

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE OF THE WHOLE

Room 400, City Hall
Philadelphia, Pennsylvania
Monday, May 14, 2012
1:45 p.m.

PRESENT:

COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BILL GREEN
COUNCILMAN BOBBY HENON
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN DENNIS O'BRIEN
COUNCILMAN DAVID OH
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN MARK SQUILLA
COUNCILWOMAN MARIAN B. TASCO

BILLS 120164, 120165, 120166, 120173, 120174,
120175, 120230, 120338, 120339, 120340 and
120341
RESOLUTION 120167

- - -

1
2 COUNCIL PRESIDENT CLARKE: Good
3 afternoon. The Committee of the Whole
4 will now come to order. This is a
5 continued public hearing of the Committee
6 of the Whole regarding Bills No. 120164,
7 120165, 120166, 120173, 120174, 120175,
8 120230, 120338, 120339, 120340, 120341
9 and Resolution No. 120167.

10 Ms. Lewis, please read the
11 titles of the bills.

12 MS. LEWIS: Bill No. 120164, an
13 ordinance to adopt a Capital Program for
14 the six Fiscal Years 2013 to 2018
15 inclusive.

16 Bill No. 120165, an ordinance
17 to adopt a Fiscal 2013 Capital Budget.

18 Bill No. 120166, an ordinance
19 adopting the Operating Budget for Fiscal
20 Year 2013.

21 Resolution No. 120167, a
22 resolution providing for the approval by
23 the Council of the City of Philadelphia
24 of a Revised Five Year Financial Plan for
25 the City of Philadelphia covering Fiscal

1 5/14/12 - WHOLE - BILL 120164, etc.
2 Years 2013 through 2017, and
3 incorporating proposed changes with
4 respect to Fiscal Year 2012, which is to
5 be submitted by the Mayor to the
6 Pennsylvania Intergovernmental
7 Cooperation Authority (the "Authority")
8 pursuant to the Intergovernmental
9 Cooperation Agreement, authorized by an
10 ordinance of this Council approved by the
11 Mayor on January 3rd, 1992 (Bill No.
12 1563-A), by and between the City and the
13 Authority.

14 Bill No. 120173, amending
15 Section 19-1806, entitled "Authorization
16 of Realty Use and Occupancy Tax," to
17 further authorize the Board of Education
18 of the School District of Philadelphia to
19 impose a tax on the use or occupancy of
20 real estate within the School District of
21 Philadelphia, under certain terms and
22 conditions.

23 Bill No. 120174, amending
24 Chapter 19-1500 of The Philadelphia Code,
25 entitled "Wage and Net Profits Tax," by

1 5/14/12 - WHOLE - BILL 120164, etc.
2 repealing Section 19-1508, entitled
3 "Refunds and Forgiveness for Poverty
4 Income."

5 Bill No. 120175, authorizing
6 real estate taxes for the City of
7 Philadelphia and the School District of
8 Philadelphia for Fiscal Year 2013 and
9 thereafter, by amending Chapter 19-1300
10 of The Philadelphia Code, entitled "Real
11 Estate Taxes," to provide for a tax and
12 tax rate on real property, for
13 exclusions, and for an established
14 pre-determined ratio; and by amending
15 Chapter 19-1800 of The Philadelphia Code,
16 entitled "School Tax Authorization," to
17 further authorize the Board of Education
18 of the School District of Philadelphia to
19 impose a tax on real estate within the
20 City of Philadelphia, and providing for a
21 tax rate and for exclusions; all under
22 certain terms and conditions.

23 Bill No. 120230 authorizing
24 real estate taxes for the City of
25 Philadelphia and the School District of

1 5/14/12 - WHOLE - BILL 120164, etc.
2 Philadelphia for Fiscal Year 2013 and
3 thereafter, by amending Chapter 19-1300
4 of The Philadelphia Code, entitled "Real
5 Estate Taxes," to provide for a tax and
6 tax rate on real property; and by
7 amending Chapter 19-1800 of The
8 Philadelphia Code, entitled "School Tax
9 Authorization," to further authorize the
10 Board of Education of the School District
11 of Philadelphia to impose a tax on real
12 estate within the City of Philadelphia,
13 and providing for a tax rate; all under
14 certain terms and conditions.

15 Bill No. 120338, an ordinance
16 amending Section 19-1307 of The
17 Philadelphia Code, entitled "Deferrals of
18 Real Estate Tax," by further providing
19 for certain deferrals of payment of a
20 certain portion of Real Estate Taxes due
21 the City of Philadelphia or the
22 Philadelphia School District, all under
23 certain terms and conditions.

24 Bill No. 120339, an ordinance
25 amending Title 19 of The Philadelphia

1 5/14/12 - WHOLE - BILL 120164, etc.
2 Code, by adding a new Chapter 19-2900A,
3 entitled "Special Real Estate Tax
4 Provisions for Low Income Taxpayers,"
5 providing for credits against real estate
6 tax for certain low income taxpayers,
7 under certain terms and conditions.

8 Bill No. 120340, an ordinance
9 enacting a new Chapter 19-3800 of The
10 Philadelphia Code, authorizing the
11 granting of tax exemptions to longtime
12 owner-occupants of certain properties in
13 the city of Philadelphia.

14 Bill No. 120341, an ordinance
15 amending Chapter 19-1300 of The
16 Philadelphia Code, entitled "Real Estate
17 Taxes," by further providing for
18 installment payments of real estate
19 taxes, all under certain terms and
20 conditions.

21 COUNCIL PRESIDENT CLARKE:

22 Thank you.

23 This afternoon we'll consider
24 the bills that were introduced on May the
25 3rd, 2012, which are Bills No. 120338,

1 5/14/12 - WHOLE - BILL 120164, etc.
2 120339, 120340, 120341. These particular
3 bills were introduced as a part of the
4 ongoing conversation around being in a
5 position to provide support for
6 individuals who receive what could
7 conceivably be or possibly be significant
8 spikes in their real estate tax bill.

9 The purpose of these is to
10 hopefully -- given the current
11 authorization by the state, unfortunately
12 we have significant restrictions on our
13 flexibility to position these bills to be
14 in a position to actually assist those
15 individuals. There are currently two
16 measures that have been offered by the
17 Administration. One is the homestead
18 provision and the other is a proposal for
19 a three-year smoothing period. We've
20 already heard testimony on those bills,
21 and I anticipate before the day is over,
22 there will be additional testimony on
23 those bills. So today we want to focus
24 on these.

25 I understand, Councilman Green,

1 5/14/12 - WHOLE - BILL 120164, etc.
2 you would like to offer amendments, not
3 relating to these bills but for the
4 general budget discussion at some point
5 during today's hearing.

6 COUNCILMAN GREEN: I just would
7 like to -- I don't know whether I have to
8 introduce them at the hearing or the
9 meeting once we're in the meeting, but
10 yes.

11 COUNCIL PRESIDENT CLARKE: All
12 right.

13 COUNCILMAN GREEN: Whenever it
14 is convenient for you, Mr. President.

15 COUNCIL PRESIDENT CLARKE:
16 Thank you. I just want to set the
17 parameter.

18 Right now I would like to hear
19 testimony from the Administration. So if
20 you can please come forward.

21 (Witnesses approached witness
22 table.)

23 COUNCIL PRESIDENT CLARKE: Good
24 morning -- good afternoon.

25 MR. DUBOW: Good afternoon.

1 5/14/12 - WHOLE - BILL 120164, etc.

2 Should we start.

3 COUNCIL PRESIDENT CLARKE:

4 Please proceed.

5 MR. DUBOW: Good afternoon,
6 Council President Clarke and members of
7 Council. My name is Rob Dubow. I'm here
8 today with Rebecca Rhynhart, the City's
9 Budget Director, and Keith Richardson,
10 the Revenue Commissioner, to testify
11 regarding Bills 120338, 339, 340 and 341.

12 On behalf of the Mayor, I would
13 like to thank the Council President for
14 introducing these measures and opening a
15 dialogue with the Administration on
16 further ways to try to ameliorate the
17 financial impact that the move to a fair
18 assessment process may have on low-income
19 homeowners in Philadelphia. As soon as
20 we became aware of these proposals, we
21 began developing a policy position and
22 began to consider how one or more of
23 these proposals would best work in that
24 regard.

25 I would like to start with a

1 5/14/12 - WHOLE - BILL 120164, etc.
2 brief description of the bills and then
3 address the principles that we would like
4 to work with as we move forward in this
5 dialogue.

6 Bill 120338 would amend an
7 existing Code provision that authorizes
8 the Department of Revenue to grant
9 deferrals of an increase in real estate
10 taxes that is greater than 15 percent and
11 due to an increase in assessed value,
12 after considering the applicant's
13 household income, household expenses and
14 available liquid assets. The amendment
15 would reduce the interest rate on the
16 deferred payment -- I'm sorry; would
17 reduce the rate from 6 percent to the
18 lower yield on one-year treasury or 4
19 percent.

20 Bill 120339 would authorize a
21 property tax credit for unmarried
22 property owners with income not exceeding
23 \$8,750 and married property owners with
24 joint income not exceeding \$15,250.
25 These thresholds are increased by \$9,500

1 5/14/12 - WHOLE - BILL 120164, etc.
2 for each dependent of the record owner.
3 The term "income" is defined very
4 narrowly in the bill and does not include
5 retirement benefits or Social Security
6 payments and other specified types of
7 income. The bill, as introduced, does
8 not specify the amount of the tax credit,
9 which would have to be determined and
10 would potentially vary depending upon
11 income levels below the thresholds. The
12 bill would not limit the credit to those
13 whose bills would increase during the
14 transition to AVI, but would simply apply
15 to all low-income homeowners.

16 Bill No. 120340 would authorize
17 the City to grant tax exemptions to
18 longtime owner-occupants of a portion of
19 any increase in their property tax
20 obligations due to changes in the
21 characteristics of the area surrounding
22 their properties, whether it's through
23 the renovation or new construction of
24 area properties. "Longtime" is generally
25 defined as ten continuous years or more.

1 5/14/12 - WHOLE - BILL 120164, etc.

2 This exemption wouldn't be income based
3 and, therefore, would be available to all
4 longtime homeowners regardless of ability
5 to pay.

6 Under the bill, any increase of
7 more than 10 percent of the market value
8 of a residential property is presumed
9 under the bill to be based on changes
10 like the characteristics of surrounding
11 properties. I note that this presumption
12 would likely apply to virtually all
13 longtime owner-occupied properties in the
14 City; therefore, qualifying all such
15 owner-occupiers to the credit.

16 The percentage of increase in
17 tax bills that long-term homeowners would
18 have to pay due this exemption from
19 payment is not set forth in the bill and
20 would need to be determined.

21 Bill No. 120441 would allow
22 payment of real estate tax bills in four
23 equal installments through the year,
24 without interest charged if the bill is
25 paid in full within the year. The Code

1 5/14/12 - WHOLE - BILL 120164, etc.
2 now authorizes the Department of Revenue
3 to accept payment of real estate taxes in
4 four equal installments, but substantial
5 interest is due on those installments.

6 Now turning to our view of the
7 bills, we want to set forth some basic
8 principles with which to approach this
9 effort. Now, low-income property owners
10 are entitled to make interest-free
11 installment payments of property taxes.
12 Very low-income seniors are entitled to a
13 freeze in increases in property tax bills
14 under a program already in the Code. We
15 are also seeking homestead relief, which
16 would benefit all those who live in a
17 home they own. That relief would more
18 greatly benefit those living in less
19 valuable properties.

20 We do agree, however, that the
21 impact of AVI may be significant to many
22 homeowners and some sort of additional
23 relief is warranted for low-income
24 homeowners, particularly those living in
25 properties that have significantly

1 5/14/12 - WHOLE - BILL 120164, etc.

2 increased in value over time.

3 We have to be mindful, however,
4 that any form of such relief would have
5 to be paid for in some way. We recommend
6 that the cost of any such relief be
7 offset in the tax rate applied to all
8 other property owners, which, if relief
9 is limited to low-income owners, would
10 include commercial property owners,
11 residential landlords and moderate- and
12 high-income landowners. Otherwise, we
13 would simply be reducing the revenue that
14 will be produced by the tax formula that
15 is adopted, and neither the City nor the
16 District is in a position to absorb any
17 significant reduction in revenues. So we
18 must be careful to temper our desire to
19 provide relief for those who will see
20 increases in bills with recognition of
21 the cost to others.

22 Accordingly, we'd like to see
23 special relief provided only to truly
24 low-income residents.

25 Additionally, it's important to

1 5/14/12 - WHOLE - BILL 120164, etc.
2 remind ourselves that many, many
3 Philadelphia homeowners, including many
4 low-income residents, will see their tax
5 bills go down as a result of the shift to
6 AVI. In our view, only those whose bills
7 will go up as a result of the shift to
8 AVI should be provided special relief.
9 Additionally, those whose bills will go
10 down will see smaller reductions if rates
11 have to be increased significantly to
12 account for benefits provided for those
13 whose bills will go up.

14 Second, notwithstanding
15 potential short-term difficulties in
16 making property tax payments because of
17 the move to a fair assessment system,
18 those whose properties have significantly
19 increased in value over time will, in the
20 long term, see a financial benefit from
21 those increased values. Our view is that
22 special relief bills should be focused on
23 deferring payment of taxes rather than
24 excusing payment altogether.

25 Third, in our view, it is

1 5/14/12 - WHOLE - BILL 120164, etc.
2 important that Council set forth explicit
3 standards for qualifications for whatever
4 relief is provided and not leave for
5 subjective assessment by the
6 Administration determination of the
7 reasons why properties in a specific area
8 have experienced upswings in value.
9 Determinations about what the cause of
10 increases in value will be extremely
11 difficult for the Administration to make.
12 We would like to see bright-line rules
13 regarding income levels and increases in
14 property values that allow us to make
15 simple determinations as to who qualifies
16 and who does not.

17 Fourth, it is important to
18 ensure that any proposed special relief
19 bill will have a strong chance of
20 withstanding legal challenge. We know
21 that Council President has been mindful
22 of that issue in preparing these
23 proposals.

24 Lastly, although this year is
25 unlike recent years and our budget

1 5/14/12 - WHOLE - BILL 120164, etc.
2 choices do not require us on the City
3 side to make painful decisions about
4 budget cuts or revenue increases, our
5 bottom lines are not nearly as healthy as
6 we'd like them to be. We must be careful
7 about how these bills might affect our
8 cash flow. Moreover, the cash position
9 of the District is even more challenging
10 than that of the City. As a result,
11 we're very concerned about the
12 possibility of allowing taxpayers
13 generally to spread payment of real
14 estate taxes over time without interest,
15 as doing so could have very significant
16 impact on both the City and the
17 District's cash flow situations.

18 Those are the principles upon
19 which we believe these proposals should
20 be considered. We are, of course, open
21 to ongoing discussion about all the
22 proposals on the table. Pursuant to
23 these principles, however, in our view,
24 we think the most productive course
25 likely would be to establish some

1 5/14/12 - WHOLE - BILL 120164, etc.
2 specific criteria that would apply to the
3 deferral of payments option for
4 low-income homeowners. We have made
5 significant progress in developing
6 amendments to Bill 120338 and hope to be
7 able to share them with you soon.

8 We look forward to continued
9 dialogue to see if we can come up with
10 any means to provide relief to those most
11 significantly impacted by the move to AVI
12 who are needed the most assistance.

13 Thank you again for the
14 introduction of these measures, and we'd
15 be happy to answer any questions you
16 have.

17 COUNCIL PRESIDENT CLARKE:
18 Thank you. Thank you, Mr. Dubow. A
19 couple of quick questions.

20 Mr. Dubow, you reference in
21 your testimony that -- let me start off
22 with this question. In understanding
23 early on that there could potentially be
24 some problems for individuals' ability to
25 pay, not only just low income, because I

1 5/14/12 - WHOLE - BILL 120164, etc.

2 think you understand that there could
3 conceivably be, in particular areas where
4 there are dramatic increases based on new
5 housing starts and construction, an
6 understanding that and in your testimony
7 referencing that we should only -- we
8 should be focused solely on or
9 primarily -- I'm going to give you
10 that -- on individuals who are low
11 income, when you went to Harrisburg, the
12 Administration, and lobbied for relief as
13 it relates to homestead exemptions, why
14 would you not ask for a homestead
15 exemption that gave you flexibility to
16 support only those low-income individuals
17 and not deal with other individuals who
18 will receive significant spikes?

19 MR. DUBOW: So you're asking
20 why we didn't look for some income
21 based --

22 COUNCIL PRESIDENT CLARKE:
23 Correct. Because homestead -- will
24 homestead provide assistance potentially
25 to individuals who, like Darrell Clarke,

1 5/14/12 - WHOLE - BILL 120164, etc.
2 who might be able to pay the increase in
3 his real estate taxes?

4 MR. DUBOW: So homestead will
5 particularly provide relief to people
6 with lower value homes. To compensate
7 for the lost value of those assessments,
8 rates will go up. So there's a kind of
9 flip point at which -- above which you'll
10 see homestead actually increase the
11 amount that you have to pay if the value
12 of your home is high enough. So
13 homestead, depending on -- I think the
14 last thing that the Council staff showed
15 pointed around \$175,000 to \$200,000,
16 saying homestead will provide relief to
17 people with homes who have values up to
18 that amount and then will add costs above
19 that.

20 COUNCIL PRESIDENT CLARKE: Does
21 that have any relationship to the
22 individuals' income?

23 MR. DUBOW: It does not.

24 COUNCIL PRESIDENT CLARKE: So
25 my question, because you referenced the

1 5/14/12 - WHOLE - BILL 120164, etc.
2 fact that we should focus only on
3 low-income individuals, when the
4 Administration went to Harrisburg, did
5 you submit a request for legislation that
6 focused on an income-based process that
7 would not have put revenues or assistance
8 to individuals of higher income value?

9 MR. DUBOW: We did not because
10 we didn't think we could do that under
11 the state uniformity clause.

12 COUNCIL PRESIDENT CLARKE:
13 Well, traditionally when you go to
14 Harrisburg, you ask for enabling
15 legislation. So are you telling me that
16 no cities in the second or third class
17 will be allowed to introduce other
18 categories such as income, age, all of
19 the other things associated with being
20 able to target relief?

21 MR. DUBOW: I think Allegheny
22 County has authorization to do that in a
23 bill that they explicitly took out
24 counties of the first class.

25 COUNCIL PRESIDENT CLARKE:

1 5/14/12 - WHOLE - BILL 120164, etc.

2 Right. So why wouldn't we ask for that
3 in the county of the first class?

4 MR. DUBOW: Again, because we
5 thought when we went up, that we weren't
6 going to be able to do that under the
7 uniformity clause.

8 COUNCIL PRESIDENT CLARKE: I
9 don't understand. You just said
10 Allegheny County has --

11 MR. DUBOW: You asked why we
12 didn't, and I'm telling you at the time
13 we went up, we thought we couldn't do
14 that under the uniformity clause.

15 COUNCIL PRESIDENT CLARKE:
16 Well, we know that. I mean, we knew that
17 before we went up there. So the question
18 is, if you're going to Harrisburg to ask
19 for enabling legislation, why wouldn't
20 you ask for what other counties have in
21 terms of an expanded --

22 MR. DUBOW: I don't know how
23 else to answer, other than tell you what
24 we were thinking at the time.

25 COUNCIL PRESIDENT CLARKE: You

1 5/14/12 - WHOLE - BILL 120164, etc.
2 didn't think about it?

3 MR. DUBOW: We didn't think we
4 could do it under the uniformity clause.

5 COUNCIL PRESIDENT CLARKE: For
6 cities of the first class or just --

7 MR. DUBOW: Right.

8 COUNCIL PRESIDENT CLARKE: But
9 my question is, why wouldn't you ask for
10 what other counties, cities of the --

11 MR. DUBOW: I'm just telling
12 you where we were. I don't have any
13 other answer to give you.

14 COUNCIL PRESIDENT CLARKE: But
15 if you're saying that -- I'm not clear if
16 you're saying you didn't think about it
17 or there was no ability to get enabling
18 legislation from the state.

19 MR. DUBOW: We didn't think
20 there was an ability to get enabling
21 legislation.

22 COUNCIL PRESIDENT CLARKE: From
23 the state?

24 MR. DUBOW: Yes.

25 COUNCIL PRESIDENT CLARKE: So

1 5/14/12 - WHOLE - BILL 120164, etc.

2 you understood --

3 MR. DUBOW: We didn't think
4 that -- right. We didn't think that we'd
5 be able to get it, yes.

6 COUNCIL PRESIDENT CLARKE:
7 Okay. Because I'm trying to understand.
8 If you asked for it and they said no,
9 that's one thing, but if you don't ask
10 for it --

11 MR. DUBOW: Right. Right. We
12 didn't bring it up there until late in
13 the process and you guys were involved in
14 discussions with them.

15 COUNCIL PRESIDENT CLARKE: All
16 right. Okay. I'm just trying to --

17 MR. DUBOW: I understand now
18 what you're asking.

19 COUNCIL PRESIDENT CLARKE: It's
20 like --

21 MR. DUBOW: I got it.

22 COUNCIL PRESIDENT CLARKE: You
23 wanted to focus on this, acknowledge that
24 there could be problems with other
25 things. So my question is -- and I'm not

1 5/14/12 - WHOLE - BILL 120164, etc.

2 going to ask you the question again,
3 because it seems like now you understand
4 where I'm going.

5 MR. DUBOW: Yeah.

6 COUNCIL PRESIDENT CLARKE: That
7 if we understood that there were some
8 potential challenges with other income
9 people and we did not want to give money
10 to individuals who probably can pay their
11 taxes, as referenced in your testimony on
12 some of the measures we have, then we
13 don't necessarily want to do that either,
14 but the only way to help the lower-income
15 people, similar to what you're proposing
16 in homestead, you have to allow other
17 people to get relief who probably don't
18 need it. So it's somewhat inconsistent,
19 your testimony, as to what you've
20 actually done.

21 MR. DUBOW: Right. I
22 understand what you're saying.

23 COUNCIL PRESIDENT CLARKE: All
24 right. You talk about in your testimony
25 we recommended that the cost of any such

1 5/14/12 - WHOLE - BILL 120164, etc.
2 relief given to homeowners should be
3 offset in the tax rate applied to all the
4 property owners, which includes
5 commercial property owners, residential
6 landlords and moderate- and high-income
7 homeowners. Can you explain how that
8 shift would occur?

9 MR. DUBOW: Yeah. So to the
10 extent we give relief, there will be some
11 loss in revenue that we'd have to make up
12 for by increasing the millage rate. So
13 everyone who wasn't getting the relief
14 would be paying more.

15 COUNCIL PRESIDENT CLARKE:

16 Like --

17 MR. DUBOW: So, for example, if
18 the total value of relief from one of the
19 proposals was \$50 million, we'd have to
20 calculate how much we'd have to increase
21 millage to generate \$50 million, and then
22 everyone's millage rate would go up by
23 that amount.

24 COUNCIL PRESIDENT CLARKE:

25 Okay. When you talk about on Page 4

1 5/14/12 - WHOLE - BILL 120164, etc.

2 Council set forth explicit standards for
3 qualification for whatever relief is
4 provided and not leave for subjective
5 assessment by the Administration
6 determination of the reason why
7 properties in a specific area have
8 experienced upswings in value,
9 determinations about the cause of
10 increases in value will be extremely
11 difficult for the Administration to make.

12 So let me make sure I
13 understand that question -- that
14 statement. Does that mean that if we
15 would like to implement a gentrification
16 measure, your ability to determine what
17 the qualified areas would be would be
18 relatively difficult? So if we came up
19 with what we believe to be a reasonable
20 process that could establish the criteria
21 for the, quote/unquote, gentrified
22 neighborhood, that would be something
23 that the Administration would be willing
24 to entertain since you're saying that you
25 can't establish that?

1 5/14/12 - WHOLE - BILL 120164, etc.

2 MR. DUBOW: What we would want
3 is something that set clear criteria so
4 it's easy for the Revenue Department to
5 determine and the taxpayer to understand
6 why they were or weren't given whatever
7 the relief was. So if there's a way to
8 do that that's very clear, yes, we'd be
9 open to that.

10 COUNCIL PRESIDENT CLARKE:
11 Okay. And what would that be? Give me
12 an example. Because right now the
13 Revenue Department under current
14 provision that we're referencing today, a
15 little different, the Revenue
16 Commissioner determines whether or not a
17 person can be qualified for a deferral.

18 MR. DUBOW: Right. And the
19 current legislation says --

20 COUNCIL PRESIDENT CLARKE: What
21 is that process?

22 COMMISSIONER RICHARDSON: We
23 currently don't do that process, because
24 no one has come to us for deferral
25 requests.

1 5/14/12 - WHOLE - BILL 120164, etc.

2 COUNCIL PRESIDENT CLARKE: So
3 is there a process established in the
4 event -- somebody might come to you this
5 time around.

6 COMMISSIONER RICHARDSON: If
7 someone is going to come to us for a
8 deferral request, we would like to make
9 it a situation that's based off of income
10 guidelines, not looking at someone's
11 income, their liabilities and their
12 assets.

13 COUNCIL PRESIDENT CLARKE: I'm
14 just saying from a process perspective.

15 COMMISSIONER RICHARDSON: It
16 would probably be based off of looking at
17 their income level.

18 COUNCIL PRESIDENT CLARKE: All
19 right. But do you have a process?

20 COMMISSIONER RICHARDSON: We do
21 not, because, again, we haven't had -- no
22 one has come to us for a deferral since
23 that bill has been in place since 2002,
24 but we would have something in place
25 pretty soon.

1 5/14/12 - WHOLE - BILL 120164, etc.

2 COUNCIL PRESIDENT CLARKE: If
3 somebody came to you, you would establish
4 a process at that time?

5 COMMISSIONER RICHARDSON: Yes.

6 COUNCIL PRESIDENT CLARKE: So
7 if somebody comes to you -- say we
8 implement a gentrification bill -- would
9 you then establish a process to respond
10 to those individuals? I'm just trying to
11 get a sense. There's a provision
12 currently in place that says you, the
13 Revenue Commissioner, has to determine
14 the qualification of the applicant. And
15 that's been in place for a little while
16 now, and nobody for whatever reason has
17 utilized that. I guess they don't want a
18 lien on their property. But would you be
19 responsible, if we enacted it -- I
20 understand that the Administration at
21 this point is not supporting that
22 particular measure. Would the Revenue
23 Department be responsible for --

24 COMMISSIONER RICHARDSON: Yes.
25 When something was in place, we would be

1 5/14/12 - WHOLE - BILL 120164, etc.
2 responsible for that and we would set
3 some kind of requirements.

4 COUNCIL PRESIDENT CLARKE: So
5 in working through this process --
6 because I'm kind of like laser-like
7 focused on the gentrification bill,
8 because it is a bill that gives us an
9 opportunity, at a minimum, to target --
10 not necessarily target incomes, but I'm
11 specifically concerned about
12 neighborhoods that I do know about that I
13 happen to represent where the only reason
14 that the values in those neighborhoods
15 have increased dramatically is because of
16 new housing starts, new construction, all
17 the other things that drive values up
18 that can be clearly defined. So I don't
19 think it would be as difficult. Of
20 course, somebody who doesn't necessarily
21 live in one of those areas would
22 obviously want to take advantage, but you
23 do have to at some point establish
24 guidelines for a particular provision
25 regardless of what it is and that's it.

1 5/14/12 - WHOLE - BILL 120164, etc.

2 And somebody is always not going to
3 qualify for something. So I just
4 don't -- in my mind, I don't think it's
5 that difficult.

6 MR. DUBOW: We are open to
7 talking about it and see if we can come
8 up with things that make sense.

9 COUNCIL PRESIDENT CLARKE:
10 Would you be willing to work with us?

11 MR. DUBOW: Yes.

12 COUNCIL PRESIDENT CLARKE:
13 Because this is the challenge, and let me
14 cut to the chase. City Council, in spite
15 of a lot of people's belief, we have a
16 very limited number of staff members. I
17 know a lot of people, they say Council
18 this and Administration this. And we got
19 like -- what do we have, like 180 people,
20 and the Administration has more than
21 20,000 people. So from a resource
22 perspective, we are extremely limited in
23 terms of our ability. So when something
24 as complicated as this comes to the
25 table, our ability to work on it is very

1 5/14/12 - WHOLE - BILL 120164, etc.

2 limited and probably to some degree not
3 achievable without working with the
4 Administration, because -- it's not your
5 fault. You didn't draw up the Charter
6 and all the other things associated with
7 the way government was established, but
8 if we work together on something and we
9 deal with what I genuinely believe is
10 going to be a problem in some
11 neighborhoods, particularly when you have
12 these neighborhoods where these people
13 get these ten-year tax abatements and
14 they're ultimately responsible for the
15 person that's been living there for ten
16 years' taxes going up, we need to work
17 with the Administration and all of the
18 resources that you have.

19 MR. DUBOW: We would like to
20 keep working with you on these issues.

21 COUNCIL PRESIDENT CLARKE:
22 Because to say we would look at it --

23 MR. DUBOW: No, no. We want to
24 work -- we've been working with your
25 staff and we'd like to keep working with

1 5/14/12 - WHOLE - BILL 120164, etc.

2 your staff.

3 COUNCIL PRESIDENT CLARKE:

4 Because I've been around long enough and
5 interacted with you guys long enough to
6 know when you say, We'll look at it, I
7 know what that means versus, We will work
8 with you.

9 MR. DUBOW: We will work with
10 you. We'll continue to work with you.

11 COUNCIL PRESIDENT CLARKE: All
12 right. All right. Because I do that
13 sometimes myself when I'm walking out in
14 the neighborhood and somebody,
15 Mr. Darrell. I say, Yeah, let me look at
16 it. I clearly know what that is.

17 MR. DUBOW: This wasn't one of
18 those.

19 COUNCIL PRESIDENT CLARKE: All
20 right. I'm going to come back.

21 The Chair recognizes Councilman
22 Goode.

23 COUNCILMAN GOODE: Thank you,
24 Mr. President.

25 Good afternoon, Mr. Dubow.

1 5/14/12 - WHOLE - BILL 120164, etc.

2 MR. DUBOW: Good afternoon.

3 COUNCILMAN GOODE: Mr. Dubow,
4 what is the median home value in
5 Philadelphia?

6 MR. DUBOW: The census data we
7 saw had the median home value at about
8 \$120,000.

9 COUNCILMAN GOODE: And what is
10 the maximum homestead exemption that
11 could be offered for that median home
12 value?

13 MR. DUBOW: Sixty thousand --
14 the maximum homestead value can be 50
15 percent of eligible properties' values.
16 So about \$60,000.

17 COUNCILMAN GOODE: Okay. And
18 what is currently the median residential
19 property tax bill?

20 MR. DUBOW: The average is
21 1,358. I'm not sure the median.

22 COUNCILMAN GOODE: The median
23 would be lower, though?

24 MR. DUBOW: Yes.

25 COUNCILMAN GOODE: So what

1 5/14/12 - WHOLE - BILL 120164, etc.

2 happens in that scenario if we offer the
3 full homestead exemption?

4 MR. DUBOW: I'm sorry?

5 COUNCILMAN GOODE: What happens
6 in that scenario if we offer the full
7 homestead exemption of \$60,000 to a
8 \$120,000 property?

9 MR. DUBOW: To a \$120,000
10 property. So half of the value of that
11 property isn't taxable. So instead of
12 being taxed based on 120,000, the
13 property would be taxed based on 60,000.

14 COUNCILMAN GOODE: So
15 multiplied by the new rate, which would
16 be 1.2 to 1.4, probably would rise to
17 about 1.4, that property tax bill would
18 be lower; would it not?

19 MR. DUBOW: Yes.

20 COUNCILMAN GOODE: So if we
21 offer the full homestead exemption, then
22 there is no doubt that the median value
23 home will have a lower tax bill?

24 MR. DUBOW: I think that's
25 correct, and then obviously properties at

1 5/14/12 - WHOLE - BILL 120164, etc.
2 higher values would be paying more, but
3 so there would be a shift.

4 COUNCILMAN GOODE: What level
5 exemption do we have to offer just to
6 lower the tax bill? We know if we offer
7 the full exemption, it will be lower.
8 What level of exemption do we have to
9 offer to lower the tax bill on a home
10 that's a median value?

11 MR. DUBOW: At 120,000? I'd
12 have to look -- I don't have that off the
13 top of my head. I'd have to go back.

14 COUNCILMAN GOODE: But if we
15 offer the full exemption, in your
16 estimation, does that mean that there
17 would be a lower tax bill for a majority
18 of homeowners?

19 MR. DUBOW: I think that that
20 would be true, and I think there would be
21 a substantial number of homeowners who
22 would have no bill at all.

23 COUNCILMAN GOODE: Okay. Thank
24 you.

25 Thank you, Mr. Chairman.

1 5/14/12 - WHOLE - BILL 120164, etc.

2 COUNCIL PRESIDENT CLARKE: I'm
3 sorry, Councilman.

4 The Chair recognizes Councilman
5 Green.

6 COUNCILMAN GREEN: Thank you,
7 Mr. President.

8 Just with respect to the bills
9 that were introduced today, do you know
10 how many homeowners each of those would
11 apply to?

12 MR. DUBOW: No, we don't.
13 We're going through some analysis based
14 on census data about income for some of
15 them to try to figure that out, but we
16 don't have that.

17 COUNCILMAN GREEN: Okay. And
18 have you done an analysis of what happens
19 when you combine smoothing with each of
20 these exemptions as to how that's going
21 to impact the tax rate?

22 MR. DUBOW: So some of them
23 don't have numbers in them yet, so we
24 don't have -- there's no -- based on
25 where they are, we haven't done that yet.

1 5/14/12 - WHOLE - BILL 120164, etc.

2 It's something we're starting to look at,
3 but we have not done that analysis yet.

4 COUNCILMAN GREEN: Given the
5 numbers that are in some of the bills --
6 well, essentially I guess to make a long
7 story short so I don't keep asking a
8 bunch of questions, there is no --

9 MR. DUBOW: But we like that.

10 COUNCILMAN GREEN: -- there is
11 no analysis of what each of these would
12 cost, how it would affect the tax rates
13 if we didn't have smoothing and how it
14 would affect the tax rates and what the
15 average residential or commercial
16 property owner would pay if any of
17 this --

18 MR. DUBOW: Right. Not yet. I
19 mean, we would have to work through some
20 of the details of them to figure that
21 out.

22 COUNCILMAN GREEN: And just out
23 of curiosity, what's a realistic
24 timeframe to try to provide some
25 parameters around that? Are we looking

1 5/14/12 - WHOLE - BILL 120164, etc.

2 at a week, two weeks?

3 MR. DUBOW: We hope a week.

4 COUNCILMAN GREEN: A week?

5 MR. DUBOW: Hope. But I'm not
6 the one doing the analysis, so it's easy
7 for me to say that.

8 COUNCILMAN GREEN: So at least
9 in a couple of weeks, we should be able
10 to put some --

11 MR. DUBOW: Yes.

12 COUNCILMAN GREEN: -- magnitude
13 of cost on each of these items and
14 magnitude of impact on everybody else of
15 implementing certain exemptions or
16 credits or deferrals?

17 MR. DUBOW: Yes.

18 COUNCILMAN GREEN: Okay. And
19 presumably you're not opposed to the
20 policies being proposed by these in
21 general?

22 MR. DUBOW: No. We're fully
23 supportive of the policies. Like I said,
24 we have certain principles we want to
25 apply, and those are laid out in the

1 5/14/12 - WHOLE - BILL 120164, etc.
2 testimony, but we are fully supportive of
3 the policies.

4 COUNCILMAN GREEN: So when you
5 look at the 40 GMAs, I guess, that you
6 guys prepared data for Council for that
7 demonstrate the current residential rates
8 and the sales data which imply a new --

9 MR. DUBOW: The approximate.

10 COUNCILMAN GREEN: -- an
11 approximate actual value for those 40
12 GMAs, how representative of that data is
13 the City? How much can we take that
14 assumption and expand it to an assumption
15 that we can safely apply to --

16 MR. DUBOW: I wouldn't want to
17 take those and say, Okay, this is what
18 everything is going to look like. I do
19 think that 40 is enough so that it's a
20 fairly big sample so that it should give
21 us a sense of where we'll wind up, but I
22 wouldn't want to put any specificity
23 based on those numbers.

24 COUNCILMAN GREEN: How many
25 GMAs are there?

1 5/14/12 - WHOLE - BILL 120164, etc.

2 MR. DUBOW: I'd have to get
3 back to you on that. I don't know.

4 COUNCILMAN GREEN: Does anybody
5 know? Anyone?

6 Do you know what percentage of
7 all properties that is in the City?

8 MR. DUBOW: I don't. We can
9 find out.

10 COUNCILMAN GREEN: Okay. So
11 that implied, based on our previous
12 discussion, a three times multiple for
13 residential property values?

14 MR. DUBOW: Right. For those
15 GMAs we looked at, the sales price, the
16 average sales price, was three times the
17 market values that are currently in the
18 system.

19 COUNCILMAN GREEN: And we've
20 been provided with data which suggests
21 that based on the -- that suggests
22 perhaps it's three and a half times.

23 MR. DUBOW: I haven't seen
24 that, so I don't know what that data is.

25 COUNCILMAN GREEN: What is your

1 5/14/12 - WHOLE - BILL 120164, etc.
2 degree -- within what percent of three do
3 you think we should say residential
4 values are a percentage of the actual
5 aggregate value? Is it 20 percent of the
6 three?

7 MR. DUBOW: Oh, you're asking
8 for the band around it?

9 COUNCILMAN GREEN: Yeah.

10 MR. DUBOW: I can't really say.

11 COUNCILMAN GREEN: You can't
12 say?

13 MR. DUBOW: No.

14 COUNCILMAN GREEN: With respect
15 to commercial property, is there any
16 estimate from the Administration as to
17 what percent of aggregate value
18 commercial property is?

19 MR. DUBOW: OPA is working on
20 that now, but we don't have that ready
21 yet.

22 COUNCILMAN GREEN: Is it fair
23 to say that commercial property is much
24 closer to actual value than residential
25 property?

1 5/14/12 - WHOLE - BILL 120164, etc.

2 MR. DUBOW: I think that's been
3 the assumption, but we haven't seen the
4 data yet to either confirm or refute
5 that.

6 COUNCILMAN GREEN: With respect
7 the commercial property assessments, what
8 is the process for beginning and
9 completing those such that bills can go
10 out by September 17th?

11 MR. DUBOW: So the first part
12 of the process was sending out a
13 questionnaire on income and expense and
14 looking at that data to try to figure out
15 how --

16 COUNCILMAN GREEN: And when is
17 that sent out?

18 MR. DUBOW: That's been sent
19 out.

20 COUNCILMAN GREEN: It has?

21 MR. DUBOW: Yeah. That's been
22 sent out.

23 COUNCILMAN GREEN: And is that
24 subject to return under penalty of law or
25 is that voluntary?

1 5/14/12 - WHOLE - BILL 120164, etc.

2 MR. DUBOW: It's not. The OPA
3 also can look at other data to try to
4 kind of simulate that, but there's no
5 penalty for not returning it.

6 COUNCILMAN GREEN: Okay. So
7 what is the return rate for that property
8 data so far?

9 MR. DUBOW: I don't know the
10 number.

11 COUNCILMAN GREEN: So when did
12 those forms go out?

13 MR. DUBOW: I think they went
14 out earlier this month.

15 COUNCILMAN GREEN: So in May?

16 MR. DUBOW: Yeah.

17 COUNCILMAN GREEN: Okay. And
18 they went out to how many properties?
19 All commercial and industrial properties?

20 MR. DUBOW: All large
21 commercial and industrial properties.
22 There's small like corner store type
23 things that might not have gotten them.

24 COUNCILMAN GREEN: Okay. And
25 when do you have to -- if you don't get

1 5/14/12 - WHOLE - BILL 120164, etc.
2 data back for a property, what is the
3 process for determining a new actual
4 value?

5 MR. DUBOW: There's other data
6 that's available that OPA looks at to
7 figure that out, so that they would go to
8 that substitute data.

9 COUNCILMAN GREEN: You were
10 able to provide us with a percentage of
11 the number of homes where the data is
12 actually complete in OPA's system.

13 MR. DUBOW: Where the
14 characteristics were complete.

15 COUNCILMAN GREEN:
16 Characteristics were complete, which was
17 50 percent.

18 MR. DUBOW: We're at 96 percent
19 characteristics, where characteristics
20 are complete.

21 COUNCILMAN GREEN: Ninety-six
22 percent now for residential properties in
23 the City?

24 MR. DUBOW: Yes.

25 COUNCILMAN GREEN: Okay. So

1 5/14/12 - WHOLE - BILL 120164, etc.
2 where are you on commercial and
3 industrial?

4 MR. DUBOW: I haven't asked
5 Mr. McKeithen that question.

6 COUNCILMAN GREEN: Ninety-six
7 percent collected, but it was only 50
8 percent in the system. Is it now 96
9 percent in the system?

10 MR. DUBOW: No. It's 96
11 percent collected.

12 COUNCILMAN GREEN: How much of
13 that data is in the system?

14 MR. DUBOW: I don't know how
15 many more have gotten over the 50
16 percent. I mean, they're probably a
17 little higher than that.

18 COUNCILMAN GREEN: How about
19 commercial and industrial?

20 MR. DUBOW: Commercial and
21 industrial, I think they're still
22 gathering the data, so I don't think
23 they've been putting that in the system
24 yet.

25 COUNCILMAN GREEN: So for how

1 5/14/12 - WHOLE - BILL 120164, etc.
2 many commercial and industrial properties
3 are there? A hundred thousand?

4 MR. DUBOW: Right. Yes.

5 COUNCILMAN GREEN: So for a
6 hundred thousand properties, there's no
7 new data in the system?

8 MR. DUBOW: No. I think
9 they're still taking that in.

10 COUNCILMAN GREEN: Okay. So
11 could we end up with a situation where
12 commercial and industrial don't really
13 increase all that much in value at all
14 because we don't have a lot of new data
15 or information to adjust commercial and
16 industrial to its actual value, but we
17 actually move residences to their actual
18 value?

19 MR. DUBOW: Well, we would be
20 moving commercial and industrial to their
21 actual value. We'll get information --
22 is that your question?

23 COUNCILMAN GREEN: Well, I
24 mean, you have three months at this point
25 to input data for a hundred thousand

1 5/14/12 - WHOLE - BILL 120164, etc.
2 properties that is a process that has not
3 started. Since it's a manual process --

4 MR. DUBOW: But this is the
5 schedule they laid out. They're on the
6 schedule that they've laid out, so
7 they're not behind, in other words. They
8 are still confident they'll get that
9 done.

10 COUNCILMAN GREEN: Confident
11 that they'll get it done and have the
12 actual value?

13 MR. DUBOW: Yes. Yes.

14 COUNCILMAN GREEN: Not just
15 data entered?

16 MR. DUBOW: Correct.

17 COUNCILMAN GREEN: All right.
18 I have to accept that.

19 For commercial and industrial
20 property owners and residential property
21 owners to pay the same percentage of
22 dollars collected by the City that they
23 pay today, what would have to be true?

24 MR. DUBOW: So, for example,
25 you gave the discussing analysis that

1 5/14/12 - WHOLE - BILL 120164, etc.
2 said residential properties going up
3 three and a half times from their current
4 market value to their future market
5 values. For the distribution to be the
6 same, if that three and a half times were
7 accurate, commercial and industrial would
8 also have to go up three and a half
9 times. So they'd have to go up the same.

10 COUNCILMAN GREEN: The same
11 exact. So they'd have to both be valued
12 at three and a half times below their
13 actual value?

14 MR. DUBOW: Correct.

15 COUNCILMAN GREEN: And we don't
16 believe that to be true?

17 MR. DUBOW: So --

18 COUNCILMAN GREEN: Does the
19 Administration believe that to be true,
20 commercial and industrial properties are
21 valued three and a half times below their
22 actual value?

23 MR. DUBOW: We don't believe
24 that the change will be exact, but we
25 don't know how that difference will

1 5/14/12 - WHOLE - BILL 120164, etc.
2 compare.

3 COUNCILMAN GREEN: Let's just
4 say that it's 66 percent of value. How
5 much tax would we shift from commercial
6 and industrial property owners to
7 residential property owners?

8 MR. DUBOW: So you're saying if
9 it grew -- if it was like 130 percent
10 increase rather than 250 percent
11 increase? I'm not sure what your
12 question was.

13 COUNCILMAN GREEN: Yes.

14 MR. DUBOW: So there would be a
15 fairly substantial shift in that
16 scenario.

17 COUNCILMAN GREEN: Could it be
18 on the order of a couple hundred million
19 dollars?

20 MR. DUBOW: I'd have to go back
21 and look at the shift, but I don't know
22 that that's where the shift will be. You
23 know what I'm saying? I don't know that
24 that's what will happen with commercial
25 properties.

1 5/14/12 - WHOLE - BILL 120164, etc.

2 COUNCILMAN GREEN: Because you
3 don't know the aggregate value?

4 MR. DUBOW: Right.

5 COUNCILMAN GREEN: But as a
6 policy matter through this shift, do you
7 think it makes sense to shift, if that's
8 the case, a couple hundred million
9 dollars of taxes that are currently being
10 paid by commercial and industrial
11 property owners to residential property
12 owners?

13 MR. DUBOW: I don't think that
14 would be a good policy.

15 COUNCILMAN GREEN: You don't
16 think that would be a good policy?

17 MR. DUBOW: Right.

18 COUNCILMAN GREEN: Thank you.

19 Thank you, Mr. President.

20 COUNCIL PRESIDENT CLARKE:

21 You're welcome.

22 The Chair recognizes Councilman
23 Squilla.

24 COUNCILMAN SQUILLA: Good
25 afternoon, guys.

1 5/14/12 - WHOLE - BILL 120164, etc.

2 MR. DUBOW: Good afternoon.

3 COUNCILMAN SQUILLA: I want to
4 shift gears a little bit and just ask
5 about how our process is faring in the
6 state as far as the reduction -- the
7 allowable to reduce the millage for the
8 school side and also the homestead.

9 MR. DUBOW: So there are --
10 they're in separate bills. The homestead
11 bill has been approved by the Senate, is
12 now in the House, was approved by the
13 House Urban Affairs Committee last week
14 with a favorable recommendation, with
15 amendments, and now I think it goes to
16 House Appropriations, and then when it
17 gets out of there, it would go to the
18 full floor.

19 The bill that would allow us to
20 reduce our rates is still in the Senate,
21 was approved or given a favorable
22 recommendation by the Senate Urban
23 Affairs Committee and is now in Senate
24 Appropriations.

25 COUNCILMAN SQUILLA: Has there

1 5/14/12 - WHOLE - BILL 120164, etc.
2 been any -- the amendments you mentioned
3 to the homestead, would any amendments
4 that were put into that bill affect the
5 implementation of AVI?

6 MR. DUBOW: Yeah. So the
7 amendment -- one of the amendments
8 changed the time that someone has to
9 apply for a homestead from 30 days to 60
10 days. We're trying to get that switched
11 back to 30 days, because the 60 days
12 would provide logistical problems for us
13 in the first year. In future years, it
14 would be 75 days, but with the timeframe
15 we have, we want to do it in 30 days this
16 year.

17 COUNCILMAN SQUILLA: So what we
18 want to do is limit the timeframe that
19 people have to apply for the homestead
20 from when it's introduced to --

21 MR. DUBOW: We want it to have
22 30 days, and we want to make sure through
23 the City campaign that they know it's
24 available, that they know what they have
25 to do, and we want to make the process

1 5/14/12 - WHOLE - BILL 120164, etc.

2 very easy so that 30 days shouldn't be a
3 problem for people.

4 COUNCILMAN SQUILLA: And how do
5 you feel that's progressing? That would
6 have to be amended back in the Senate?

7 MR. DUBOW: Well, it would have
8 to be amended in the House and then go
9 back to the Senate for concurrence.

10 COUNCILMAN SQUILLA: Okay. The
11 reduction of the millage rate for the
12 School District, it's still in the
13 Senate, has yet to go through the House,
14 hasn't come out of committee?

15 MR. DUBOW: It went out of
16 Urban Affairs and is now in
17 Appropriations.

18 COUNCILMAN SQUILLA: Is there
19 any amendments?

20 MR. DUBOW: There have been a
21 couple amendments discussed. They
22 haven't been voted on yet, and the
23 amounts would limit -- would require that
24 any increase in revenue have a separate
25 vote from the actual value vote, not only

1 5/14/12 - WHOLE - BILL 120164, etc.
2 this year but in future years.

3 COUNCILMAN SQUILLA: It would
4 be a separate vote so that each
5 increase -- as long as it was increased
6 in value, a separate vote would have to
7 be initiated?

8 MR. DUBOW: Yes.

9 COUNCILMAN SQUILLA: And then
10 so every year, we would be back in
11 front --

12 MR. DUBOW: Yes.

13 COUNCILMAN SQUILLA: -- to see
14 if we could do that or not?

15 MR. DUBOW: Yes.

16 COUNCILMAN SQUILLA: Is that
17 something that would hurt the actual
18 implementation of AVI?

19 MR. DUBOW: It would require
20 that Council take two votes.

21 COUNCILMAN SQUILLA: Okay. So
22 they're the two that we need in order to
23 push forward with AVI this year?

24 MR. DUBOW: Correct.

25 COUNCILMAN SQUILLA: If for

1 5/14/12 - WHOLE - BILL 120164, etc.
2 some reason the amendments came back or
3 another amendment was added to this that
4 may be more difficult to pass with the
5 AVI, we do have a fallback system in
6 place, correct?

7 MR. DUBOW: Yes. We have a
8 fail-safe rate in the legislation.

9 COUNCILMAN SQUILLA: And in
10 that legislation, what is the fail-safe
11 millage?

12 MR. DUBOW: It's two and a half
13 percent.

14 COUNCILMAN SQUILLA: And are we
15 still sticking by that?

16 MR. DUBOW: Yes.

17 COUNCILMAN SQUILLA: So if for
18 some reason we don't get the reduction or
19 there's amendments put in that maybe not
20 enable us to do it, the first year tax
21 millage rate would be 2.5 percent?

22 MR. DUBOW: Correct.

23 COUNCILMAN SQUILLA: And if
24 that's the case, what would we collect
25 depending on our estimated assessment

1 5/14/12 - WHOLE - BILL 120164, etc.

2 value?

3 MR. DUBOW: Well, the two and a
4 half percent -- we don't know what the
5 total assessment would be, so I can't
6 give you an exact number, but that two
7 and a half percent assumes smoothing and
8 a homestead, and then we assume that it
9 would be relatively close to what we
10 collect now. Without smoothing and
11 homestead, then it would be a different
12 rate. We'd have to revisit that.

13 COUNCILMAN SQUILLA: And that's
14 the homestead at 15,000?

15 MR. DUBOW: Yes. That's
16 correct.

17 COUNCILMAN SQUILLA: So if the
18 homestead was more than 15,000, then the
19 two and a half percent would not collect
20 the same?

21 MR. DUBOW: That's right. Any
22 change in the homestead, we'd have to go
23 back and look at what the --

24 COUNCILMAN SQUILLA: So the
25 fail-safe wouldn't work in that case?

1 5/14/12 - WHOLE - BILL 120164, etc.

2 MR. DUBOW: We'd have to go
3 back and adjust the fail-safe, that's
4 right, if we change the homestead.

5 COUNCILMAN SQUILLA: Would that
6 need another vote by Council?

7 MR. DUBOW: Yeah. If you were
8 changing the homestead amount, that would
9 require an amendment to the bill, and
10 then at the same time, we would want to
11 amend the fail-safe to do it at the same
12 time.

13 COUNCILMAN SQUILLA: Okay.
14 Thank you. I'll go to the next round.

15 COUNCIL PRESIDENT CLARKE:

16 Thank you, Councilman.

17 Any other questions for these
18 witnesses?

19 Councilman Goode.

20 COUNCILMAN GOODE: If the
21 homestead exemption is changed, it does
22 not need to be changed on the state
23 level. I thought they gave us the
24 ability to set it on the local level?

25 MR. DUBOW: That's correct. So

1 5/14/12 - WHOLE - BILL 120164, etc.
2 once we got authorization of the state,
3 we can set whatever level of homestead we
4 want at the local level, so long as it's
5 not more than 50 percent of the median.

6 COUNCILMAN GOODE: Okay.

7 Thank you, Mr. President.

8 COUNCIL PRESIDENT CLARKE:

9 Thank you, Councilman.

10 Thank you very much. Could you
11 kind of hang around, somebody. We have a
12 number of community.

13 MS. LEWIS: James White,
14 Montgomery Wilson and Stephanie Seldin.

15 (Witnesses approached witness
16 table.)

17 MR. WHITE: Good afternoon and
18 thank you for the opportunity to testify.
19 My name is James White.

20 COUNCIL PRESIDENT CLARKE: Slow
21 down, Mr. White. Slow down. Let me --

22 MR. WHITE: I'm sorry, Council
23 President. How are you today?

24 COUNCIL PRESIDENT CLARKE: Just
25 fine. That's good. I can tell you're a

1 5/14/12 - WHOLE - BILL 120164, etc.
2 veteran. I just wanted to say good
3 afternoon to you first. Good afternoon,
4 and we're going to ask that everyone
5 testify and then there'll be questions.
6 Okay?

7 MR. WHITE: Yes, sir.

8 COUNCIL PRESIDENT CLARKE:
9 Thank you, sir.

10 MR. WHITE: By your lead.

11 Thank you for the opportunity
12 to testify. My name is James White and I
13 am the Policy Coordinator of the
14 Philadelphia Association of Community
15 Development Corporations. PACDC is a
16 citywide association of 90 organizations,
17 including 45 community development
18 corporations, that have extensive
19 experience working to revitalize
20 Philadelphia's neighborhoods while
21 addressing the needs of local residents.
22 Today I would like to testify in support
23 of tax relief measures that are critical
24 to enabling residents to maintain and
25 remain in their homes and communities as

1 5/14/12 - WHOLE - BILL 120164, etc.
2 property values and assessments increase.

3 As the City continues to
4 advance a citywide assessment based on
5 actual property values, low-income and
6 long-term homeowners, especially in
7 neighborhoods where values have
8 appreciated, could be significantly
9 impacted. We applaud Council President
10 Darrell Clarke and the other
11 Councilmembers for taking the lead in
12 introducing property tax relief measures
13 to ensure a balanced approach to
14 protecting homeowners and generating
15 revenue through implementation of the
16 City's Actual Value Initiative. PACDC
17 has and will continue to advocate for
18 circuit breaker measures that protect
19 low-income and long-term homeowners that
20 are at risk.

21 First, PACDC supports relief to
22 offset increased property values and
23 taxes. While our understanding is that
24 the state authorization for a homestead
25 exemption of the first 15,000 of property

1 5/14/12 - WHOLE - BILL 120164, etc.
2 values is pending in Harrisburg and that
3 the Administration will likely phase in
4 the increase and allow seniors who are
5 homeowners to defer increases over a
6 certain amount, we don't think those
7 measures are sufficient. Bill No. 120340
8 would authorize the Office of Property
9 Assessment to grant tax exemptions to
10 longtime owner-occupants for a portion of
11 the increased property tax obligations in
12 their neighborhoods where new investment
13 has resulted in significant appreciation
14 of home values.

15 Depending on the amount of the
16 exemption, this legislation could be very
17 valuable. Given today's market
18 conditions have slowed considerably, we
19 think it is important to examine home
20 value appreciation over the past ten
21 years, during which time values went up
22 substantially in a number of
23 neighborhoods. Going forward, it may
24 make sense to tie the exemption to the
25 actual citywide appreciation rates in

1 5/14/12 - WHOLE - BILL 120164, etc.
2 some fashion rather than a simple flat
3 percentage.

4 PACDC believes the City should
5 grant exemptions to longtime homeowners
6 who pay their taxes and choose to reside
7 in Philadelphia and help stabilize their
8 neighborhoods. They deserve relief from
9 escalating taxes that will occur as AVI
10 is implemented. Providing that relief is
11 better than having lifelong
12 Philadelphians leave their neighborhood
13 or the City, as so many of their
14 neighbors did in the previous decades.
15 We don't want to see vulnerable
16 low-income homeowners and
17 multi-generational families displaced
18 from their communities and social
19 networks.

20 Two, make deferral of real
21 estate tax a more attractive option by
22 reducing interest charges. Now is the
23 time for the City Council to authorize
24 the Philadelphia Department of Revenue to
25 grant deferrals of real estate taxes at a

1 5/14/12 - WHOLE - BILL 120164, etc.
2 reasonable interest rate as proposed in
3 Bill No. 120338. While some homeowners
4 may be hesitant to participate in
5 deferrals because of the reluctance to
6 encumber their asset, speaking for myself
7 as one, this legislation could make the
8 difference to some property owners who
9 otherwise would be priced out of their
10 homes and communities due to increased
11 property taxes.

12 Number three, PACDC supports a
13 tax credit for low-income taxpayers.
14 City Council should also pass Bill No.
15 120339, entitled "Special Real Estate Tax
16 Provisions for Low Income Taxpayers," to
17 provide credits against real estate tax
18 for low-income taxpayers, including
19 low-wage families not served by current
20 protections.

21 Set up installment payments on
22 real estate taxes to soften the impact.
23 As proposed in Bill No. 120341, the City
24 should permit a broader range of
25 homeowners the opportunity to pay annual

1 5/14/12 - WHOLE - BILL 120164, etc.

2 real estate taxes in four equal
3 installments without having to pay
4 interest, so long as each year's taxes
5 are paid before the end of the year.

6 This bill will make it easier for
7 property owners, regardless of income, to
8 pay their taxes, while still providing
9 the City and the School District the
10 revenues they need to sustain their
11 budgets.

12 Finally, we believe it is
13 critical that the City launch a
14 significant public education campaign
15 targeted to homeowners around the
16 availability of these measures and to
17 provide adequate time to take advantage
18 of these measures before they are hit by
19 new assessments.

20 If I may, in particular we do
21 not agree with the Administration. We
22 believe that in reality, it takes
23 homeowners and more people time to
24 respond, and 30 days just isn't adequate
25 enough time, Council President and

1 5/14/12 - WHOLE - BILL 120164, etc.
2 members of the Council, for homeowners
3 and residents to respond, even if they
4 were hit with ads every inning during the
5 Phillies game.

6 We look forward to working with
7 the City Council, the Mayor and his
8 Administration to ensure that adequate
9 protections for low-income and long-term
10 homeowners are in place before AVI is
11 implemented so that neighborhood
12 revitalization can be advanced in an
13 equitable way.

14 Thank you.

15 COUNCIL PRESIDENT CLARKE:

16 Thank you.

17 MR. WILSON: Thank you,
18 Councilmembers. My name is Monty Wilson.
19 I'm a senior attorney at Community Legal
20 Services. I'm here today with my
21 co-counsel, Stephanie Fleischer Seldin
22 from VIP, and I think there's a couple
23 points I want to hit, but mostly I want
24 to try to put a human face on who is
25 going to be affected if the AVI

1 5/14/12 - WHOLE - BILL 120164, etc.
2 initiative goes into effect and the
3 proposals that you have in front of you
4 today and some others that I have in mind
5 are not put into place. I would urge
6 Council to put these bills in place, pass
7 them and take further steps in order to
8 mitigate the effect that it's going to
9 have on low-income homeowners.

10 I've worked at CLS in their
11 Consumer Unit, Housing Unit, for the last
12 ten years, mostly focused on private
13 mortgage foreclosures. However, in the
14 last two or three years, we've seen a
15 spike in the number of municipal mortgage
16 foreclosures that have occurred across
17 the City such that at CLS and
18 Philadelphia Legal Assistance together,
19 just in the last four months we have had
20 over 340 individuals come into our office
21 seeking advice about their delinquent
22 taxes where they've received a demand
23 notice or where they're facing a
24 foreclosure action filed by the City or
25 one of the City's agents to foreclose on

1 5/14/12 - WHOLE - BILL 120164, etc.

2 their home for past due real estate
3 taxes.

4 Based on data that we've gotten
5 from the American Census Bureau, we
6 estimate that there are 67,000 low-income
7 homeowners in Philadelphia who are living
8 at or below the federal poverty
9 guidelines. That's \$23,000 a year for a
10 family of four, about \$1,900 a month.
11 Those are the people who are going to be
12 affected by AVI. Those are the people
13 who are going to see their bills double
14 or triple, plus tens of thousands more
15 who are just above that threshold, who
16 are living in the area between 23,000 to
17 43,000, just 200 percent of the federal
18 poverty income guidelines. They're also
19 going to be hit. We would urge you to
20 take these steps and pass these bills
21 today to give those people the relief
22 that they need.

23 I myself have represented many
24 clients in tax foreclosure cases in
25 increasing number, and I'd like to tell

1 5/14/12 - WHOLE - BILL 120164, etc.
2 you about three of them in particular who
3 I think exemplify what's needed, and
4 we'll point out some of the steps that
5 need to be taken beyond the bills today.

6 First, I want to talk to you
7 about Mr. and Mrs. M. The M's came to me
8 just a month ago facing a tax
9 foreclosure. They were a working family.
10 They were both working full time. They
11 have three daughters. Mr. M became
12 disabled in 2004 and lost his job. After
13 they used up their savings, they're now
14 living only on Mrs. M's salary of \$1,500
15 a month to cover expenses for a family of
16 five.

17 They have a mortgage on the
18 property. They're able to pay that.
19 Unfortunately, it's a subprime mortgage
20 and they're not -- which does not escrow
21 for taxes. So they've built up a tax
22 bill of over \$10,000 and they're now
23 facing a tax foreclosure.

24 If AVI goes into effect, that
25 will easily double or triple their tax

1 5/14/12 - WHOLE - BILL 120164, etc.
2 liability. Based on comparable sales
3 values available on the OPA website
4 compared to what their property is
5 currently valued at, their property would
6 be worth approximately three times more.
7 If that triples their tax bill, there's
8 no way that family of five is going to be
9 able to pay their income tax every year,
10 and they'll be faced with either a
11 mortgage foreclosure or a tax
12 foreclosure.

13 The bills you're considering
14 today will help them, but the tax credit,
15 which I think will be the most important
16 for low-income homeowners, unfortunately
17 as it's currently written is too low to
18 reach their income level. They're a
19 family of five living on \$23,000 a year.
20 As the table that I just saw with the
21 percentages this morning is laid out,
22 they would not qualify for the 50 percent
23 level of that tax credit. We need
24 something else in place for folks like
25 that who are still living below the

1 5/14/12 - WHOLE - BILL 120164, etc.

2 poverty level.

3 That brings us to the
4 exemption. I know there's been some talk
5 today about having a straight exemption
6 or an exemption for all homeowners or 100
7 percent exemption of some value. That's
8 the kind of relief that the M's will
9 need, along with some ability to get into
10 a low-income payment plan on the back
11 taxes they already owe.

12 Then I have Mr. K. Mr. K is my
13 favorite client of all time. He's the
14 hardest working man in Philadelphia.
15 I've represented him in bankruptcy for
16 the last five years. He and his brother
17 inherited a house in North Philadelphia,
18 along with \$19,000 due on a mortgage and
19 \$12,000 in taxes. They didn't take out
20 that mortgage, which was initially a
21 \$12,000 loan. They did not pay their
22 taxes. They inherited it from their
23 mother.

24 Mr. K and his brother got jobs.
25 We filed a bankruptcy, and in the last

1 5/14/12 - WHOLE - BILL 120164, etc.
2 five years, they have successfully paid
3 off the entire mortgage balance, paying
4 it off in full. They did that even after
5 the recession hit and Mr. K's brother
6 lost his job. They did that when Mr. K
7 had to have surgery. They did that when
8 he began to suffer with a disease that
9 caused him to itch constantly and shed
10 skin. He never quit his job. He never
11 stopped working.

12 Right now they're living on
13 \$1,000 a month. They finished their
14 bankruptcy. They just received their
15 discharge order. That mortgage is paid
16 in full, and last month they were sued
17 for the delinquent real estate taxes.
18 Mr. K, of course, came to me immediately,
19 and I am representing him. We're trying
20 to work out a payment plan. But what he
21 needs is some kind of an exemption, and
22 this credit, which, again, unfortunately
23 he would not qualify because his income
24 is not exempt, to allow him to both be
25 able to pay an affordable amount on his

1 5/14/12 - WHOLE - BILL 120164, etc.
2 taxes and some kind of provision that
3 would allow him to get into an affordable
4 payment on the back taxes that this house
5 has accrued.

6 This isn't the kind of
7 individual we want to put in the street.
8 This is a man who just paid off a \$12,000
9 mortgage that was now due for 19,000,
10 paid it off entirely in five years. This
11 is the kind of person we want to keep in
12 Philadelphia.

13 Finally, there's Ms. G. Ms. G
14 is 72 years old. She's raised three
15 kids, has four grandchildren, and she's
16 lived in Philadelphia since 1972. She's
17 current on her taxes and her mortgage.
18 Her husband died a few years ago and she
19 lost about 40 percent of her income.
20 Nonetheless, she's made those payments.
21 But the tax bills in the last couple of
22 years have gone up, causing her total
23 payment to go up by about 20 percent,
24 forcing her to spend about 40 percent of
25 her income on her home expenses. She's

1 5/14/12 - WHOLE - BILL 120164, etc.
2 right on the edge, and she came to us
3 desperate for some kind of help. I'm
4 working with her to work with the
5 mortgage company. But if AVI goes into
6 effect and doubles or triples her tax
7 bill, that's it. There's no way she can
8 afford to pay another \$200 a month
9 towards her taxes. And this 72-year-old
10 woman, who has paid her taxes every year,
11 will lose her home.

12 These are the folks who need
13 these bills. So I would ask you today to
14 pass these bills, to consider raising the
15 credit level so that people like Mr. K
16 and Ms. M and Ms. G will be able to be
17 eligible for them.

18 I would also urge you to pass
19 the tax collection ordinance that I know
20 Councilman Green introduced one or two
21 months ago, Bill, I believe it's, 120052,
22 because this isn't just a question of
23 what are we going to do going forward,
24 it's what do we do with the delinquent
25 taxes that are due now and, let's face

1 5/14/12 - WHOLE - BILL 120164, etc.
2 it, if AVI goes into effect, the
3 delinquent taxes that are quite likely to
4 come due in the future.

5 We need a system that's clear,
6 transparent and uniform across the City
7 so that people can get into affordable
8 payment plans.

9 Finally -- and I think my
10 co-counsels would agree with me -- we
11 need to have not just a public awareness
12 campaign system, we need a system in
13 place that refers homeowners and those
14 who are delinquent on their taxes to
15 housing counselors so that they can get
16 the information they need about all the
17 options, including the ones we're talking
18 about today, that are out there to put
19 them in place so that they can get into a
20 plan. Right now in Philadelphia we have
21 a Foreclosure Diversion Program that send
22 people automatically. Lenders are
23 required to send them a letter saying,
24 Get yourself to a counselor, get yourself
25 to CLS, get yourself to PLA and get into

1 5/14/12 - WHOLE - BILL 120164, etc.

2 a plan.

3 I don't want just a public

4 education --

5 COUNCIL PRESIDENT CLARKE: Sir.

6 MR. WILSON: Thirty seconds.

7 COUNCIL PRESIDENT CLARKE: You
8 ignored the clock, but you got to kind of
9 wrap it up.

10 MR. WILSON: I don't want just
11 a public education seminar. I want a
12 system that sends out a letter and puts
13 public education in every subway to send
14 people to a counselor so that they can
15 get what they need.

16 COUNCIL PRESIDENT CLARKE:
17 Thank you.

18 MS. SELDIN: Good afternoon,
19 Mr. President and City Council. My name
20 is Stephanie Fleischer Seldin and I'm
21 with VIP. Philadelphia VIP is a sister
22 agency to Community Legal Services. We
23 provide free legal services to low-income
24 Philadelphians to the tune of about 3,000
25 people a year through pro bono attorneys.

1 5/14/12 - WHOLE - BILL 120164, etc.

2 And my specialty and the reason I'm up
3 here is because we deal with tangled
4 titles very often. A tangled title is a
5 situation where a homeowner believes they
6 own the home, but it's really in a
7 deceased relative's name or in even more
8 complicated situations like Mr. K's, it's
9 actually a fraudulent deed that has taken
10 place and someone has actually stolen our
11 client's home. So in addition to owing
12 taxes, possibly have a mortgage, they
13 also do not have title in their name. So
14 our clients have an additional factor to
15 deal with.

16 But I want to let everyone know
17 that our clients want to pay. Like our
18 friend of VIP, Frances Beckley from the
19 Department of Revenue said, our clients
20 are the folks with -- the little old
21 ladies with \$25 that they owe every month
22 and they are coming in to pay that, and
23 they want to pay that. But without these
24 tax relief measures, they will not be
25 able to be able to pay that any longer.

1 5/14/12 - WHOLE - BILL 120164, etc.

2 So I want also to concur with
3 my fellow testifiers today. We need this
4 tax relief bill. We need also Councilman
5 Green's and Councilwoman
6 Quinones-Sanchez's installment payment
7 bill. They need to be consistently
8 offered and consistently applied so that
9 we don't have to continue to bother
10 Councilpersons' staff, constantly asking
11 that they go back to our friends at the
12 City and say, you know, my constituent
13 needs to get into a payment plan and they
14 had to come to me to get that done
15 instead of being able to go to the
16 Municipal Services Building and get that
17 done. So this bill will go a long way
18 towards that. And we look forward to
19 working with Council to make that bill
20 even better, we hope.

21 So the City of Philadelphia is
22 a city of homeowners, and if we don't
23 pass these tax relief measures, we're
24 going to have a city of more homeless.
25 So we appreciate your support.

1 5/14/12 - WHOLE - BILL 120164, etc.

2 COUNCIL PRESIDENT CLARKE:

3 Thank you so much for your testimony.

4 Any questions of these

5 witnesses by members?

6 (No response.)

7 COUNCIL PRESIDENT CLARKE:

8 Thank you so much for coming down and

9 testifying.

10 MR. WILSON: Can we take your

11 silence as agreement?

12 COUNCIL PRESIDENT CLARKE:

13 Thank you.

14 MS. LEWIS: Darrell Zaslow.

15 (Witnesses approached witness

16 table.)

17 MR. ZASLOW: Good afternoon,

18 Mr. President. Darrell Zaslow, the

19 Homeowners Association of Philadelphia.

20 Mr. President, I appreciate the

21 opportunity to speak with Council.

22 It is unfortunate,

23 Mr. President, when taxpayers such as

24 property owners that I represent feel

25 overwhelmed by the expenditures of their

1 5/14/12 - WHOLE - BILL 120164, etc.
2 government. The citizens understand the
3 need to fund public services, and all of
4 us recognize the present economic
5 circumstances. Yet, when year after year
6 the government promises this is it, give
7 us more money, we'll run your government,
8 and those promises of temporary tax
9 increases and living within the budget
10 reliably fail at every level, property
11 owners are understandably displeased and
12 dejected.

13 Mr. President, these failures,
14 from our perspective, are not remotely
15 the fault of this City Council. To the
16 contrary, we see you working and
17 scrambling for solutions, and your
18 collective effort is appreciated. We can
19 only ask that you continue to exercise
20 the firmest legislative oversight to
21 ensure that those who implement the work
22 for you somehow maximize the results and
23 minimize the cost.

24 So now we're faced with another
25 massive shortfall, the sudden

1 5/14/12 - WHOLE - BILL 120164, etc.
2 announcement that highly paid officials
3 of the government say they made a
4 miscalculation somewhere, they need
5 another quarter billion dollars. And the
6 solution is always the same. They come
7 to you, Mr. President, to this
8 legislative body, and tell you increase
9 taxes, or else. Be assured that no one
10 in the public is fooled by the claim that
11 the Actual Value Initiative is not at its
12 heart a tax increase. No matter how the
13 initiative is presented, it's clear that
14 it's going to result in a hefty tax
15 increase for a great many families. When
16 the pre-announced goal of the project is
17 to collect \$94 million in additional
18 taxes, it's hard to approach the matter
19 as anything more than taxes being raised.

20 Even so, Mr. President, the
21 public recognizes that fairness and
22 equality in property tax assessment is
23 mandatory and appropriate. If and when
24 the details are determined, the Actual
25 Value concept certainly warrants

1 5/14/12 - WHOLE - BILL 120164, etc.
2 consideration and may well deserve
3 approval. But it is obviously the method
4 of implementation of this concept which
5 concerns your constituents and us in
6 particular.

7 We are here on one narrow piece
8 of the unfortunate puzzle that you are
9 tasked with piecing together, and this is
10 the exemption proposed in Bill 120340 for
11 long-term owners.

12 Our concern is this: The quest
13 to protect residents from losing the
14 place they call home is commendable.
15 Council's sensitivity to the issue is
16 admirable, and the proposed legislative
17 solution is on target. No one who has
18 lived in a home for a long time should be
19 forced to abandon that home because they
20 can't pay the taxes.

21 But yet from our perspective,
22 there is a significant flaw in the
23 proposal as presented in the bill. The
24 bill purports to be concerned about
25 residents who have lived in a place for a

1 5/14/12 - WHOLE - BILL 120164, etc.
2 long time, but the residents own their
3 home. While utterly discriminating
4 against a virtually identical citizen who
5 lives in an identical neighborhood who
6 lives in a virtually identical house for
7 an identical period of time or longer,
8 but that individual has made a life
9 decision, or perhaps life has made the
10 decision for them, that they decided to
11 rent the place that they call home, why
12 do the legislatively expressed
13 declarations of policy in the bill not
14 apply with identically equal force to
15 those of your tenant constituents who are
16 in equal danger of losing the homes where
17 they live if taxes dramatically increase?
18 When the bill recites a concern that some
19 residents are particularly vulnerable to
20 the process of neighborhood change known
21 as gentrification, why are those citizens
22 who rent their home, whose rent will of
23 necessity be increased in an amount equal
24 to the hefty new tax increase, why are
25 these citizens not entitled to some form

1 5/14/12 - WHOLE - BILL 120164, etc.
2 of equal protection from the bill? Why
3 are they not perceived as equally at risk
4 if indeed, Mr. President, the tenants are
5 more vulnerable to the danger of losing
6 their residences due to gentrification?

7 I understand we don't care here
8 about landlords. I wouldn't begin to ask
9 you to do anything for landlords with
10 this tax bill, but it's actual axiomatic.
11 When you lower the taxes for one group,
12 it has to be raised for another group.
13 The property owners who will pay more
14 taxes because you're exempting various
15 groups will pass the property tax
16 increase onto the tenants. And,
17 Mr. President, you expressed it exactly
18 on target earlier when you questioned
19 whether should there be an income issue
20 here and not just giving, frankly, you or
21 I some exemption from taxes, although we
22 would like it, but that is going to have
23 everyone else pay more.

24 I am privileged to know
25 firsthand the sincerity of this Council

1 5/14/12 - WHOLE - BILL 120164, etc.
2 and the people who are sitting here, and
3 your favoring of long-term
4 owner-occupants is not intended by you to
5 harm long-term tenant occupants, but
6 that, I suggest to you, is going to be
7 the result.

8 So long-term owner-occupants
9 face a real threat. Long-term tenant
10 occupants face the identical threat.
11 And, therefore, we must come before you
12 and say we cannot ask you to do anything
13 but oppose this bill as is presented,
14 because you're going to shift the burden
15 to property owners, shifting the burden
16 to their tenants, who will now be paying
17 more rent than they can afford.

18 We understand the difficulties
19 of this entire puzzle. We wish you
20 strength in resolving it. We hope you'll
21 take into account this concern that
22 exempting long-term owners really is
23 going to be at the expense of long-term
24 tenants.

25 Thank you, Mr. President.

1 5/14/12 - WHOLE - BILL 120164, etc.

2 I have sitting with me Robert
3 Levin, a businessman and property owner.
4 With your permission, he'll say a few
5 words.

6 He says that you're very busy.
7 He'll refrain from commenting further.

8 COUNCIL PRESIDENT CLARKE:
9 Okay.

10 MR. ZASLOW: Thank you very
11 much, Mr. President.

12 COUNCIL PRESIDENT CLARKE:
13 Thank you.

14 Any questions of these
15 witnesses by members of the Committee?

16 The Chair recognizes Councilman
17 Green.

18 COUNCILMAN GREEN: Thank you
19 for your testimony. Just very quickly,
20 your landlords, whether it's multi-family
21 or individual properties, do they pay
22 U&O?

23 MR. ZASLOW: They do have to
24 get a U&O permit.

25 COUNCILMAN GREEN: Do they pay

1 5/14/12 - WHOLE - BILL 120164, etc.

2 use and occupancy tax, though?

3 MR. ZASLOW: They pay the
4 business privilege tax.

5 COUNCILMAN GREEN: But they
6 don't pay use and occupancy tax; that's
7 only paid by commercial --

8 MR. ZASLOW: That's only for
9 commercial.

10 COUNCILMAN GREEN: That's
11 right. And so are you aware of the
12 proposed move from commercial and
13 industrial to residential taxpayers,
14 which would apply to your industry and to
15 all residents in general?

16 MR. ZASLOW: I'm not
17 specifically aware of that Councilman,
18 no.

19 COUNCILMAN GREEN: Okay. I'd
20 ask you to take a look into it, because
21 it's costing you -- it's going to cost
22 all people who own residential properties
23 a couple hundred million dollars in
24 addition to the \$94 million, because
25 there will be a significant shift from

1 5/14/12 - WHOLE - BILL 120164, etc.
2 commercial and industrial property taxes
3 to residential taxpayers in terms of the
4 dollars the City collects from each
5 category, which will then be apportioned
6 among property owners. So it's not a 9
7 percent overall increase on the
8 residential side; it could be as high as
9 29 percent, with commercial and
10 industrial going down.

11 MR. ZASLOW: Thank you,
12 Councilman.

13 COUNCILMAN GREEN: So just be
14 aware of that.

15 MR. ZASLOW: Thank you very
16 much.

17 Thank you, Mr. President.

18 COUNCIL PRESIDENT CLARKE:
19 Thank you.

20 Any other questions?

21 (No response.)

22 COUNCIL PRESIDENT CLARKE:
23 Thank you, gentlemen.

24 Is there anyone else who wishes
25 to testify on this bill today?

1 5/14/12 - WHOLE - BILL 120164, etc.

2 (No response.)

3 COUNCIL PRESIDENT CLARKE:

4 There being none, I would ask for a
5 three-minute break so we can reestablish
6 a quorum.

7 (Brief recess.)

8 COUNCIL PRESIDENT CLARKE:

9 We're going to reconvene the hearing now.
10 We're going to start the hearing again,
11 real briefly.

12 Can I have your attention,
13 please.

14 Thank you. We're going to be
15 moving from the public hearing and go
16 into the public meeting to do a couple of
17 things. One, we would like to offer
18 amendments to Bill No. 120339 and we're
19 going to offer an amendment to Bill No.
20 120340, and Councilman Green is going to
21 offer amendments to --

22 COUNCILMAN GREEN: 173 and 175.

23 COUNCIL PRESIDENT CLARKE: --

24 173 and 175. We will not be taking
25 action on those amendments, but they will

1 5/14/12 - WHOLE - BILL 120164, etc.
2 be a part of the conversation as we move
3 forward on those bills, but we'll ask for
4 an action on these two amendments, on 339
5 and 340.

6 Real quickly, if you heard
7 earlier testimony with respect to the
8 Administration referencing the fact that
9 these measures -- two of these measures
10 did not have specific language; i.e.,
11 numbers, we will be doing that today with
12 the amendments. In 339, the amendment
13 will specify the amount of the tax credit
14 which will be determined and which would
15 vary depending upon income level. And
16 Bill No. 120340, the amendment will
17 specify the amount of the exemption of
18 the eligibility.

19 Real briefly, this is the
20 gentrification legislation. For purposes
21 of the amendment, it must reference the
22 language that creates an exemption, but
23 essentially that amendment will
24 essentially be a cap. The state
25 authorization is not quite clear on the

1 5/14/12 - WHOLE - BILL 120164, etc.
2 language, so it does reference an
3 exemption, but in all intents and
4 purposes, it is probably a cap, and that
5 will be approximately 20 percent. If
6 your property values increase by 500
7 percent or more, you will be eligible for
8 a 20 percent cap on your increase in that
9 particular measure. So essentially a
10 thousand dollars in taxes, it goes up
11 another thousand dollars, then you'll be
12 able to get a cap on that particular
13 increase that will bring you around \$200.

14 Okay. So right now we will go
15 from the public hearing to the public
16 meeting.

17 The Chair recognizes Councilman
18 Jones on Bill No. 120339.

19 COUNCILMAN JONES: Both bills?

20 COUNCIL PRESIDENT CLARKE: You
21 can do both, sir.

22 COUNCILMAN JONES: Thank you,
23 Mr. President. I would like to offer
24 some amendments to Bills No. 120339 and
25 120340 on your behalf and defer to you to

1 5/14/12 - WHOLE - BILL 120164, etc.
2 make any other comments of substance on
3 these amendments themselves before we
4 actually go into a public meeting so that
5 they may be voted on.

6 COUNCIL PRESIDENT CLARKE:

7 Thank you.

8 The Chair recognizes -- you
9 made the motion, Councilman?

10 (Duly seconded.)

11 COUNCIL PRESIDENT CLARKE: Been
12 moved and properly seconded.

13 Those in favor?

14 (Aye.)

15 COUNCIL PRESIDENT CLARKE:

16 Those opposed?

17 (No response.)

18 COUNCIL PRESIDENT CLARKE: The
19 ayes have it. Bills No. 120339 and
20 120340 are amended.

21 The Chair now recognizes
22 Councilman Green for a motion on --
23 actually, I'm sorry, just recognize
24 Councilman Green for amendment.

25 COUNCILMAN GREEN: Thank you,

1 5/14/12 - WHOLE - BILL 120164, etc.

2 Mr. President. I'm not asking for action
3 on these amendments today. I simply
4 introduce one amendment on Bill No.
5 120173 and I have five amendments on Bill
6 120175. These amendments would keep the
7 shift to actual value revenue neutral,
8 which it sounds like is required by the
9 State Senate anyway, and then it raises
10 the additional \$94 million for the School
11 District by increasing the U&O tax rather
12 than burdening residential property
13 owners and creating a windfall for
14 commercial and industrial property
15 owners.

16 Thank you, Mr. President.

17 COUNCIL PRESIDENT CLARKE:

18 Thank you, Councilman. Thank you very
19 much, Councilman.

20 We will now go back into the
21 hearing. Are there any other witnesses
22 for the bills?

23 (No response.)

24 COUNCIL PRESIDENT CLARKE:

25 There being none, thank you very much.

1 5/14/12 - WHOLE - BILL 120164, etc.

2 We will recess until tomorrow
3 at 1 o'clock. Thank you.

4 For the record, the School
5 District will be in tomorrow at 1 o'clock
6 for anyone interested in questioning the
7 School District about their proposal.
8 I'm sure there will be a number of
9 individuals. One o'clock.

10 Thank you.

11 (Committee of the Whole
12 recessed at 3:10 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on May 14, 2012, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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