the

19 phone, like this can't happen.

20 And I found out from the

21 Police Department, they did open it

22 up a legally like a summer or two

23 ago, but they were able to track the

24 person down to multiple bars and

1 businesses that they owned. I don't
2 know what happened after that or how
3 the fining works. But his business
4 license, he had owned multiple
5 businesses bars and they were able
6 to attack him that way. Is that the
7 same type of thing that we can do
8 around drug paraphernalia?

9 COMMISSIONER GREENWALD:

10 That's exactly what we're
11 talking about with that nuisance
12 committee doing that linking
13 everything together to like one
14 entity as you said.

15 COUNCILMEMBER BROOKS:

16 Okay. Thank you.

17 CHAIRMAN DRISCOLL: Member
18 Gauthier and then we're going to go
19 to Member O'Rourke.

20 COUNCILMEMBER GAUTHIER:

21 Thank you, Mr. Chair. Good
22 morning. I just wanted to comment
23 and I know that we're in the midst
24 of the budget cycle, but one issue

1 at least to me seems to be around
2 capacity. We know and the community
3 members know where these nuisance
4 establishments are. It takes way
5 too long to get action in terms of
6 inspections once we reach out to
7 L&I. And then we've also run into
8 an issue where some of these places
9 don't open until late and I've been
10 told, oh, we don't have anybody. We
11 would have to assign overtime to get
12 an inspector to go out after 4:00.
13 Right? And so some of this seems to
14 be about capacity.

15 If there are nuisance
16 establishments operating all night
17 long on commercial corridors and
18 bringing a nuisance, then we have to
19 be prepared to be able to inspect
20 them when they are open. And so I
21 would -- I'd love to hear your
22 response to that. But I would also
23 encourage us this budget season to
24 change that dynamic. Thank you.

1 COMMISSIONER GREENWALD:

2 Sure. So we do have a
3 nuisance property unit that does go
4 out. It goes out on the weekend, it
5 goes out at night, so it goes out
6 when these establishments are
7 operating. We go out with the
8 Police Department and we go out at
9 night. Every weekend we're out
10 there.

11 COUNCILMEMBER GAUTHIER:

12 I'm not sure what's going
13 on, but I definitely was given a
14 response that we don't we need to
15 find someone to go out for an
16 establishment that opens after 4:00.
17 I can show you that communication.

18 COMMISSIONER GREENWALD:

19 Please do because that that
20 absolutely we do have a dedicated
21 nuisance property unit that has a
22 supervisor and five or six
23 inspectors that go out, so they're
24 out there yeah. So please, if you

1 could share that with me I'd really
2 appreciate that.

3 COUNCILMEMBER GAUTHIER:

4 Absolutely.

5 COMMISSIONER GREENWALD:

6 Thank you.

7 CHAIRMAN DRISCOLL: Chair
8 recognizes Councilmember Nicholas
9 O'Rourke.

10 COUNCILMEMBER O'ROURKE:

11 Thank you, brother Chair.

12 Good morning, Commissioner. Good
13 morning to all. Always nice to see
14 folks.

15 Can you walk us -- and I
16 apologize if some of this has
17 already been shared through other
18 questions that have been asked. But
19 could you just walk us through the
20 differences in law or in practice
21 that determine whether a business
22 receives a full or partial cease
23 operations order.

24 COMMISSIONER GREENWALD:

1 I'll let you do it, you're
2 the expert.

3 MS. REINHARDT: So we would
4 issue a partial cease operations if
5 the business has their business
6 licenses and their zoning is
7 appropriate for retail sales of
8 consumer goods or food, beverages
9 and groceries. That would be a
10 partial cease for the sale of the
11 drug paraphernalia only.

12 A full cease operations
13 mean that the business cannot
14 operate until they correct certain
15 violations. So the store would be
16 closed until they repair their fire
17 alarm or if we go for the second
18 time for a drug paraphernalia
19 inspection and they're still selling
20 it, then we would cease the business
21 until they remove and stop selling
22 the paraphernalia.

23 COUNCILMEMBER O'ROURKE:

24 Okay. And does the -- the

1 question has come up because there's
2 been a lot of focuses around
3 location. Does the department track
4 these complaints and investigations
5 by council district? I'm at large,
6 but I'm sure the district folks
7 probably would benefit from knowing
8 that.

9 MS. REINHARDT: Can you
10 repeat the question?

11 COUNCILMEMBER O'ROURKE:

12 Yeah. Do you track any of
13 that data by District?

14 MS. REINHARDT: Yes.

15 COUNCILMEMBER O'ROURKE:

16 Okay. That would be
17 helpful I think if we could have
18 that information. That's all.

19 CHAIRMAN DRISCOLL: Okay.

20 Chair recognizes Member Jeffrey J.
21 Young.

22 COUNCILMEMBER YOUNG: Thank
23 you, Mr. Chair. Good morning. My
24 office gets complaints often about

1 stores that not only just sell the
2 drug paraphernalia, but actually are
3 selling drugs. I've witnessed
4 myself going into stores where
5 people are buying weed because when
6 I'm not dressed like this, you know,
7 they don't know who I am. Right?

8 I've seen stores selling
9 marijuana, I've seen stores selling
10 tobacco products to kids, 11-year-
11 olds literally. I had a
12 conversation with 11-year-olds
13 outside of a store one day. And
14 also in my district the stores, most
15 of the stores have all their windows
16 covered, right? We know that's a
17 violation of our city code as well.
18 So these things seem to be pervasive
19 in my district and we just, you
20 know, what can we do -- when we get
21 complaints at a store selling
22 marijuana, what are the options for
23 the community?

24 DEPUTY COMMISSIONER HEALY:

1 We've had multiple times
2 where that's occurred and that's on
3 the police. I mean, if we make an
4 arrest in that store and there's a
5 nexus between the either the clerk
6 or the owner with that store. Okay.
7 That's a 19261 violation. So we go
8 after the -- not me, but the
9 Philadelphia Police Department will
10 take the actions to our Nuisance
11 Unit direct with L&I directly and
12 the Law Department.

13 Because that's a whole
14 different issue. If you're selling,
15 we have the nexus now. If
16 they're -- if they're not the owner
17 or they don't operate the store,
18 we'll make the arrest of the
19 individuals, but then we'll try to
20 get them under a nuisance 9-44.

21 If the business is allowing
22 this type of stuff to happen even
23 though they're not the owner or
24 manager of the store, they can still

1 be held accountable, but not as a
2 direct arrest for the narcotics.
3 We'll lock up the sellers, et
4 cetera. But the store itself if I
5 can't find that nexus between the
6 two, then we have to go through the
7 9-4400 process to go after the
8 store.

9 But if they're -- if the
10 store is, in fact, selling stuff and
11 we catch them, we've done that. And
12 in -- we had -- in South Philly we
13 had a case where actually it was a
14 robbery. The individual got -- the
15 clerk got robbed in the store and
16 when the captain was going through
17 the video realized that he was
18 selling drugs. The reason he got
19 robbed is because he was selling
20 drugs in the store.

21 We took that, narcotics
22 went did a couple buys in the store
23 and we worked together and we got
24 the store shut down.

1 COUNCILMEMBER YOUNG: So
2 you said they did a couple buys. So
3 when we get these complaints, like
4 who can we give that information to
5 so the police can go out and do
6 these undercover investigations to
7 do the buys, right? Because that's
8 how you catch the stores, you have
9 to go in there and buy the product
10 from them. So who do we give that
11 information to?

12 DEPUTY COMMISSIONER HEALY:

13 Yeah. I would use -- I
14 would use the inspector for our
15 nuisance Neighborhood Nuisance
16 Unit, Inspector Michael O'Donnell.
17 He'll be the conduit and coordinate
18 everything with narcotics and with
19 everything else in the Police
20 Department.

21 COUNCILMEMBER YOUNG: Thank
22 you. And just for clarity, there
23 are no Step Up penalties for repeat
24 offenders of violations for like

1 selling drug paraphernalia?

2 COMMISSIONER GREENWALD: So
3 in Step Up, so we go back to a
4 property and re-inspect and they're
5 still doing it, we can issue the
6 cease. We can also -- we have court
7 as an option as well, send things
8 into court, which we do often for a
9 lot of our violations. So that is
10 the next step, the cease, and then
11 we could do court as well.

12 COUNCILMEMBER YOUNG: And
13 when you -- say you issue your
14 cease, your partial cease ops for
15 the drug paraphernalia, do the store
16 owners know when you're coming back
17 out to re-inspect?

18 COMMISSIONER GREENWALD:
19 Don't know exactly when
20 we're coming back. They know that
21 we'll be there within a certain
22 amount of time.

23 COUNCILMEMBER YOUNG: Okay.
24 Within a certain amount. So they

1 know within that time don't sell
2 these products within that time.
3 Okay.

4 And when there are -- so
5 what are some of the impediments? I
6 know one of my colleagues asked
7 about this earlier, the confiscation
8 of these illegal items, essentially,
9 they don't have a permit for them,
10 they're illegal. So tell us or can
11 you talk us about what are some of
12 the impediments that you all have
13 from confiscating these items?

14 COMMISSIONER GREENWALD: So
15 we don't confiscate these types of
16 items. The items that we do
17 confiscate to Councilmember
18 Driscoll's point was -- his
19 statement was when we do work
20 something like down at the stadiums
21 or we're doing like vendor stuff.
22 We can confiscate those, we have a
23 warehouse where we put that stuff so
24 we store that. The person has the

1 opportunity at certain points if
2 it's their merchandise to come back
3 to that warehouse and get it.

4 That's a whole process as well. If
5 not, we just dispose of the items.

6 COUNCILMEMBER YOUNG: Yeah.
7 So the question is I mean, I guess,
8 well, why? Right? Why we can
9 confiscate from the small vendors,
10 why are we not confiscating an
11 illegal item that we know is being
12 sold illegally in the brick and
13 mortar store as well?

14 DEPUTY COMMISSIONER HEALY:
15 According to the ordinance,
16 technically they're not illegal
17 items. They're illegal to sell. So
18 the owner can have them, but you
19 can't sell them.

20 COUNCILMEMBER YOUNG: So,
21 but even with the vendors, they're
22 not illegal item necessarily,
23 they're illegal to sell them, right?

24 DEPUTY COMMISSIONER HEALY:

1 But I believe they don't
2 have a license to sell anything.
3 And also the other side of that is
4 the counterfeit merchandise gets
5 seized. So it's distinguishable,
6 but I do believe the Law Department
7 chimed in when the ordinance was
8 passed as to the Possession versus
9 the sale.

10 COUNCILMEMBER YOUNG: All
11 right. So I think for us as
12 legislators we have to change that
13 in our code then.

14 COUNCILMEMBER HARRITY: And
15 a point of clarification, some of
16 the drug paraphernalia is kind of
17 hidden in other stuff. So like if
18 you go into the gas stations and you
19 see little glass tubes with the
20 roses in them, they're straits for
21 smoking crack. But they put the
22 little rose in them and it becomes a
23 little thing, but they're using them
24 to smoke crack. That's what they're

1 for.

2 COUNCILMEMBER YOUNG:

3 Mr. Chair, I have one more
4 question. No, you're good. You're
5 good. You're good. I mean, this is
6 -- we need this information.

7 And I looked at chapter
8 9-4400 that talks about the chronic
9 and nuisance businesses. And the
10 code says, I think this is something
11 that us as legislators need to work
12 on as well. But the code says that
13 repeated or continuing violations
14 could count toward being a chronic
15 and nuisance business. But is it
16 possible I guess for us as
17 legislators like what or what can we
18 get your opinion on it, if one
19 violation could count toward the
20 three that's necessary to deem a
21 business a chronic nuisance business
22 within that 12-month period?

23 DEPUTY COMMISSIONER HEALY:

24 Yes. And that was actually

1 one of the main reasons why 944 was
2 amended, I think two years ago, to
3 actually broaden the scope of its
4 power. The issue is like we
5 identified certain violations within
6 this code for the first three hits,
7 three strikes and you're out,
8 understanding that this is much
9 broader, that there's a lot of other
10 type of violations that could go on,
11 and otherwise the statute would be
12 14 pages long.

13 Actually I believe Kristen
14 Bray was the one that that designed
15 the actual amendments that you know
16 repeated of any offense. So we
17 identify repeated offenses of any
18 violation of the code. It can fall
19 under 9-4400, and we have been using
20 that, yes.

21 COUNCILMEMBER YOUNG: Yeah.
22 That says repeated, I mean I think
23 that's -- but it still only
24 counts -- repeated only counts will

1 then count as that one instance for
2 the three. So what I'm suggesting
3 is that maybe that not a repeated or
4 continued violations, that the
5 actual violation itself can count
6 toward the one of the three that's
7 necessary to be deemed a chronic
8 business.

9 The code says repeated, so
10 for me as a lawyer, I say repeated,
11 I can get away with this multiple
12 times before we count as a strike to
13 against me.

14 DEPUTY COMMISSIONER HEALY:

15 Well, I'll be very honest
16 we've interpreted that rather
17 liberally. So if you have one or if
18 you have two or more of the other
19 code violations, we're using that
20 and taking action against you in the
21 Nuisance Unit. So we are using it
22 liberally, aggressively, I don't
23 know how you want to say it. But we
24 are we have interpreted it to mean

1 if you do two strikes we're using
2 you at that level. And say you've
3 had repeated violations of X, Y and
4 Z, and we're moving forward under
5 the 9-4400. Because it's kind of a
6 catchall provision in the code and
7 we use it rather liberally.

8 COUNCILMEMBER YOUNG: Okay.
9 Thank you, Mr. Chair.

10 CHAIRMAN DRISCOLL: Chair
11 recognizes Vice Chair Mark Squilla.

12 COUNCILMAN SQUILLA: Thank
13 you, Mr. Chair. I'm just going to
14 follow-up on Councilmember Young's
15 questioning. Because we do have the
16 multiple violations for a nuisance
17 business. But what happens after
18 somebody complies? So you have a
19 violation, you comply, you go back
20 for a follow-up visit, there's
21 nothing there. Right? But then six
22 months later you go back and there's
23 another violation. Does that count
24 as two violations?

1 DEPUTY COMMISSIONER HEALY:

2 It would under us for

3 9-4400, yes.

4 COUNCILMAN SQUILLA: It

5 would?

6 DEPUTY COMMISSIONER HEALY:

7 Yes.

8 COUNCILMAN SQUILLA: So

9 then they -- so then that would

10 count those if there was a third

11 violation in that period.

12 DEPUTY COMMISSIONER HEALY:

13 Correct. And in the process, if you

14 recall, there's -- we put out

15 warning letters. By the statute or

16 by the ordinance we're required to

17 put out warning letters to the

18 business owner. A lot of times the

19 business owner may be vacant or not

20 vacant, but not on premises. But we

21 send letters out to anybody of

22 record that owns or manages that

23 location saying be advised you've

24 had nuisance behavior. If you

1 continue this course blah, blah,
2 blah. We give out one letter, two
3 letters, and then after the third
4 letter, you also get the notice of
5 violation at that point in time.

6 COUNCILMAN SQUILLA: But
7 there is still an appeal process
8 after that, right?

9 DEPUTY COMMISSIONER HEALY:
10 They can appeal, yes.

11 COUNCILMAN SQUILLA: And
12 then during that appeal process can
13 go on for the quite some time.

14 DEPUTY COMMISSIONER HEALY:
15 The only good thing I have
16 to say is the warning letters have
17 been very successful. A lot of
18 places have not realized what's
19 going on in their shops and they've
20 actually taken actions to fix what
21 they're doing. And they enter into
22 what's called an abatement agreement
23 with the Police Department and L&I
24 to make sure that they, you know, if

1 it's lighting issues, trash issues,
2 whatever it may be, the Law
3 Department helps us negotiate
4 agreements with these businesses so
5 they stay on the straight and
6 narrow. And if they don't, then
7 they get right back into the hopper.

8 COUNCILMAN SQUILLA: But we
9 also see it where some companies or
10 businesses would operate, get that
11 notice, and then at the end of the
12 day figure. All right. I'm moving
13 to a new location so then they just
14 close up shop, closed up, and now
15 they open up somewhere else under a
16 different name. What do we do in
17 that case?

18 DEPUTY COMMISSIONER HEALY:
19 Well, if they -- two issues
20 there, they open up in a different
21 shop. Now here you have to
22 understand with the business,
23 correct me if I'm wrong, the
24 business license allows me to have

1 as many businesses as I want. It's
2 one license, I can have 15 different
3 locations.

4 So I can close up the shop
5 at K&A and just open up another shop
6 under my same license, but I'm still
7 accountable --

8 COUNCILMAN SQUILLA: No,
9 new license.

10 DEPUTY COMMISSIONER HEALY:
11 No, no, that's where I'm getting at.
12 So you can -- that's step one, I can
13 do that, but all that information
14 from that old place still attaches
15 to me because I have the license.
16 But the issue is what they know
17 that's not going to work for them.

18 So what they'll do is
19 they'll get another business. The
20 business is a separate legal entity
21 so regardless who owns it or like
22 who's the manager or the owner of
23 the corporation, the shareholders,
24 it's considered by law a separate

1 legal entity. So they open a new
2 LLC, which can be done overnight.

3 They got a new business,
4 they file for a new license and it's
5 basically a clean slate. And that's
6 what we're talking about earlier,
7 that's the shell game they play. So
8 they'll rack up all these penalties,
9 all these violations and just before
10 they have to go to court if they're
11 going to lose their license, they go
12 and pop up a new one, and then
13 basically that company then sells it
14 to this one, and then we start the
15 whole process over again. And then
16 legally, we have to go through the
17 same things all over again.

18 So if that's an area to
19 look at, that's something I think we
20 should look at to avoid that shell
21 game. How to -- how to -- how to
22 impact that and how to stop that
23 because that way there that person
24 when he applies for the next license

1 he should be still accountable for
2 all the other -- all the issues he
3 has under the old license. But like
4 I said, it's not a person, these
5 are -- these are corporations.

6 COUNCILMAN SQUILLA: Would
7 that be done legislatively?

8 DEPUTY COMMISSIONER HEALY:

9 I think we'd have to look
10 -- take a look at that. I'm not
11 really sure. I think we could to
12 work it out. The issue is, I mean,
13 the Law Department definitely has to
14 be involved because these are
15 separate legal entities under law.

16 So assigning responsibility
17 and liability for a new corporation
18 -- an old corporation to a new
19 corporation, like I said, I know the
20 IRS says it in certain circumstances
21 so it's feasible. The concept is
22 out there so I just don't know
23 whether the Law Department will be
24 on board.

1 But the idea is they're
2 trying to attack a new corporation
3 and how can we assign all the
4 liabilities and responsibilities
5 that they owe to this new
6 corporation. Possibly if they have,
7 you know, substantial number of same
8 shareholders or coming up with a
9 formula. If you have 80 or 90% more
10 of your other shareholders, you are
11 effectively the same corporation
12 with a new name and maybe that's
13 some way to take a look at this.

14 But I think it would take,
15 you know, some people from the Law
16 Department and some other people to
17 figure out how we can overcome that
18 hurdle.

19 COUNCILMEMBER YOUNG: Thank
20 you. Just a point of information,
21 Mr. Chair.

22 So I do know that when we
23 have, let's say, someone is fined
24 for like garbage, right, or grass or

1 some of these other nuisance
2 violations that some of those
3 violations can actually stay with
4 the property. Like a water bill,
5 right, they stay with the property.
6 And so how we just think we think of
7 ways that we can figure out how to
8 get these types of violations to
9 stay with the property as well. So
10 thank you.

11 CHAIRMAN DRISCOLL: The
12 Chair recognizes Jamie Gauthier.

13 COUNCILMEMBER GAUTHIER:

14 Thank you, Mr. Chair. I
15 just wanted to correct the record
16 from earlier. My exchange was with
17 the Health Department. So it was
18 the Health Department that, you
19 know, there was some difficulty
20 getting inspectors out there and
21 there was more difficulty getting
22 inspectors out there when the
23 establishment was actually open.

24 But, you know, if this is

1 an ecosystem, right, where L&I and
2 Health are working together with PPD
3 on these issues, I do think we have
4 to be prepared to respond. So I
5 hope that that's something that we
6 can look into this budget season.

7 CHAIRMAN DRISCOLL: The
8 maker of the resolution, Katherine
9 Gilmore-Richardson.

10 COUNCILMEMBER GILMORE-
11 RICHARDSON: Thank you. Thank you,
12 Mr. Chair. And thank you,
13 colleagues. I wanted to get a
14 couple other things on the record
15 as well. One for -- just going back
16 to Councilmember Gauthier's comment,
17 do we have a representative here
18 from the Health Department? Okay.

19 And then as he approaches,
20 I wanted to just ask for clarity
21 with Commissioner Healy, I have a
22 bill here that I'm just waiting to
23 introduce because I wanted to wait
24 until after we have this hearing, so

1 that if we needed to introduce
2 additional legislation we can do
3 that in conjunction with this bill
4 all related to this issue.

5 But I know there are
6 certain parts of the administrative
7 code that have criminal sanctions
8 for some of these businesses, but
9 technically L&I can't give a
10 criminal offense, right, to a
11 business because their Licenses &
12 Inspection, but it is in our
13 administrative code.

14 Can you just talk about
15 that?

16 DEPUTY COMMISSIONER HEALY:
17 Very quickly, our statute or our
18 ordinances are rather old. Okay.
19 So some things on the books where
20 you would be arrested for some of
21 these summary violations and
22 theoretically I think up to a 90-day
23 penalty. That's not applicable any
24 longer, quite frankly, according to

1 the Law Department. I mean, so the
2 issue is when that provision is in a
3 statute or one of our ordinances, it
4 complicates it because the issue of
5 now it proceeds criminal due process
6 rights rather than civil due process
7 rights.

8 COUNCILMEMBER GILMORE -

9 RICHARDSON: Right.

10 DEPUTY COMMISSIONER HEALY:

11 So it makes it much cleaner
12 if you just have remove that from
13 these ordinances and we deal with
14 them civilly. That's how we do the
15 short dumping, all the work we do
16 with the short dump, I believe those
17 provisions were removed for that
18 very reason. So now the nuisance --
19 my Nuisance Unit is going after
20 civilly with the Law Department a
21 lot of these short dumpers as well
22 because you removed that provision.
23 It's actually a hold over, I think
24 from a long time ago.

1 COUNCILMEMBER GILMORE -

2 RICHARDSON: Right, but that helps
3 us as a city to be able to better
4 enforce during the process for civil
5 sanctions; is that correct? Because
6 I don't want people to think that we
7 are seeking to remove any
8 additional enforcement and/or
9 penalty from these bad business
10 operators, but that it allows us an
11 opportunity to clean up the code,
12 and then ensure that we have them go
13 through the Civil process as quickly
14 as possible, in addition to some of
15 the other changes that we are
16 discussing today.

17 But I wanted to get that on
18 the record while most of my
19 colleagues are here because, like I
20 said, I already have that bill
21 drafted already, it's already been
22 reviewed. And so that'll be a part
23 of the package of bills that I'm
24 intending to introduce to further

1 combat this issue.

2 And I know we've even done
3 the second bill in 2023, to help
4 with the nuisance abatement plans.
5 Because we found after we did the
6 first bill in '21, that they were
7 skirting some of the processes
8 around the abatement plan. So, you
9 know, I've been taking a lot of
10 notes and just taking copious notes,
11 really, about some of the location,
12 specific issues and some of the
13 other challenges that we want to
14 pull altogether with this particular
15 bill that I already have written so
16 that we have a package of bills to
17 address this issue. But I wanted to
18 put that on the record.

19 DEPUTY COMMISSIONER HEALY:

20 Okay. Thank you.

21 COUNCILMEMBER GILMORE-

22 RICHARDSON: And thank you so much
23 because you all have been great to
24 work with. Particularly Renee for

1 keeping that list that we have. So
2 thank you very much.

3 But I wanted to go back to
4 the Health Department. I know that
5 Councilmember Gauthier brought up
6 the issue regarding inspector
7 availability after hours and on
8 weekends. So if you could just
9 speak to that.

10 CHAIRMAN DRISCOLL: Can you
11 just start by stating your name, for
12 the record.

13 MR. HARTUNG: Good morning.
14 Ben Hartung with the Department of
15 Public Health.

16 Councilmember, I believe
17 that's correct, that there are --
18 you know, if we're talking tobacco
19 enforcement, I'm not sure
20 specifically about food enforcement,
21 but they usually are the same
22 sanitarians that they don't
23 typically go out at night and
24 weekends, that would be correct.

1 COUNCILMEMBER GAUTHIER:

2 But that presents a
3 challenge and a lot of these
4 establishments are operating pretty
5 late. And so if -- you know, we
6 can't be closed, if they're not
7 closed. If they're, you know,
8 presenting a nuisance to the
9 community after hours, then how do
10 we address that?

11 MR. HARTUNG: I would have
12 to have Dawn Keys, the director of
13 environmental health services,
14 follow-up with you. I'm not sure
15 who you communicated with, but we'd
16 be happy to talk about how we can
17 work --

18 COUNCILMEMBER GAUTHIER:

19 I'd love to talk more about
20 that especially as we are in budget
21 season.

22 MR. HARTUNG: Thank you.

23 COUNCILMEMBER GAUTHIER:

24 Thank you.

1 CHAIRMAN DRISCOLL:

2 Chairman?

3 COUNCILMEMBER JONES: Yeah.

4 One of the things that keeps coming
5 back to us is that the punishment
6 often doesn't fit the crime. That
7 businesses know that I rather run
8 the risk of eight years of not being
9 inspected and pay a fine, rather
10 than pay a license. Like I know by
11 the time you get to me, it'll be
12 worth it. And so therefore I'm
13 willing to pay.

14 It goes for taxes, it goes
15 for L&I inspections, it goes for
16 health inspections. It costs more
17 to fix what you're talking about
18 than the fine that you might give
19 me. We have to -- we have to change
20 that balance a bit in order to get
21 people to comply.

22 Second, if I know that you
23 aren't open on the weekends or 5
24 o'clock you're closed, you know,

1 everything from construction, you
2 know. All right. Let's bring the
3 crew in at 5 o'clock when we know no
4 one is going to come in. And we
5 have to -- we have to outsmart those
6 individuals who are trying to
7 circumvent our process.

8 COUNCILMEMBER YOUNG:

9 Mr. Chair. I mean, I just want to
10 put on a record that there are many
11 like takeout stores in my district
12 that don't open up until 3, 4, 5
13 o'clock in the afternoon purposely
14 knowing that there won't be folks to
15 come around to give those types of
16 inspection. So, you know, I think
17 that's something that we, as a city,
18 really need to take a look at and
19 how we are enforcing these laws
20 because they really affect the
21 quality of life of the communities.

22 CHAIRMAN DRISCOLL: Member
23 Lozada?

24 COUNCILMEMBER LOZADA: Do

1 we have -- do we have enough staff
2 inspectors to be able to support
3 this type of work? And I'm talking
4 about, you know, during the day, as
5 well as during those hours where we
6 know are problematic?

7 Any -- anybody? You know,
8 and I'm talking about Health
9 inspectors, L&I inspectors, right,
10 you all have to go out together. I
11 know that you all don't have
12 authority over LCE and those folks,
13 but is there -- is there personnel
14 to be able to respond to some of the
15 issues that we have?

16 COMMISSIONER GREENWALD: We
17 have a whole entire dedicated unit
18 that goes out for these nuisance
19 properties, so we think we're good
20 there. We do, we think we have
21 enough staff and we have experts in
22 those areas that have been going
23 out. Actually Renee started there.
24 They go out, they figure out the

1 players, they know what, you know,
2 what's going on. They go out with
3 the police, they do. We coordinate
4 with LCE, sometimes we coordinate
5 with Health. But, yeah, we're out
6 there. I believe that we have a
7 good group out there. We're at
8 capacity that we can meet the demand
9 out there for the nuisance and stuff
10 at night.

11 COUNCILMEMBER LOZADA: I
12 asked that question, Mr. Chair,
13 because in the past the excuse has
14 been, you know, we only have one
15 team, right? We don't -- And they
16 have to cover the entire city. And
17 we don't have that team not fully
18 staffed. And so if we -- we're in
19 budget season, right?

20 If we need to look at that,
21 if this has become an increasing
22 problem in our city, if we need to
23 look at that, then it's something
24 that we should consider, right?

1 There shouldn't be -- we're having
2 all of these issues there shouldn't
3 just be one team, right? The task
4 force was created because obviously
5 this was a huge problem and it's
6 only been exasperated as a result of
7 us, kind of, having a hands-off type
8 of approach in our city.

9 And so we should consider
10 looking at how do we budget to
11 create multiple teams or at least
12 another team that can help support
13 the work to address what we're all
14 experiencing across the city of
15 Philadelphia.

16 CHAIRMAN DRISCOLL: Member
17 Gilmore-Richardson.

18 COUNCILMEMBER GILMORE-
19 RICHARDSON: To Councilmember
20 Lozada's point, I think it would be
21 helpful for budget for Health, for
22 L&I, PPD, if we could receive
23 information regarding staffing needs
24 for inspectors for every tour and

1 that the tour coincides with PPD's
2 tours.

3 So as an example, if
4 they're on day, evening or night,
5 that we have the appropriate amount
6 of inspectors from L&I, from Health,
7 from any other city departments that
8 are represented on the task force to
9 mirror the schedule of PPD. Because
10 I know when we were going out
11 together to do the inspections, as
12 an example, we would typically go
13 out in the evening. And it would be
14 light when we would start, but it'd
15 be dark when we were finished. And
16 they were very, very helpful to the
17 community and 9 times out of 10,
18 almost every location we went to, it
19 would be 80 to 90% of the time, they
20 would be seized on the spot. That
21 would be how bad, you know, it was.

22 Like I said, the one
23 business I remember in particular
24 didn't have any licensing at all.

1 And then as an example, when we went
2 to Councilmember Driscoll's
3 district, you remember we --
4 everybody went in the store, in the
5 one store and they, oh, we don't
6 have any paraphernalia. They didn't
7 have a cigarette license so it was
8 on Health. And they said no, we
9 don't sell cigarettes. And then
10 remember I found the cigarettes in
11 the trash can.

12 So as we were walking in
13 they must have thrown the cigarette
14 boxes in the trash can with
15 medallions from other states, like I
16 think it was Virginia and North
17 Carolina. And we were ready to
18 leave and something just told me
19 just look in the trash can and I
20 found the cigarette boxes in the
21 trash can.

22 So I think if we mirror the
23 inspector's schedule for each of the
24 teams. Maybe we have three teams

1 instead of one. One team for day
2 shift, one team for evening shift,
3 one team for night shift, and then
4 that gives them the opportunity to
5 you know have more coverage across
6 the city 24 hours a day.

7 CHAIRMAN DRISCOLL: Thank
8 you, Leader. And seeing no other
9 questions or comments from the
10 panel, I would like to thank you for
11 your testimony today.

12 Ms. McDonald, will you
13 please call the second panel we have
14 to testify this morning on
15 resolution 250052.

16 THE CLERK: Kate Allen, Dee
17 Dukes and Susan Bert-Collins.

18 CHAIRMAN DRISCOLL: Thank
19 you. I don't know what order you
20 want to go with, but whoever wants
21 to start please state your name, for
22 the record, and proceed with your
23 testimony.

24 MS. BURT-COLLINS: I'm

1 Susan Burt-Collins --

2 CHAIRMAN DRISCOLL: Closer.

3 MS. BURT-COLLINS: Can you
4 hear me?

5 CHAIRMAN DRISCOLL: Pull a
6 little closer.

7 MS. BURT-COLLINS: Okay.
8 Susan Burt-Collins. I'm the
9 president currently for a short time
10 of Society Hill Civic Association.
11 And I would first, because it's
12 Society Hill Civic Association, with
13 a name that immediately makes you
14 go -- I actually looked up the
15 derivation of the name. It was the
16 Society of Traders, and they had a
17 flag that sat on top the hill on
18 Dock Street. And it was the flag of
19 the society on the hill.

20 And so there were tanneries
21 and glass makers and wood workers,
22 and that's what Society Hill
23 originally was. Not the place that
24 we sometimes look askance at,

1 including myself.

2 So I'm here, I thought
3 originally when I got the request
4 and I looked at the bill, I did
5 think it had already been passed
6 which it obviously has been, so I
7 wondered. But anyhow, so what I
8 wrote is perhaps not as relevant
9 because I was very supportive of the
10 bill and saying we need it even in
11 our neighborhood on South Street, on
12 4th Street on 5th Street.

13 There's even a store that
14 popped up on Walnut Street at 8th,
15 that's a convenience store and it is
16 selling all sorts of drug
17 paraphernalia. It was used to be a
18 jewelry store and now it's, you
19 know, it's right around the corner
20 from Sansom Street. So it is an
21 issue that affects all of us.

22 South Street is really a
23 mecca. It's a mecca for good stuff,
24 it's a mecca for good food, it's a

1 mecca for people all over coming to
2 South Street. It's also a mecca for
3 trouble. And the more of those
4 stores that we have and the more
5 drug paraphernalia we have in the
6 store fronts, the more it is assumed
7 if you're a young person, or like
8 Councilman Jones says, this is a
9 watering hole.

10 I spent my life doing
11 criminal defense in this building,
12 those are watering holes. And those
13 are places where if you're a young
14 kid, you know, I can't do this in my
15 neighborhood because somebody's
16 going to see me, but I can do it
17 here.

18 And you do it here and it
19 affects everybody. It affects the
20 kids and it affects the city of
21 Philadelphia. And those of us in
22 Society Hill, in Queen Village,
23 nobody wants that. That's not what
24 Philadelphia is and it needs to

1 change.

2 But listening to all this,
3 I must say it seems that you got a
4 whack-a-mole problem. So I would
5 look at it a little maybe from
6 30,000 feet and say, how do we
7 attack it?

8 I would -- I might sit down
9 with the District Attorney which
10 might not be fruitful and Councilman
11 O'Rourke knows my thoughts. But
12 maybe it is because maybe current
13 circumstances being what they are in
14 the country, maybe it is time to
15 look at Philadelphia and let us take
16 the lead both on being progressive
17 in keeping our people safe, happy
18 and healthy, but also addressing the
19 problems as they exist.

20 And so maybe the District
21 Attorney will talk to you, and maybe
22 there is a way to use a little bit
23 of criminal enforcement, a little
24 bit of a stick, but yes, this the

1 civil penalties may be the most
2 significant and also civil -- not
3 criminal contempt -- civil contempt
4 is apparently much more effective
5 and that maybe -- and can't be
6 pardoned. So maybe that is
7 something that you ought to
8 consider.

9 It also seems that perhaps
10 the state ought to be involved, and
11 also maybe all these businesses that
12 open up in one place and then
13 another place, many of them not from
14 Philadelphia, they're looking for
15 opportunities. Maybe it's a
16 stretch, but maybe RICO could be
17 used.

18 I wouldn't rely on the
19 Federal people because I wouldn't
20 rely on them for anything, but I
21 might rely on the State people.
22 You've got a governor who wants to
23 do something more, maybe he could be
24 helpful. And the State AG's Office,

1 maybe, you know, if one
2 organization -- if one business
3 opens up in one place in another
4 place and another place, and they're
5 all selling illegal merchandise,
6 that may, in fact, could be
7 considered a racketeering influenced
8 operation.

9 So I think you need to get
10 more creative than making it a
11 zoning matter. You have the full
12 cooperation and support of the folks
13 in Society Hill for whatever you can
14 do. And finally, I would point out
15 many of the neighborhoods you talk
16 about, including our neighborhood
17 include South Street and the
18 continuous numbered streets, we have
19 a Business District, a Business
20 Improvement District. What are they
21 doing? Let them call and say, you
22 know, gee, I just noticed this
23 business opened up. We don't know
24 what it is, we don't know what their

1 licensing is.

2 That is their job. It is
3 not the job of me or Kate or anybody
4 else to walk up and down the street
5 and say, oh, gee, never saw them.
6 Let that be the job and you let the
7 Business District know that as their
8 job. I would bet that certainly Old
9 City probably does that, and I think
10 that would to be the job of any
11 business district. Not just to fill
12 the space with whoever will be
13 there, but to fill the space with
14 people that you, City Council, wants
15 to see in our city.

16 And with that, that's all
17 I've got to say. But thank you and
18 thank you for considering this. I
19 really appreciate it.

20 CHAIRMAN DRISCOLL: Next
21 panelist and please state your name,
22 for the record.

23 MS. DUKES: So good
24 morning, Chairman, Council, everyone

1 in your respective places.

2 My name is Dee Dukes. I am
3 the RCO leader in the Wynnefield
4 Community. I'm president of the
5 Wynnefield Community Neighborhood
6 Association. I'm the Vice Chairman
7 of the Philadelphia Crosstown
8 Coalition. I'm on the board of the
9 Mastery Charter Schools. And I'm an
10 educator, parent, and just community
11 leader who cares.

12 So I'm here today on behalf
13 of License & Inspections and the
14 Public Safety Committees in support
15 of resolution No. 250052 to speak in
16 support of enforcement against
17 paraphernalia, drug paraphernalia
18 stores.

19 I have observed illegal
20 drug sales in these stores
21 including, but not limited to sales
22 to minors, sales to individuals who
23 are addicts with many years of drug
24 and substance abuse diseases. Daily

1 as a community leader, I have walked
2 the streets. I receive multiple
3 phone calls, email complaints from
4 neighbors about illegal sales.
5 Submitted voluminous amount of
6 Philly 311 reports. Placed multiple
7 roll call complaints and 911 calls
8 in real time to the 19th District
9 for assistance when sales were
10 taking place and public safety
11 incidents were happening.

12 These illegal drug sales in
13 stores continue to present a public
14 safety crisis in our communities and
15 are a detriment to the quality of
16 life, mental, emotional and
17 financial instability in all growing
18 and thriving communities, primarily
19 our black and brown communities.

20 Sadly when illegal drug
21 sales are not enforced, the
22 perpetrator of these offenses are
23 allowed to continue bringing harm to
24 the safety and financial well-being

1 of our friends, neighbors and our
2 loved ones.

3 So in my conclusion and
4 certainly I'm not finished because I
5 have a few more to say, but as a
6 very busy RCO leader volunteering my
7 time daily being here today to
8 advocate and support of this
9 resolution, I please ask that we
10 provide solutions for enforcement of
11 laws that will keep our communities
12 safe and free from drug sales, which
13 harm our communities.

14 So, again, I am a active
15 community leader. I walk the
16 streets, I know these folks who are
17 selling illegal paraphernalia and
18 illegal drugs and whatever else they
19 do. And it is a danger to me as a
20 community leader because I'm
21 targeted. We know Dee knows
22 something about everything, and so
23 that's a target for me.

24 So we need laws that work.

1 We have laws, we just need them
2 enforced. I heard some things here
3 today from L&I about having --
4 having information displayed. I've
5 never seen information displayed.
6 I've never heard of a business, in
7 my experience, a business being
8 educated about what they should be
9 doing and should not. I've never
10 seen that. So if L&I is doing that
11 I don't know where it is.

12 Perhaps coming out to
13 community organizations and
14 educating community organizations
15 about we what we should be looking
16 for. I've never heard of the rose
17 in the whatever, I don't even know
18 what that is, I don't even know what
19 it looks like. I don't. I need to
20 be educated on what these drugs and
21 types of drugs look like. My middle
22 school kids will tell me different
23 language and I have no clue on what
24 they're talking about, so we need to

1 be educated.

2 Legal businesses we

3 support. And this idea of we can't

4 confiscate, not understanding that.

5 Why? We confiscate bikes. We've

6 written legislation that confiscates

7 bikes. Why can't we confiscate it?

8 So we need to -- we have to do

9 better with finding solutions to

10 solve that problem.

11 Why does it take so long?

12 I'm not understanding that. Why

13 does it take so long to remove bad

14 actors? What is the process? Like

15 are we following along License &

16 Inspection? Are you following along

17 and doing your job in an appropriate

18 time period? The answer can't be

19 yes, because if it was, these things

20 would not be happening.

21 There was a tour and I do

22 have to say thank you to our Council

23 people in our community. Councilman

24 Jones, Councilwoman Katherine

1 Gilmore-Richardson, I have to say
2 thank you to you. Because there
3 have been stories closed down in our
4 Wynnefield community and it was
5 because of your support and your
6 advocacy and listening to the
7 community that that was able to
8 happen.

9 But my heart goes out to
10 those neighborhoods who that's not
11 happening. I teach in a community
12 where this stuff would not be going
13 on and is not going on. But I come
14 five blocks away in a community
15 where I live and I see trash, I see
16 drugs, I see all night long stores
17 in communities. My heart is hurting
18 because of that.

19 We have to do something
20 together to make this situation to
21 resolve this situation so that we
22 can live the type of quality of life
23 that we want to live. And thank you
24 for the opportunity to speak today.

1 CHAIRMAN DRISCOLL: Thank
2 you and I'd like to thank all three
3 of you for taking time early on a
4 Monday to take your time off and
5 come here and appear in front of us
6 and share your thoughts so that we
7 can get to a better solution.

8 So I'll turn it over to
9 panelist three. Please state your
10 name, for the record, and proceed
11 with your testimony.

12 MS. ALLEN: Kate Allen.
13 Chairman Jones, Chairman Driscoll,
14 Majority Leader Gilmore-Richardson
15 and members of City Council, my name
16 is Kate Allen and I am the President
17 of the Queen Village Neighbors
18 Association. Thank you for giving
19 me the opportunity to speak this
20 morning about the negative effects
21 that stores that sell drug
22 paraphernalia are having on our
23 communities.

24 Many of the shops that sell

1 drug paraphernalia also typically
2 sell an assortment of edible or
3 smokeable products. There are 16
4 such places in Queen Village and
5 Bell Vista, ten of them just on
6 South Street between 2nd and 10th
7 Streets.

8 Why so many of these stores
9 along one commercial corridor? Is
10 it because one smoke shop isn't
11 enough to meet the demands of our
12 neighborhood or four or six or 15?
13 Of course not. It's because most of
14 these establishments are brazen or
15 at best a thinly veiled illegal drug
16 market.

17 There's a concept in law
18 res ipsa loquitur, which means the
19 thing speaks for itself. So if the
20 question is whether these businesses
21 are negatively impacting our
22 neighborhoods, just look at the way
23 they choose to conduct themselves.
24 Most of these establishments operate

1 until 2:00 a.m. and neighbors often
2 comment that they rarely see anyone
3 inside.

4 So how is it that these
5 places remain open, especially with
6 so much competition? It's because
7 they aren't paying their rent with
8 the legal products on their first
9 floor shelves.

10 The sale of drug
11 paraphernalia is prohibited along
12 most of South Street, but that
13 doesn't mean it's not being sold. A
14 neighbor with a medical marijuana
15 card broke his bong and went to
16 South Street to find another. The
17 first store he went into told him
18 they weren't allowed to sell drug
19 paraphernalia. He tried another,
20 was told the same thing. Since
21 there had been exactly zero other
22 customers in either store, he
23 decided to try one more before
24 giving up.

1 He walked in was once again
2 the only customer and asked the
3 woman behind the counter if she
4 could help. She initially refused,
5 but grabbed him as he turned to
6 leave, she handed him a business
7 card, scribbled something on it and
8 told him to go through the curtain
9 behind the counter. Behind the
10 curtain were stairs leading to a
11 basement full of people and wall-to-
12 wall shelves of products that
13 couldn't legally be sold upstairs.
14 He decided whatever that was wasn't
15 worth it so he turned around and
16 went home, but suddenly learning how
17 that business was able to pay its
18 rent.

19 The business was raided by
20 the State Bureau of Narcotics
21 Investigation shortly afterwards,
22 but yet, is still able to re remain
23 open because of some jurisdictional
24 issue.

1 This store is one of six
2 that is less than two blocks from a
3 Suboxone clinic, a place where those
4 battling substance abuse disorder
5 seek help. If the City's position
6 is that those with this disorder are
7 vulnerable and need to be protected,
8 then not stopping this is
9 counterproductive and increases
10 their risk of harm.

11 If a business is willing to
12 sell illegal products to an adult
13 it's not a stretch that they may
14 also be willing to sell illegal
15 products to children.

16 A friend told me about
17 another smoke shop merely blocked
18 from here that is a known Place
19 among the Central High School
20 students as somewhere where they can
21 buy products underage. She
22 discovered this when she found out
23 that her teenage son had taken THC
24 gummies he bought there. Products

1 that are illegal to sell to anyone
2 under 21.

3 Her biggest concern was
4 that if someone lacked the morals
5 not to sell products like this to
6 minors, how could she trust what was
7 actually in them? So she had them
8 drug tested and found that the
9 gummies were laced with
10 benzodiazepines, prescription
11 medications that can be addictive
12 and fatal.

13 About a week after that
14 incident two teenage girls bought
15 THC gummies from a different smoke
16 shop, also blocks from here. Their
17 gummies were laced with benzos and
18 they became so sick that they had to
19 go to the hospital.

20 There's an affordable
21 housing development in Queen Village
22 often referred to as the Courtyard.
23 Several parents from there have
24 reached out to me about yet another

1 smoke shop that's been selling
2 products to their children, wanting
3 to know what can be done to stop
4 this.

5 These establishments have
6 demonstrated that they are willing
7 to break the law by selling illegal
8 products, including to kids. So
9 what other laws are they breaking?

10 New York City legalized
11 cannabis in 2021, and since then
12 thousands of smoke shops have popped
13 up around the city. Some legally,
14 thousands not. The city began
15 cracking down on the illegal stores
16 last spring. Alongside illegal
17 cannabis and tobacco products,
18 officials have also found stores
19 selling illegal weapons.

20 Mayor Eric Adams said we
21 want to make it more costly to stop
22 you from opening than allowing you
23 to stay open. I'm often ask how
24 there are so many of these places

1 popping up in our neighborhoods.

2 It's because the business
3 model of many of these places seems
4 to be to open up with no regards to
5 permit or zoning or to lie about
6 their intent and operate until the
7 beleaguered and understaffed
8 departments of L&I, Health and
9 Police are able to inspect these
10 businesses and ultimately cease
11 operations.

12 The only realistic chance
13 we have to combat this strategy and
14 to prevent the sale of harmful and
15 illegal products is to make it much,
16 much harder for these places to open
17 in the first place.

18 I thank Majority Leader
19 Gilmore-Richardson for taking this
20 very necessary step of looking into
21 these businesses and implore Council
22 to make it harder for them to open
23 especially near places like schools,
24 playgrounds and rec centers. Make

1 it easier to inspect anyones that do
2 open and to shut down the ones that
3 are causing so much harm to the
4 people of Philadelphia. Thank you.

5 CHAIRMAN DRISCOLL: Well,
6 you certainly brought some revealing
7 topics to light here.

8 The maker of the resolution
9 Katherine Gilmore-Richardson.

10 COUNCILMEMBER GILMORE-
11 RICHARDSON: Thank, Chair. And
12 thank you all so much for coming in
13 to testify and really appreciate the
14 continued community advocacy. You
15 know this has been an issue that
16 we've been working on for more than
17 five years at this point. And Dee,
18 I don't know if you remember this,
19 it really started from the tour we
20 did on 54th Street with
21 Councilmember Jones. That was the
22 beginning of this process of the
23 citywide legislation to address drug
24 paraphernalia.

1 And I have to put this on
2 the record because many people
3 probably don't realize this, but we
4 did have one store in Councilmember
5 Jones's District that was raided by
6 the ATF because they were also
7 selling guns as well out of the back
8 of the store, and that was several
9 years ago.

10 And so I want to thank you
11 all for your testimony for the great
12 input that you gave. I was taking
13 copious notes on all the different
14 follow-up steps that you all had and
15 mentioned. And we want to make sure
16 that we get specifically from you,
17 Kate, and from Queen Village
18 Neighbors Association, the addresses
19 and the locations of the stores that
20 you mentioned.

21 Because what I thought
22 about when you were talking about
23 those products was the fact that
24 that means they're counterfeit or

1 synthetic products. And so that
2 will go back to the issue that we
3 talked about earlier regarding
4 confiscation of those products from
5 those stores. And so, if we could
6 get the names and the addresses of
7 those locations, that would be
8 great.

9 And we want to continue to
10 work with the administration and L&I
11 and Health regarding education for
12 the community groups because I heard
13 that part as well. Because we do
14 need to understand exactly how we
15 can get the information to the city
16 so that the city then knows which
17 businesses to inspect. Because I
18 find a lot of times that people
19 think that we just know a business
20 popped up.

21 And that sounds easy, but
22 particularly when, you know, we're
23 traveling all across, you know, for
24 the district members their

1 districts, and then for the at large
2 members, all across the city, it's
3 very, very hard to keep up with.

4 As you stated, since the
5 pandemic it's been thousands of
6 these locations that have popped up
7 across the city of Philadelphia.
8 Many of the owners are not from
9 Philadelphia we've been finding as
10 well. And so we need to try to get
11 a handle on this process. This
12 hearing has really reinvigorated me
13 on this issue. I know it's
14 something that we have been working
15 on over the last four years and to
16 the point where I had to do two
17 bills just for this issue to try to
18 help with the enforcement. And like
19 I said, in the last four years I
20 know Councilmember Phillips and
21 Councilmember Bass also did
22 legislation to help with the
23 enforcement just on this issue.

24 So we are trying to get a

1 handle on this. I heard a lot today
2 that is really going to help us move
3 forward. I do intend to introduce
4 an additional package of bills.
5 Like I said, I already have one bill
6 ready from our administrative code,
7 I think it's title 4 with the city.
8 But at any rate, we're going to do
9 more based on everything we heard
10 here today and introduce a package
11 of bills to further address this
12 issue.

13 And finally, we just again
14 want to thank you all for being the
15 community star wars that you are.
16 And Dee, you forgot one title. 52nd
17 Ward committee person, you didn't
18 mention it.

19 MS. DUKES: Yes, of course.

20 COUNCILMEMBER GILMORE-

21 RICHARDSON: But Dee is on and in
22 everything and we just -- we thank
23 you and we thank each of you for
24 coming and representing your

1 communities. Thank you.

2 CHAIRMAN DRISCOLL: Public
3 Safety Chairman Curtis Jones.

4 COUNCILMEMBER JONES: I
5 just want to echo what Majority
6 Leaders said is thank you guys.
7 What struck me, Dee Dukes, that you
8 said is they know that you're out
9 there and that puts you in jeopardy.

10 And for you to be that
11 courageous, I remember going into
12 that store and you were running
13 around pulling out plugs of the
14 machines. I'm like I don't know if
15 I'm committed to that degree. You
16 know, we are not Eliot Ness. But I
17 do remember that courage and making
18 us as we walked up and down 54th
19 Street looking at the things that
20 were wrong, the things that create a
21 negative commercial environment on
22 our strips that our senior citizens
23 have to navigate through.

24 They got to walk through

1 these little watering holes that we
2 have to kind of be mindful of.
3 Because at the end of the day they
4 can't travel as far from milk, eggs,
5 butter and cheese. And the more
6 milk, egg, butter and cheese that
7 are available in the neighborhood
8 and the less gambling machines, the
9 less drug paraphernalia, these items
10 are competing for shelf space.

11 And, you know, I asked one
12 individual that owned a shop, I said
13 why do you sell this? He said
14 because people buy it. We have to
15 educate. Educate not only the store
16 owners, but the consumers. Don't do
17 it. If you bring this, this is what
18 we get. So thank you, Majority
19 Leader, and thank you, Mr Chairman,
20 for bringing this to our attention
21 again.

22 CHAIRMAN DRISCOLL:
23 Councilmember Jim Harrity.

24 COUNCILMEMBER HARRITY: On

1 the end over here. I just, too,
2 want to thank you both and thank
3 you. I've been with you, too, on
4 numerous occasions. I've also been
5 with Ms. Dukes when, you know, her
6 meetings can get a little vocal in
7 Wynnefield. they know their stuff
8 and they don't play around. So you
9 know I know that. And in Queen
10 Village, of course, in the 2nd Ward
11 where I came from, so I'm very
12 familiar with what you have to deal
13 with over there. South Street's
14 always been a crazy place.

15 But I just wanted to get
16 some clarification. You said that
17 there was a jurisdictional issue
18 that prevented the immediate closure
19 and penalization of the store. Can
20 you elaborate on that?

21 MS. ALLEN: So from what I
22 understand is that because this
23 particular store was raided by a
24 state agency, the only way that it

1 could be shut down is through the
2 city. And there was some complexity
3 between coordinating a the
4 enforcement between the state and
5 the city law enforcement.

6 COUNCILMEMBER HARRITY: So
7 there's some kind of disconnect I
8 would say.

9 CHAIRMAN DRISCOLL: Sounds
10 like there's some room for
11 coordination here.

12 COUNCILMEMBER HARRITY:
13 Yeah, yeah. Maybe we should reach
14 out to our state partners.

15 All right. Thank you so
16 much. And, again, I thank you for
17 your service. I know this is
18 thankless and it's not paid so we
19 appreciate all the hours and time
20 you put in. So thank you so much.

21 CHAIRMAN DRISCOLL:
22 Councilmember Quetcy Lozada.

23 COUNCILMEMBER LOZADA:
24 Thank you. I just want to

1 reiterate what my colleagues have
2 said, right? Thank you for coming
3 today. Thank you for sharing the
4 information.

5 I think it's extremely
6 important to continue to share
7 information with us as you see it,
8 right? It doesn't matter how active
9 we are in the community, how much we
10 drive around, how many community
11 meetings we get to, sometimes this
12 very important detailed information
13 that can help us bring quality of
14 life into neighborhoods doesn't get
15 to us at those spaces for fear,
16 right, of retaliation or for fear
17 that someone may hear, in that
18 space, what is being discussed.

19 And so I just encourage you
20 to continue to share the information
21 with us as best you can. To me it
22 it's always extremely sad to hear
23 that young people have access as
24 easily as they do to these -- to

1 these things that can destroy their
2 lives, right? Their first use can
3 be their last use. And I think that
4 we don't do enough to have those
5 conversations with young people
6 because access is so easy right now.

7 And so I, you know, I
8 appreciate both Chairmen of these
9 two committees for bringing us
10 together and having this
11 conversation and as a collective
12 working together to figure out how
13 we tighten up our systems, right?
14 And how do we make our government a
15 more common sense government because
16 some of the policies and some of the
17 legislation that's in place seem
18 like it's a little backwards to me,
19 right?

20 Some of these things just
21 seem so obvious we should be able to
22 fix these so quickly, but sometimes
23 there are things that -- or
24 sometimes I believe that we get in

1 our own way. And so how do we
2 looking forward to figure out how we
3 better or streamline our processes
4 to make sure that our young people
5 are the ones that are protected at
6 the end of the day.

7 CHAIRMAN DRISCOLL:

8 Councilmember Nicholas O'Rourke.

9 COUNCILMEMBER O'ROURKE:

10 Thank you. Looks like you were
11 about to say something, Ms. Dee.
12 Did you want to? Go ahead.

13 MS. DUKES: Oh, I just
14 wanted to say I don't know who's
15 responsible, but even the packaging
16 of this illegal drugs or whatever it
17 is. The packaging of it, it looks
18 enticing to our children. I've seen
19 it on the ground as I clean up.
20 Who's responsible for maybe putting
21 some laws that it shouldn't look
22 like candy, that it shouldn't look
23 like enticing to our children.
24 That's another big issue that I

1 think we also -- whoever can address
2 it, I think that really needs to be
3 addressed. How this packaging is
4 looking so enticing to our children.

5 COUNCILMEMBER O'ROURKE:

6 Thank you. I wanted to say
7 thank you and good morning to all of
8 you. It's good to see you all and,
9 Susan, it's good to see you as well.
10 Yes, indeed.

11 I'm curious in the same
12 spirit of you all telling us so that
13 we can be better legislators on this
14 point. What can you tell us about
15 -- if anything at all, what city
16 departments have told you about what
17 they can actually do in terms of
18 enforcement here?

19 MS. DUKES: I can answer
20 that. Nothing.

21 COUNCILMEMBER O'ROURKE:
22 About their ability to combat these
23 issues in particular.

24 MS. DUKES: Yeah. I

1 haven't heard from any city
2 department. The only ones I know
3 that are doing something in my
4 community are the two I just told
5 you about. I call and do the 311
6 and I don't -- I don't hear anything
7 else besides that. So I really -- i
8 haven't heard from anyone that tells
9 me any process, any -- yeah, no one.

10 Go ahead, Kate.

11 MS. ALLEN: Okay. We've
12 had a little bit different
13 experience in our -- in our
14 neighborhoods. I can't thank
15 Commissioner Greenwald -- yeah, I
16 can't thank Bridget enough for all
17 of her support for our
18 neighborhoods. L&I have been
19 incredibly responsive with the
20 limited resources that they have.

21 So I understand that
22 everybody wants enforcement hearing
23 from all the district folks about
24 how this is a problem in their

1 neighborhoods as well, but L&I is
2 really short staff, but she's been
3 incredible since taking over so we
4 appreciate that.

5 And then the Police
6 Department, they've also been
7 incredible with everything they've
8 been able to do for our neighborhood
9 so I also want to give them due
10 credit.

11 COUNCILMEMBER O'ROURKE: So
12 maybe not in Wynnefield, but
13 certainly in Queen Village you're
14 getting some responsiveness. What
15 about you, Susan?

16 MS. BURT-COLLINS: Well,
17 Society Hill, forgive me, I tend to
18 focus more on South Street and 4th
19 Street and 5th Street because that
20 honestly is what, you know, it's our
21 neighborhood. It makes up -- you
22 know, you see kids going down there
23 on Saturday night, you see people
24 looking for a good time, that makes

1 sense, but I also see that South
2 Street is a problem.

3 It's not, as the people at
4 the Business District said, it's
5 family friendly. I don't see it
6 always as family friendly. And what
7 we have found and Kate is always
8 really polite and I'm not as polite,
9 we would ask for enforcement. And
10 we would we would say, you know,
11 there was stores opening up. And we
12 did before Ms. Greenwald was in
13 charge, we did get the answer that,
14 you know, well, we don't go there.
15 You know, we go there at 3:00 and
16 they're closed. Well, like, yeah,
17 they're closed because it's a
18 nighttime establishment.

19 So I think we do -- I think
20 they need more resources, absolutely
21 we need more resources for L&I, but
22 L&I can't simply be, you know, take
23 it off the shelves, put it under the
24 desk and when they walk out the

1 door, put it back. That's absurd.

2 I think the statute that
3 covers L&I needs to change. And
4 that may be -- that's a heavy lift
5 and Law Department needs to get
6 involved and all that. But you
7 can't simply, you know, it's like
8 getting -- it's getting a parking
9 ticket. Come on. You know, like
10 I'm going to park there for 35
11 minutes and it's 20 minutes, it's
12 okay. We can't do that. This is
13 too serious.

14 This affects who we are as
15 a city. And I just -- I think we
16 need to do better. I think Health
17 Department -- and then we get this
18 mix we've with, well, the Health
19 Department came in, but then L&I,
20 but they couldn't do anything, but
21 then L&I, but then the Health
22 Department had to come back. And
23 no, no, no, this ought to be like a
24 team effort. This is -- and you

1 know, health is affected by what
2 they sell in the stores.

3 There's also an issue that
4 a long time ago I learned apparently
5 tobacco licensing is a state issue.
6 Where how many tobacco licenses can
7 be in one area is based upon
8 population. Well, obviously center
9 City has a lot of people. And so
10 South Street, they all congregate
11 there because we have the most
12 tobacco licenses. Maybe that's a
13 state issue and we need to limit it.

14 So I think there's --
15 unfortunately it looks like one of
16 those task force things that you
17 really need to look at the whole
18 thing and look at all the pieces
19 because I don't think to simply look
20 at L&I and say where are you, we
21 need more than L&I. And I think we
22 do need the police, and honestly we
23 need to make some examples.

24 We need -- you know, they

1 take people off the street by masked
2 men and, you know, walking down the
3 street in Boston. Maybe they could
4 do that to somebody, you know, on
5 South Street that's selling drugs to
6 kids. And it might have an effect
7 if you, you know, you see honestly a
8 bust happening, those stores might
9 begin to say, you know what, this
10 ain't fun. We don't want to be in
11 this neighborhood anymore.

12 COUNCILMEMBER O'ROURKE: It
13 is your conviction, though, that as
14 it relates to City Departments in
15 terms of what they can actually do
16 in terms of enforcement, that there
17 should be more staffing as it
18 relates to L&I.

19 MS. BURT-COLLINS:
20 Absolutely there needs to be more
21 staffing, yes.

22 COUNCILMEMBER O'ROURKE:
23 Thank you.

24 MS. DUKES: And staffing

1 that includes community leadership.
2 Like I think these task forces that
3 L&I might have, they have to include
4 community leaders to, you know,
5 report what is happening to come up
6 together with ideas about solutions.
7 Even helping with doing whatever
8 work might be necessary. Not doing
9 their jobs, but working along with
10 them to combat the problem. You
11 have legal experience, I do, you
12 know, you have experience. And so
13 those task force working along with
14 L&I need to include community
15 leaders.

16 COUNCILMEMBER O'ROURKE:
17 Thank you all so much. And again,
18 thank you for your advocacy in your
19 communities for giving voice to
20 these issues. Obviously it helps.
21 As we say in -- as we say in
22 movement -- God bless you, brother.
23 As we say in movement, this is what
24 democracy looks like. So thank you

1 very much for your advocacy.

2 CHAIRMAN DRISCOLL:

3 Councilmember Kendra Brooks.

4 COUNCILMEMBER BROOKS:

5 Thank you. First, I want to say
6 thank you ladies for just being
7 brave advocates, community
8 organizers, gathering all the
9 information and being willing to
10 share and put yourself at risk by
11 doing so.

12 We -- I understand that,
13 I've been there. I appreciate the
14 work that you guys are doing. I
15 also was wondering kind of on the
16 same lines of Councilmember
17 O'Rourke, have you seen any
18 improvements in enforcement since
19 this bill was passed?

20 MS. DUKES: So yes, so as
21 Councilmember Gilmore-Richardson
22 was speaking about in 2021-2020,
23 somewhere around that time period,
24 they were able to come in and rally

1 community leaders and we had a tour.
2 And that tour from that time to this
3 time, we have seen two stores in our
4 community shut down. And for
5 whatever those reasons are, they're
6 no longer operating. And they were
7 doing some really, really illegal
8 things.

9 There is still one store
10 that is just, you know, oh, my
11 goodness, is horrifying, that is
12 still open. It's still operating.
13 So we've seen improvement, but our
14 neighbors are still scared to come
15 out, our neighbors are still scared
16 to visit other locations within the
17 community and so we need something
18 done.

19 But yes, improvement has
20 happened, but we still have so long
21 to go. Because they are there 24
22 hours, trash, illegal activities
23 going on, paraphernalia. You name
24 it, they're doing it. So it's just

1 continuing, but we have seen some
2 improvement.

3 COUNCILMEMBER BROOKS:

4 Thank you. And then my other
5 thought around that, and you ladies
6 can share if you have something,
7 too, before I move on to my next
8 point.

9 MS. ALLEN: So yes, we
10 have -- sorry, one of these days
11 I'll the hang of how close to get to
12 this. We have seen some
13 improvement. And, again, from the
14 Department of L&I, one quirk that
15 we've seen is that there is a city
16 law that I think was passed around
17 the same time as the other one that
18 prohibited the sale of drug
19 paraphernalia and tobacco within 500
20 feet of several protected schools,
21 rec centers, daycare centers and
22 houses of worship. And of the 16
23 smoke shops that are in Queen
24 Village, it seemed like at least 11

1 of them were issued permits
2 erroneously by the Health
3 Department.

4 So we really appreciate
5 Commissioner Greenwald's leadership
6 and Councilman Squilla has been
7 incredibly helpful on this, with the
8 Police Department trying to clean up
9 what seemed like permits that, at
10 least to us, weren't issued
11 appropriately. And again, they're
12 near places especially our schools
13 where we're all trying to protect
14 our kids and these places that at
15 least a few of them have been
16 marketing to them.

17 So since the leadership
18 that we've been able to work with
19 and these new law changes that are
20 already in the books that we
21 appreciate, we have seen an
22 improvement.

23 COUNCILMEMBER BROOKS: You
24 must have been reading my mind

1 because that was the direction I'm
2 going in. And this is for folks
3 that are on the Education Committee.
4 We get countless reports directly
5 from the School District of children
6 with various taking some kind of
7 drugs or distributing candy or
8 whatever. Is there any way that we
9 can kind of marry these efforts with
10 all of these departments. Because I
11 don't think the School District
12 would necessarily reach out to L&I,
13 that they think they got the kids
14 got the candy or the gummies or
15 whatever they had from one of the
16 neighboring stores, and add that
17 same ordinance.

18 Because in neighborhoods
19 like mine and Jeffrey's and some
20 other folks, there are still like
21 smoke shops on the way to children's
22 schools or they're selling it in a
23 corner store. Even Jimmy -- like
24 some of the -- when I said the more

1 challenged neighborhoods, those
2 things are overlooked. Is there a
3 way that we can work with L&I to
4 enforce those same level of the
5 legislation that Mark's been able to
6 carry out with the schools in the
7 district around the city and connect
8 it to some of these incidents that
9 we get what, every other day, about
10 somebody's kid did something in
11 school?

12 COUNCILMAN SQUILLA: Point
13 of information, thank you,
14 Councilmember Brooks. L&I and
15 Health are now coordinating. I
16 don't know if L&I wants to come up
17 and state that. But they are now
18 coordinating with the Health
19 Department and it's good to have
20 Health on these conversations also.
21 I know they're not present here
22 today, but -- oh, all right, here
23 you go. I'm sorry. They are now
24 coordinating working together so

1 that Health Department isn't issuing
2 permits for people who do not have
3 zoning.

4 I don't know, does somebody
5 want to just come up and explain
6 what you're doing at this point?

7 MS. DUKES: There's a
8 school on the same block as a smoke
9 shop. Smiley's, same block. So,
10 yeah, I'd like to hear that.

11 COMMISSIONER GREENWALD:
12 Bridget Collins-Greenwald,
13 Department of Licenses &
14 Inspections, Quality of Life. Yes,
15 when this issue first arose we did
16 not realize that there was a
17 contradiction there. Like we were
18 not issuing license -- they were
19 issuing licenses, not permits.

20 We have complete
21 coordination now so this will not
22 happen going forward. So we picked
23 up on that a few months ago. So,
24 yeah, we've been working on that me.

1 CHAIRMAN DRISCOLL: Member

2 Lozada.

3 COUNCILMEMBER LOZADA: Just

4 one question for L&I. We had a

5 hearing the other day and someone

6 mentioned something about the Health

7 Department and L&I. And I just want

8 clarification for future meetings

9 that I'm going to be attending. But

10 they're talking about the sales of

11 some of these items, as well as

12 tobacco, right?

13 And they're saying L&I or

14 the state gives us a permit,

15 Health -- no, the state gives us a

16 license, L&I gives us -- the Health

17 Department gives us the permit, L&I

18 then does some enforcement. Is

19 there -- is there any type of

20 coordination in all of that?

21 COMMISSIONER GREENWALD:

22 Yeah, so we coordinate very

23 often with, like I said, earlier the

24 Police Department and the Health

1 Department. That issue is
2 different. We enforce this drug
3 paraphernalia, the Health Department
4 enforces the tobacco. So we refer
5 things to each other so that's where
6 the issue is.

7 COUNCILMEMBER LOZADA: And
8 when you all are doing inspections
9 in these establishments
10 understanding that some of these
11 smoke shops, some of these corner
12 stores there's a language barrier,
13 are there inspectors in each
14 inspection that is able to translate
15 and interpret what is happening or
16 what is going on?

17 COMMISSIONER GREENWALD: We
18 have translation services, we have
19 inspectors that speak multiple
20 languages and all of our information
21 is in practically every language
22 that someone would speak in the
23 city.

24 COUNCILMEMBER LOZADA:

1 Okay. And when a violation
2 is issued in a inspection like this
3 one, are violations issued
4 immediately on location or they then
5 mailed to -- or are they mailed to
6 the person? Because one of the
7 things that we heard was that
8 violations are issued or there's a
9 violation issue that doesn't get to
10 the establishment for months after.

11 COMMISSIONER GREENWALD: So
12 a violation is one thing that's
13 issued and it does go through the --
14 so a case is written in our eCLIPSE
15 system and it goes out through the
16 mail. I think it gets emailed as
17 well, I'm pretty sure, but I'd have
18 to double check on that. A site
19 violation notice is issued right
20 on-site.

21 COUNCILMEMBER LOZADA:

22 Okay. Thank you.

23 CHAIRMAN DRISCOLL: Leader.

24 COUNCILMEMBER GILMORE-

1 RICHARDSON: And again, I just
2 wanted to put this on the record,
3 are we able to continue or restart
4 the tours that we were doing I would
5 say a couple -- I think we lasted
6 them in '23. I know we started, I
7 think in the 4th, in Councilmember
8 Jones's District. But to restart
9 the tours maybe for each District
10 Councilmember, they can identify
11 corridors in their areas and then,
12 you know, that way the community
13 also sees.

14 And that was an opportunity
15 for us to invite the community
16 leaders to the tour. So we had the
17 district council person and all the
18 various leaders from each of the
19 city departments that had the
20 authority to either seize the
21 business or check for the tobacco
22 licensing. And obviously and then I
23 was there as well, because it was
24 the bill that we have been working

1 on together. But it gave us an
2 opportunity to educate the community
3 about how they can report these
4 violations, but also focus on
5 corridors that the District
6 Councilmembers were hearing from
7 their community members were the
8 worst in their district.

9 So I was wondering if we
10 could look at the possibility of
11 doing the tours again, and then
12 maybe get through every single
13 Council District this time. Because
14 I know I think we stopped after that
15 really bad one in the 5th. Because
16 we were surrounded by drug dealers
17 that night. It was dark and they
18 were really angry that we closed
19 their store because the store was
20 where they did all of their
21 business, the one store that didn't
22 have any licensing. And they were
23 really, really upset with us and
24 surrounded us that night.

1 And it was okay because I
2 went complete mom on all of them.
3 And we went back to that location
4 within Council President Clark and
5 did a job fair right on the corner
6 with a bunch of gazebos. But I
7 think we need to do a little bit
8 more of that to ensure that the
9 community has the information
10 necessary to continue to report. So
11 I wanted to put that on the record,
12 too.

13 COMMISSIONER GREENWALD: So
14 we do do tours. So we went to each
15 District Councilperson, starting in
16 June of this summer, we hit every
17 Council District. We asked the
18 District Councilmembers, yep, where
19 was their hot spot and that is where
20 we went.

21 So I believe I know
22 Frankford Avenue, we went to a
23 Councilmember Driscoll, we went to
24 Kensington Avenue and Wyoming Avenue

1 with Councilwoman Lozada.

2 Councilman Jones, I think yours was

3 59th -- 54th Street, I believe.

4 Yeah.

5 So we went to each

6 individual Councilperson. Some of

7 them came -- you know, some of them

8 came out and walked with us. I

9 think Councilmember Driscoll's we

10 did pick 105 degree weather day and

11 did that, so that was terrible, but

12 we did it. We walked all through

13 Frankford Avenue. But community

14 leadership groups, too.

15 So we've completed 12

16 already since June. So what we do

17 is we go out, and then we give all

18 the education. And, like I said,

19 it's in the various languages,

20 they're in multiple languages. We

21 speak, we bring the Commerce

22 Department out so the Commerce

23 Department can talk to these

24 businesses and say, hey, the Mayor's

1 Business Action team is available to
2 you. Here's what a facade grant is,
3 here's where we can help you.

4 Then we go back, we L&I,
5 QOL, without Commerce because we're
6 doing the enforcement. And like
7 good cop, bad cop like, kind of,
8 kind of scenario a little bit, and
9 then that's when the enforcement
10 happens.

11 So we've completed 12 to
12 date since June. We are more than
13 willing to, you know, go but add-on.
14 You know what I mean? Some of them
15 -- we've had some businesses that
16 have come in compliance, some that
17 are in court. All of them are in
18 different aspects of where the
19 enforcement effort is now, right?
20 Some came in compliance, some were
21 re inspected some were issued
22 ceases. I think we did about 60,
23 almost 70 ceases like immediately,
24 some intent to cease, things were in

1 court. So things are moving. So
2 we'd absolutely do that, the more --
3 the more the merrier.

4 COUNCILMEMBER LOZADA: I
5 mean, I just -- I want to support
6 what the Deputy Commissioner just
7 said because, you know, in my
8 district they went out for a few
9 weeks in a row to educate residents
10 and businesses and tell them, we're
11 coming back to do an inspection,
12 right? We're coming back within X
13 period of time and we're coming to
14 do an inspection.

15 I went out with a team that
16 was doing enforcement and when we
17 talked to some of the owners, I
18 asked them were you -- did you
19 receive education information? Did
20 someone visit you to tell you that
21 that enforcement was going to be
22 happening? And many of them were
23 very honest and said, yes, they were
24 here, they did educate us and we

1 weren't ready because we didn't
2 believe they were coming back.

3 Which is the -- which is
4 the conversation that the woman who
5 was operating the restaurant said to
6 us, right? She said I continued to
7 operate. I bought the business and
8 I bought the building off of this
9 person. I didn't feel like I needed
10 to transfer or do anything because
11 L&I and Health Department have never
12 been in here. And so I didn't feel
13 like -- yeah, they said they were
14 going to come back, but they've
15 never come back and so I didn't feel
16 like I needed to do anything or I
17 needed to act.

18 And so just want to say
19 thank you to you all for that
20 increased education that we continue
21 to give some of the businesses in
22 our community. But at some point,
23 you know, we have to do enforcement
24 because the lack of enforcement is

1 costing us more. And it's costing
2 us more than just that dollar
3 amount, right? It's costing quality
4 of life, it's costing some of our
5 children, young people's lives, it's
6 costing some of our senior citizens
7 not to feel like they can come out
8 and visit some of our establishments
9 in our communities, it's costing
10 young people witnessing some of this
11 activity that is occurring in their
12 community.

13 And so at what point do we
14 say that all of those things when
15 compared to that line item, that
16 budget number, when do we say that
17 all of these other things should be
18 prioritized over that budget number,
19 right? We really have to take a
20 serious look at how our city is
21 being operated and how we as
22 government are responsible for
23 ensuring that, yes, we welcome
24 businesses, but businesses that are

1 conducting business appropriately.
2 When are we going to say that our
3 children, you know, are worth more
4 than a government that ignores this
5 type of activity happening in their
6 community. We really have to change
7 how we're prioritizing and how we're
8 conducting business as a government
9 in the city of Philadelphia.

10 It's not that we're not
11 small business supporters.
12 Absolutely not, right? But we have
13 to figure out how do we help those
14 businesses come into compliance in a
15 way where they are contributing to
16 the economy of those neighborhoods
17 and still protecting quality of
18 life.

19 CHAIRMAN DRISCOLL: Okay.
20 Well, I'm very pleased with the
21 content of this hearing today. I
22 think we had a lot of good things on
23 the record.

24 The maker of the

1 resolution, Majority Leader
2 Katherine Gilmore-Richardson, thank
3 you for your continuing efforts. On
4 behalf of Chairman Curtis Thomas and
5 myself, we'd like to thank the
6 panelist -- oh, I'm sorry. That's
7 right, he's playing basketball
8 somewhere -- coaching basketball.
9 Chairman Jones. I would like to
10 thank you, panel, and the earlier
11 panel for this very worthwhile
12 testimony. So thank you. Sure.

13 So hearing no further
14 questions from members for this
15 panel and there being no other
16 panels to testify, we will now
17 transition to our public comment
18 session.

19 Ms. McDonald, will you
20 please call the first person making
21 public comment we have to testify
22 this morning on the bill before this
23 committee today.

24 THE CLERK: There are no

1 names for public comment.

2 CHAIRMAN DRISCOLL: There
3 are none?

4 THE CLERK: None.

5 CHAIRMAN DRISCOLL: Okay.
6 Well, thank you, Ms. McDonald.

7 Seeing that there are no
8 other testifiers public comment
9 today I -- all right. Let's see.

10 Well, I'll also ask if
11 there's anyone else present in this
12 hearing whose name we have failed to
13 call or that wishes to offer
14 testimony on the resolution being
15 considered today?

16 Hearing none and there
17 being no further questions from
18 members of the committee, no other
19 witnesses to testify and no further
20 names for public comment, this
21 concludes the business before the
22 joint committees on Licenses &
23 Inspection and Public Safety today.
24 Thank you all very much for your

1 attendance.

2 (Joint committees on License & Inspection and Public
3 Safety concluded at 12:15 p.m.)

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C E R T I F I C A T I O N

I hereby certify that the proceedings and
evidence are contained fully and accurately in the
notes taken by me of the above case, and this copy is a
correct transcript of the same.

Samanda J. Rios

Samanda J. Rios
Court Reporter
Notary Public of PA & DE

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