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COUNCIL OF THE CITY OF PHILADELPHIA

PUBLIC HEARING

COMMITTEE ON LICENSES AND INSPECTIONS

- - -

Room 696, City Hall
Philadelphia, Pennsylvania
Wednesday, January 29, 2003
2:15 p.m.

- - -

BILL 020732 - an Ordinance amending Title 4 of the Philadelphia Code (The Philadelphia Building Construction and Occupancy Code), Subcode PM, (The Philadelphia Property Maintenance Code), by adding provisions relating to the maintenance of exterior property areas.

BILL 020809 - an Ordinance amending Title 9 of the Philadelphia Code, relating to regulation of business, trades and professions, by amending Chapter 9-1300 entitled "Home Inspection Business," by making certain changes to the license requirements, the license fee, the required conduct, and other provisions, all under certain terms and conditions.

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PRESENT:

COUNCILMAN RICHARD MARIANO, Chairman
COUNCILMAN DARRELL CLARKE
COUNCILMAN DAVID COHEN
COUNCILWOMAN JOAN KRAJEWSKI
COUNCILMAN MICHAEL NUTTER
COUNCILMAN ANGEL ORTIZ
COUNCILMAN FRANK RIZZO

- - -

V A R A L L O, INCORPORATED
1835 Market Street, Suite 600
Philadelphia, Pennsylvania 19103
(215) 561-2220

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2 COUNCILMAN MARIANO: This is a public of
3 the Committee on Licenses and Inspections.

4 The Clerk will read the title of Bill
5 NO. 020732.

6 THE CLERK: Bill No. 020732, an
7 ordinance amending Title 4 of the Philadelphia Code,
8 Subcode PM, by adding provisions relating to the
9 maintenance of exterior property areas.

10 COUNCILMAN MARIANO: The Chair
11 recognizes Otis Haigler from Otis Haigler from L&I.

12 Well, we have a quorum Councilman Clarke
13 Councilman Ortiz, Councilman Cohen, Councilman
14 Nutter, Councilman Mariano, and Councilman Rizzo is
15 around the corner.

16 MR. HAIGLER: Good day, Councilman
17 Mariano, Members of the Committee. I am Otis
18 Haigler, Jr., Legislative and Regulatory Affairs
19 Manager for the Department of Licences and
20 Inspections. Today, I'm here to provide testimony
21 on Bill 020732, which if enacted amend Section PM
22 302.2 of the Philadelphia Property Maintenance Code
23 by prohibiting the storage of certain materials on
24 the exterior of properties in the City.

25 The Department supports this bill and

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2 the amendments which will be submitted by
3 Councilwoman Krajewski. We're prepared to enforce
4 its provisions subsequent to passage by the full
5 Council and being signed into law by the Mayor.

6 Thank you for the opportunity to provide
7 the Department's testimony on Bill 020732. I'll be
8 happy to answer any questions at this time.

9 COUNCILMAN MARIANO: Thank you, Mr.
10 Haigler.

11 Are there any questions from anyone on
12 the committee or anyone in Council?

13 COUNCILMAN MARIANO: Councilman Ortiz.

14 COUNCILMAN ORTIZ: This is just that
15 we're telling people that you've got to keep your
16 front clean, right, and free of --

17 MR. HAIGLER: The bill itself indicates
18 that you have to keep the exterior, exterior
19 property clean.

20 COUNCILMAN ORTIZ: Clean and free of --

21 MR. HAIGLER: Free of rubbish, debris,
22 and certain other types of materials that may
23 accumulate on your property.

24 COUNCILMAN ORTIZ: And if you don't do
25 that, what type of punishment should we mete out to

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2 them?

3 MR. HAIGLER: The Department cites the
4 individual for violation of the Code and follow all
5 the enforcement processes that we have in place,
6 meaning that if they don't comply within a certain
7 time period as described, we seek enforcement action
8 against them in court.

9 COUNCILMAN ORTIZ: What's the fine?

10 MR. HAIGLER: The fine can be anywhere
11 from 150 to \$300 per offense. That's the standard
12 in the City's code under -- the standard fines that
13 can be levied for most property violations in the
14 City.

15 COUNCILMAN ORTIZ: So no garbage in
16 front.

17 MR. HAIGLER: No garbage in front.

18 COUNCILMAN MARIANO: Thank you,
19 Councilman.

20 Councilwoman Krajewski has just joined
21 us.

22 Anymore questions for Mr. Haigler?

23 (No response.)

24 COUNCILMAN MARIANO: Seeing none.

25 Anyone else to testify on this bill?

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2 (No response.)

3 COUNCILMAN MARIANO: The Clerk will read
4 the next bill.

5 THE CLERK: Bill 020809, an ordinance
6 amending Title 9 of the Philadelphia Code, relating
7 to regulation of business, trades and professions,
8 by amending Chapter 9-1300 entitled "Home Inspection
9 Business," by making certain changes to the license
10 requirements, the license fee, the required conduct,
11 and other provisions, all under certain terms and
12 conditions.

13 COUNCILMAN MARIANO: The Chair
14 recognizes Mr. Haigler from L&I.

15 MR. HAIGLER: Good day, Councilman
16 Mariano and Members of the Committee. I am Otis
17 Haigler, Jr., Legislative and Regulatory Affairs
18 Manager for the Department of Licenses and
19 Inspections. Today, I'm here to provide testimony
20 on Bill 020809, which if enacted will amend Section
21 9-1300 of the Philadelphia Code by making certain
22 changes to the licenses requirements governing home
23 inspectors.

24 The Department fully supports this bill
25 and has worked in corporation with the home

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2 inspection industry, Greater Philadelphia
3 Association of Realtors, Risk Management, Law
4 Department, and Councilman Kenney's office to reach
5 a consensus in interest of consumer protection,
6 which is common goal.

7 Bill 020809 provides for local oversight
8 of the home inspection industry to ensure that
9 persons who represent themselves as home inspectors
10 in the City have met certain standards in order to
11 be licensed by the department. Included, as part of
12 the City's licensing requirements for home
13 inspectors, is the accreditation of the Home
14 Inspector by a nationally recognized professional
15 organization and the maintenance by the home
16 inspector of commercial liability insurance naming
17 the City as a certificate holder. With the passage
18 of this bill, the Department will have tools to
19 bring enforcement action against persons who violate
20 its provisions and prevent unqualified persons from
21 misrepresenting themselves as a home inspector in
22 order to take advantage of consumers.

23 The Department is appreciative of the
24 work professionalism of all persons involved who
25 assisted with the amendments to Bill 020809.

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2 Thank you for the opportunity to provide
3 Departments's testimony on Bill 020809. I'll be
4 happy to answer any questions at this time.

5 COUNCILMAN MARIANO: Any questions from
6 anyone on the committee on this bill with Mr.
7 Haigler?

8 (No response.)

9 COUNCILMAN MARIANO: Seeing none. We
10 have a couple other people to testify?

11 MR. SMITH: Good afternoon, Mr. Chairman
12 and Members of the Committee. My name is Gray
13 Smith. I am an architect practicing in Philadelphia
14 and other parts of Pennsylvania and New Jersey.

15 Occasionally as one of my services, I
16 inspect and prepare reports on residential and mixed
17 used properties for defects for clients who are
18 considering purchasing those properties; so do many,
19 many of my colleagues. I have brought today a brief
20 statement that was prepared by the Philadelphia
21 Chapter of the American Institute of Architects.
22 Since architects feature prominently in the
23 revisions that are proposed in this bill, the AIA
24 has a position it would like to take, and they've
25 asked me to present it.

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2 "AIA Philadelphia is responding to Bill
3 No. 020809, an ordinance amending Title 9 of the
4 Philadelphia Building Code, Chapter 9-1300 entitled
5 'Home Inspection Business.'

6 "The AIA is always supportive of the
7 professionalization and regulation of technical
8 services, particularly in the interest of consumer
9 protection. The licensing of home inspectors has
10 been a good step in that direction.

11 "The AIA, however, has two concerns with
12 the changes to the licensing ordinances that are
13 proposed in this bill."

14 And I might say that the architectural
15 community was not consulted by L&I when this was
16 prepared, although the home industry was, and I dare
17 say we should have been.

18 "The AIA Philadelphia opposes the
19 proposed he elimination of the exemption from the
20 requirement of a separate license to perform
21 residential inspections of a validly licensed
22 architect under the laws of the Commonwealth of
23 Pennsylvania. The education and rigor of the state
24 licensing process more than qualifications a
25 licensed AIA architect for the purposes of

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2 performing such services and it represents a
3 duplication of licensing at the state and local
4 level to eliminate -- to require architects to get a
5 local license for this service. We strongly
6 recommend that this paragraph not be deleted from
7 the current ordinance as it has been proposed. It
8 would be superfluous for an architect to have a home
9 inspection license.

10 "Second, AIA Philadelphia supports the
11 requirement of all inspectors including AIA
12 registered architects to possess professional
13 liability insurance to carry out such services."

14 Architects have professional liability
15 service, most of us do and most firms do. We
16 understand the importance of that type of insurance,
17 to protect clients. Incidentally, AIA Philadelphia
18 represents approximately a thousand registered
19 architects in the Philadelphia region and over 250
20 architectural firms.

21 "Thank you for accepting AIA's views on
22 this matter, and please note that we are available for
23 further consultation to your committee."

24 This letter is signed by John Claypool
25 who is the executive director of the AIA.

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2 Now, on a personal note -- and this is
3 from gray Smith, Architect. I have some additional
4 comments on Bill 020809. I agree with the AIA
5 Philadelphia's comments and concerns. I would urge
6 you to consider them and make the changes that they
7 recommended. I would add, however, that there is
8 the nagging matter of enforcement. The ordinance is
9 lacking in that regard in spite of what Mr. Haigler
10 said about being able to police those who practice
11 unlicensed. There is simply no method proscribed in
12 the ordinance or the regulations for regulation and
13 punishment of non-licensed home inspectors. A home
14 inspector can do a home inspection without any
15 contact whatsoever with L&I or the Department of
16 Health or the Streets Department or any other
17 department in the City except to get a license, of
18 course. Virtually every other Philadelphia license
19 activity, there's about 150 licenses, require some
20 administrative interplay with the Department of
21 Licences and Inspections or the Department of Health
22 or Department of Streets. This ordinance and its
23 regulation do not. There's no way in the world that
24 L&I can know that un-licensed home inspection work
25 is on the way. Home inspection work, unlicensed,

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2 can therefore be performed with impunity.

3 Therefore, I strongly suggest that
4 before you amend this bill some more work is needed
5 on how this ordinance can be policed. Otherwise,
6 obtaining a home inspection license will simply be a
7 matter of conscious and nothing else.

8 Thank you for the opportunity to the
9 present my concerns.

10 COUNCILMAN MARIANO: Thank you, Mr.
11 Smith. Before I ask the committee about questions,
12 you understand this isn't an L&I bill. This didn't
13 come down from L&I. This was introduced at the
14 request of a Councilmember, just so that's clear.
15 This was Councilman Kenney's bill.

16 MR. SMITH: Well, it still needs a lot
17 of work.

18 COUNCILMAN MARIANO: Any questions from
19 anyone in the Committee?

20 Councilman DiCicco.

21 COUNCILMAN DICICCO: Thank you, Mr.
22 Chair.

23 Good afternoon, Mr. Smith. I'm just not
24 totally clear, and it's the first time I ever
25 actually had a chance to look at the bill and your

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2 comments.

3 Is the AIA's concern, as you articulated
4 in the letter, that this -- their concern is that
5 it's going to basically broaden the pool of people
6 who would qualify under this proposed bill to
7 perform the inspections and not have it more
8 narrowly defined as architect or someone --

9 MR. SMITH: No. The ordinance as it
10 exists now has a broad acceptance of people who can
11 do home inspections, usually people that are
12 qualified by national organizations. And also the
13 current bill says licensed architects and engineers
14 can perform home inspections, however, we don't have
15 to have a home inspector's license from the City of
16 Philadelphia. We don't have to pay our 300 bucks
17 every three years to get one because we're licensed
18 architects. We can do this work under our current
19 state license with great authority and experience.
20 And most of us are insured with professional
21 liability insurance for architects errors and
22 omissions. We're concerned that this bill --
23 because Item 9-13023 which previously said
24 architects and engineers, architects particularly,
25 don't have to get a home inspection license because,

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2 hey, we do it right already.

3 COUNCILMAN DICICCO: You're covered by
4 the fact that you're licensed architects.

5 MR. SMITH: What No. 3 does is it
6 changes that. It now says that, "Oh, now, all the
7 architects in town, every time you do -- if you want
8 to do any kind of home inspection, which you do
9 many, many times during the course, you've got to
10 run into L&I and get this superfluous license for
11 300 bucks and help fatten the coffers of the City of
12 Philadelphia. I mean, I know you need the money,
13 but I'd rather pay it from my business privilege
14 taxes rather than, you know, keep tacking on
15 additional superfluous licenses that I have to have
16 in order to perform what I do as a matter of course
17 under my Pennsylvania architects license, which
18 trained me significantly well, more than a home
19 inspector, for example, to be able to undertake the
20 kind of work that is spelled out in this ordinance.

21 COUNCILMAN DICICCO: I am generally
22 someone who tries to make doing business in the City
23 of Philadelphia a lot more easier and less costly.

24 MR. SMITH: Thank you.

25 COUNCILMAN DICICCO: But not to be

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2 contradicting my own philosophy, could not that
3 licensing fee be part your overall fee to the
4 customer who you're performing the inspection for in
5 the first place? Or is it the logistics of having
6 to go in and get the license and does that add to
7 the cost?

8 MR. SMITH: The cost is not that big a
9 problem, frankly, but it's a superfluous license. I
10 mean, I'm already licensed to do this kind of work.
11 All the architects in Pennsylvania are licensed to
12 do this kind of work. And, frankly, all engineers
13 are too; they're not here to speak for themselves.
14 They should not be required to get all these
15 duplicative, superfluous licenses in order to
16 perform what they're already licensed to do already.
17 And we feel it's improper to do that. If there was
18 some kind of reporting process which every time
19 somebody in the City of Philadelphia performed a
20 house inspection as defined by this ordinance, some
21 sort of reporting process to L&I or the Department
22 of Records which triggered that activity so the only
23 time it could be done is if there's some kind of
24 permit or something that's secured in the City, then
25 the enforcement would be there to make sure that the

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2 proper people are doing it.

3 COUNCILMAN DICICCO: Doesn't that happen
4 as a result of a property owner, when necessary, to
5 get a CO.

6 MR. SMITH: No.

7 COUNCILMAN DICICCO: Isn't there some
8 sort of a home inspection.

9 MR. SMITH: No. You don't have to get a
10 home inspection. You're not required to. The real
11 estate purchase agreement that's recognized in
12 Pennsylvania has the option of a buyer of a piece of
13 property to secure a home inspection and also to be
14 able to cancel the agreement on the basis of defect
15 found in the home inspection that increase the
16 problem with the property. None of that is reported
17 to the City.

18 COUNCILMAN MARIANO: Excuse me.
19 Councilman, Mr. Smith, maybe to enlighten all a
20 little more, could we have Mr. Haigler back here?

21 Mr. Haigler, come you come back here?
22 Is there anything L&I can enlighten us on what Mr.
23 Smith is saying? The Councilman has some good
24 questions here.

25 COUNCILMAN DICICCO: If I can just

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2 follow up. How about on new construction and
3 renovations, Mr. Smith, doesn't the City, the
4 Department of L&I require a CO?

5 MR. SMITH: It requires a building
6 permit.

7 MR. DICICCO: I built a new home, as you
8 know --

9 MR. SMITH: Zoning permit, building
10 permit, electrical permit.

11 COUNCILMAN DICICCO: So isn't there some
12 sort of a --

13 COUNCILMAN MARIANO: Why don't we let
14 Mr. Haigler answer those questions?

15 MR. SMITH: And a certificate of
16 occupancy even with a single-family residence.

17 COUNCILMAN MARIANO: Mr. Haigler, could
18 you answer Councilman DiCicco's questions, please.

19 MR. HAIGLER: Good day again. I'm Otis
20 Haigler, Jr., Legislative and Regulatory Affairs
21 Manager for the Department of Licenses and
22 Inspections. I've heard several comments and I'm
23 guess I'm here to address those comments.

24 COUNCILMAN MARIANO: Well, the first
25 comment is what Councilman DiCicco asked. Do you

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2 need a certificate of occupancy? When and do you
3 need that, when you build a house or a building?

4 MR. HAIGLER: New uses defined under the
5 Building Code where you change uses from one use to
6 another use you would need certificate of occupancy.
7 You would need a certificate of occupancy for new
8 construct.

9 COUNCILMAN DICICCO: How about in the
10 case of a single-family residence that undergoes
11 renovations.

12 MR. HAIGLER: If there is no change --

13 COUNCILMAN DICICCO: Regardless of the
14 percentage of the square footage of home that is
15 being renovated? I mean, you can get a home, an
16 existing single-family and tear out everything
17 except the exterior walls. Is a CO required?

18 MR. HAIGLER: To my knowledge and as I
19 know, no, because there is no change in use so you
20 would not need one.

21 COUNCILMAN DICICCO: Does only pertain
22 to single-family or does it change if you go to
23 multi?

24 MR. HAIGLER: That would be any change
25 in use designation that's defined under the Building

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2 Code. If you change, say, from a single family, a
3 R3 designation to a R2 designation which would be
4 multi-family, then you would need the certificate of
5 occupancy. If you changed your residential use to
6 the commercial use under the Building Code, you
7 would need a certificate of occupancy.

8 COUNCILMAN DICICCO: I mean, it's not
9 part of this bill, but it's interesting that I
10 thought that was a requirement. I mean, my sons did
11 a total rehab of a corner property. The only thing
12 that was left were the exterior walls.

13 MR. HAIGLER: You would need to meet
14 whatever zoning requirements there would be.

15 COUNCILMAN DICICCO: Well, they did
16 that. Trust me, me being their father, they
17 certainly went to the zoning board.

18 MR. HAIGLER: You would need a building
19 permit to do whatever the work --

20 COUNCILMAN DICICCO: They did all that.
21 I'm just thinking that -- I know they did a home
22 inspection because they actually changed the use,
23 but I think that should be a requirement in any
24 situation when you have a significant amount of
25 rehab. The use may not be changed but the floor

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2 plan changes and who's to say that the architect or
3 the engineers or the builders --

4 MR. HAIGLER: Well, this requirement,
5 sir, what you're alluding to is based on the City's
6 enforcement of the National Building Code which is a
7 national standard. What alluding to is something
8 that's nationally recognized as far as when a
9 certificate occupancy is required, when it would not
10 be required, so it's not just something locally;
11 it's something that's a uniform standard throughout
12 the industry.

13 COUNCILMAN DICICCO: Thank you. No
14 further questions.

15 COUNCILMAN MARIANO: Thank you,
16 Councilman.

17 Mr. Haigler, some of Mr. Smith's other
18 statements, his problems with his bill, could you
19 enlighten us on that? Because as far as I see it,
20 there's some problems here.

21 MR. HAIGLER: Problems in enforcement.
22 We can enforce this. We will enforce it. We will
23 enforce it, and I'm not going to get into a debate
24 with Mr. Smith --

25 COUNCILMAN MARIANO: How will you

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2 enforce it?

3 MR. HAIGLER: There are provisions of
4 our administrative code that alludes to the
5 enforcement of all ordinances, laws that adopted by
6 the City. We right out violation notices as a
7 matter of due process notifying the individual that
8 they have violated the law. I think what Mr. Smith
9 is alluding to is how will we catch someone who may
10 have done an inspection, a home inspection.
11 Generally, the public lets us know. The public
12 informs us that somebody came to my home, they
13 represented themselves as a home inspector. We
14 would do a records check to make sure whether or not
15 that person met our qualifications, be licensed. If
16 they have done that, then they would have met all
17 the standards that are required to obtain that
18 license, including having the insurance, including
19 being recognized by nationally recognized
20 organizations, which means -- if I can just finish
21 that train of thought -- which would also mean that
22 that person would have had to meet certain ethical
23 standards of that organization as far as submitting
24 so many inspections in order to be certified by that
25 organizations and having those inspections quality

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2 checks on those types of inspections to make sure
3 that they were following the guidelines of that
4 organization. That's just a requirement.

5 COUNCILMAN MARIANO: On that, Mr.
6 Haigler, say for a whim I feel like hiring a friend
7 of mine, Hughy Gallagher that's a highway cop and on
8 the side he's a home inspector. So I feel like
9 hiring Hughy to inspect my house tonight or next
10 week. Only Hughy and I know about that. Is that
11 your problem, Mr. Smith? I mean, I know Hughy
12 legitimately does this and he has a company and he's
13 everything you said. But is that the problem as far
14 as you see it, Mr. Smith? Because there's no way of
15 telling what transpires between me and Hughy unless
16 Hughy cheats me.

17 MR. HAIGLER: And you complain about it
18 and the Department acts on your complaint to
19 investigate your complaint. Naturally, the
20 homeowner, they take a certain risk when they hire
21 persons to work on their behalf. It's not the
22 Department's, I guess, proposition of pushing this
23 out in the forefront. What we're trying to do is
24 we're trying to say that we do get the complaints.
25 We get the complaints from the property owners as to

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2 who's qualified, who has met the City's
3 qualifications to do certain types of work. And
4 this will give us an opportunity to have something
5 in place to say that based on the licensing and
6 based on the requirements to obtain that license, we
7 have determined that these folks have already met
8 certain minimum standards that you would need in
9 order to do this in the City.

10 COUNCILMAN MARIANO: So the bad guys
11 will eventually get weeded out, as far as you see
12 it, through this process of the homeowners telling
13 you.

14 MR. HAIGLER: Eventually. And I just
15 want to point out to you also, whether we enforce
16 this locally, the Commonwealth of Pennsylvania --

17 COUNCILMAN NUTTER: Point of order.
18 Maybe this sound system has been upgraded recently
19 or maybe I don't sit this close to the speaker, but
20 your voice loud that I cannot hear you.

21 MR. HAIGLER: I'm sorry.

22 COUNCILMAN NUTTER: If you could just
23 turn the volume a little bit on that mike or
24 something.

25 MR. HAIGLER: Also, I would like to

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2 finish my train of thought. As I was getting ready
3 to point out, there was a state law that was passed
4 in 2000, it was enacted December 20 of 2000, Act
5 114, that also addressed home inspections. It
6 addressed home inspections in a way that it set
7 certain criteria as to who could do home
8 inspections, who could not home inspections. The
9 definitions under that state Act were somewhat
10 specific as to the qualifications that you would
11 have to meet in order to be a home inspector. I
12 don't have the Act specifically in front of me right
13 now, but I do believe that there was something
14 mentioned in Act about precisely the qualifications
15 you would have to meet beyond just being an
16 architect or engineer in order to be a home
17 inspector. There were specific qualifications under
18 the Commonwealth Act that was signed into law that
19 said that you had meet in order to be a home
20 inspector other than an architect or engineer.

21 COUNCILMAN NUTTER: Give me that last
22 part again.

23 MR. HAIGLER: There was specific
24 language within the state Act, Act 114, that
25 distinguished what a home inspector was and the

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2 qualifications that they had to specifically meet
3 certain things, certain certification that they
4 would have to have in order to be one, and it didn't
5 address the architect or engineer under that
6 provision, I don't believe. But I will --

7 COUNCILMAN ORTIZ: Point of
8 clarification. The only reason I'm really -- Gray
9 is one of the persons in this City who always comes
10 down on right issues. Are architects certified to
11 do home inspections statewide, by the state?

12 MR. SMITH: If I'm not mistaken, the
13 state law that Mr. Haigler was referring to exempts
14 architects and engineers from the -- or it
15 automatically accepts licensed Pennsylvania
16 architects and engineers in the home inspection
17 category. It does not require them to do anything
18 in addition to or in excess.

19 COUNCILMAN ORTIZ: I'm being told that
20 architects then have to get some certification,
21 special certification to do home inspection.

22 MR. SMITH: No, not at all. And
23 certainly not in the state architects law which
24 governs the practice of architecture.

25 COUNCILMAN ORTIZ: We need to get a

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2 clarification on it. Because if it is a redundancy
3 here, then I agree with you. But if the state law
4 then requires another special certification of
5 architects for home inspections, then the ordinance
6 would make some sense. But otherwise, it would not.

7 MR. HAIGLER: I will defer to Mr. Miln
8 (ph) from the home inspection industry. I think he
9 should come up and address this because he's
10 familiar with the Act as well.

11 COUNCILMAN ORTIZ: Don't we have a City
12 Solicitor here, too?

13 COUNCILMAN MARIANO: This is like whose
14 baseball it is. Architects and home inspectors, we
15 love you all, but let's try to work it out here. So
16 I need somebody unbiased. Is there somebody from
17 the City Solicitor to give this opinion? If not,
18 we're going to table this and do some more work on
19 it. I like you all and I don't quite know who's
20 telling the truth.

21 COUNCILMAN NUTTER: The thing has been
22 sitting in the code for a long period -- how were
23 you dealing with this before? Because under this
24 provision as it's presently in the code, if I'm
25 reading this correctly, professional architects or

8 MR. HAIGLER: That's been in the code.
9 The provisions of the ordinance, this ordinance was
10 an amendment to an ordinance that's been enacted
11 roughly, I believe, since 1993. It has been enacted
12 since 1993. Under previous administrations and
13 periodically the Department does an analysis and
14 research on various laws that we are enforcing to
15 make sure that we are doing what we're supposed to
16 do. Previous Administrations, I'm not going to
17 speak on what their rationale was, but there was
18 some not enforcement of that particular provision at
19 that time. This goes back 10 years under our
20 previous Administration. The Department has now
21 undertaken the direction of City Council to research
22 licenses to see where we can streamline license
23 repealed, and this is one that came up that we
24 looked at.

25 COUNCILMAN NUTTER: Mr. Chairman, I'm

1 1/29/03 - LICENSES AND INSPECTIONS - 020809

2 going to ask -- I think this is actually a follow-up
3 to something you threw out. Mr. Chairman I know
4 we're going to hear from other people. I don't
5 necessarily know if we're going to be able to solve
6 this today because we've got three different
7 opinions on one question. What I am going to ask is
8 if the Chair would request a legal opinion on the
9 issues at hand, whether it's Act 114, the provisions
10 of this bill or any other Act of the Commonwealth
11 related to architects, engineers, and home
12 inspectors to give us clarification as to who is
13 responsible for what, who can do what, who's allowed
14 to do what based on their various license and
15 procedures.

16 COUNCILMAN MARIANO: Thank you,
17 Councilman.

18 COUNCILMAN NUTTER: And if we're going
19 to move the bill, I'm certainly fine with that, but
20 I'd like to have that opinion prior to any action
21 taken on the bill. If we have to make any
22 amendments, we can do them on the floor.

23 COUNCILMAN MARIANO: Thank you. What
24 we're going to do is we have a guarantee from the
25 sponsor that if we vote this out, he'll wait until

7 COUNCILMAN COHEN: I've never heard of a
8 complaint that a home inspector who was an architect
9 or engineer ever did anything fraudulent. But what
10 this bill seems to be aiming at is to make sure that
11 the people who are inspecting it know what they're
12 doing. And so I think Gray Smith is absolutely
13 right.

17 MR. SMITH: I was going to ask, Mr.
18 Chairman, perhaps we could find out eventually what
19 the reason for eliminating that eight-year-old
20 provision came about other than perhaps to get an
21 additional \$300 every year from us or every couple
22 of years. I can't see any reason for it, and they
23 have a reason so perhaps they'll be able to tell us
24 once we go back and have these deliberations.

25 COUNCILMAN MARIANO: Well, let's get the

1 1/29/03 - LICENSES AND INSPECTIONS - 020809

2 City Solicitor's opinion. Let's just hold it. I'm
3 requesting to hold this thing until we come back.
4 And we'll have an opinion next time we have the
5 bill. It shouldn't be this hard.

6 That's the end of the public hearing.

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COUNCIL OF THE CITY OF PHILADELPHIA

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PUBLIC MEETING

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COMMITTEE ON LICENSES AND INSPECTIONS

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Wednesday, January 29, 2003

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Public Meeting conducted by the
Committee on Licenses and Inspections, held in Room
696, City Hall, Philadelphia, Pennsylvania, on the
above date, to consider action on the following:
BILL 020732.

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PRESENT:

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COUNCILMAN RICHARD MARIANO, Chairman

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COUNCILMAN DARRELL CLARKE

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COUNCILMAN DAVID COHEN

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COUNCILWOMAN JOAN KRAJEWSKI

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COUNCILMAN MICHAEL NUTTER

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COUNCILMAN ANGEL ORTIZ

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1 1/29/03 - LICENSES AND INSPECTIONS - PUBLIC MEETING

2 COUNCILMAN MARIANO: This is the public
3 meeting of Committee on Licenses and Inceptions.

4 The Chair recognizes Councilwoman
5 Krajewski for the offering of an amendment to
6 020732.

7 COUNCILWOMAN KRAJEWSKI: Mr. Chairman, I
8 move that Bill No. 020732 be amended.

9 (Duly seconded.)

10 COUNCILMAN MARIANO: It has been moved
11 and seconded.

12 How does everyone vote? Aye?

13 (Aye.)

14 COUNCILMAN MARIANO: Nay?

15 (No response.)

16 COUNCILMAN MARIANO: The ayes have it.
17 So it's amended.

18 The Chair recognizes Councilwoman
19 Krajewski for a motion on Bill 020732, as amended.

20 COUNCILWOMAN KRAJEWSKI: Mr. Chairman, I
21 move that Bill 020732 be reported out of this
22 committee, as amended, with a favorable
23 recommendation.

24 (Duly seconded.)

25 COUNCILMAN MARIANO: The motion's been

1 1/29/03 - LICENSES AND INSPECTIONS - PUBLIC MEETING

2 made and seconded.

3 All those in favor?

4 (Aye.)

5 COUNCILMAN MARIANO: Opposed?

6 (No response.)

7 COUNCILMAN MARIANO: Seeing none, that

8 is ends the public meeting. Thank you very much.

9 (Council adjourned at 2:48 p.m.)

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

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of January 29, 2003, were reported
fully and accurately by me, and that this is a
correct transcript of the same.

RE: COMMITTEE ON LICENSES AND INSPECTIONS

Lisa C. Bradley, RPR
and Notary Public