

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON FINANCE

Room 400, City Hall
Philadelphia, Pennsylvania
Monday, June 4, 2012
2:15 p.m.

PRESENT:

COUNCILMAN BILL GREEN, CHAIR
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN DENNIS O'BRIEN
COUNCILWOMAN BLONDELL REYNOLDS BROWN

BILL 120054 - An ordinance amending Chapter 19-1300 of The Philadelphia Code, entitled "Real Estate Taxes," by providing for installment payment agreements and requiring commencement of enforcement action...

BILL 120176 - An ordinance constituting the Twelfth Supplemental Ordinance to the Amended and Restated General Airport Revenue Bond Ordinance...

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COUNCILMAN GREEN: We will now convene the public hearing of the Committee of Finance on Bills No. 120054 and 120176.

Will the Clerk please read the titles.

THE CLERK: Bill No. 120054, an ordinance amending Chapter 19-1300 of The Philadelphia Code, entitled "Real Estate Taxes," by providing for installment payment agreements and requiring commencement of enforcement action, all under certain terms and conditions.

Bill No. 120176, an ordinance constituting the Twelfth Supplemental Ordinance to the Amended and Restated General Airport Revenue Bond Ordinance; authorizing the Mayor, the City Controller and the City Solicitor, or a majority of them, to issue and sell one or more series or subseries of tax-exempt or taxable airport revenue bonds or notes of the City of Philadelphia, some or all of which may be used for the

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2 implementation of a commercial paper
3 program; setting forth the use of
4 proceeds; determining the sufficiency of
5 pledged Amounts Available for Debt
6 Service; covenanting for the payment of
7 interest and principal; authorizing the
8 Bond Committee to take certain action
9 with regard to the terms and conditions
10 of the airport revenue bonds or notes and
11 related agreements and the elections
12 under the Amended and Restated General
13 Airport Revenue Bond Ordinance;
14 authorizing the Director of Finance to
15 take certain actions with regard to the
16 sale of such airport revenue bonds or
17 notes, the investment of the proceeds
18 thereof and the City's continuing
19 disclosure obligation; amending the
20 Amended and Restated General Airport
21 Revenue Bond Ordinance; and specifying
22 applicability of sections of The First
23 Class City Revenue Bond Act and the
24 Amended and Restated General Airport
25 Revenue Bond Ordinance.

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2 COUNCILMAN GREEN: Thank you.

3 I note the presence of a quorum
4 with Councilman O'Brien, Councilwoman
5 Reynolds Brown, Councilman Greenlee,
6 Councilwoman Blackwell and Councilman
7 Goode.

8 Will Commissioner Richardson
9 please come testify, and then we'll hear
10 from -- we're not going to move this bill
11 today. We're going to hear from all of
12 the other people testifying and then
13 we'll take any questions at that time.

14 (Witnesses approached witness
15 table.)

16 COMMISSIONER RICHARDSON: Good
17 afternoon, Councilman Green. Keith J.
18 Richardson, Revenue Commissioner. Good
19 afternoon, Councilman Green, members of
20 the Committee of Finance. With me today
21 is Frances Ruml Beckley, Chief Counsel
22 for the Revenue Department, and we're
23 here regarding testimony for Bill No.
24 120054.

25 The Revenue Department is not

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2 insensitive to the shortcomings of the
3 present real estate tax collection
4 system, and over the past few years, we
5 have taken steps to improve that system.
6 To give just one example, last November,
7 for the first time, we sent letters to
8 first-time delinquent real estate
9 taxpayers explaining that if they do not
10 pay their 2011 real estate taxes by the
11 end of the calendar year, the additions
12 to their tax bill would be capitalized
13 and their tax liability will be liened.
14 Almost 4,000 of the roughly 13,000
15 taxpayers who got that letter paid before
16 the end of the year. That not only
17 increased collections, but also saved the
18 City roughly \$20,000 when the remaining
19 first-time delinquents had to receive a
20 certified letter this February.

21 Another improvement recently
22 implemented by the Revenue has been
23 increased cooperation with the Law
24 Department in handling payment
25 agreements. Most Law payment agreements

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2 are now entered into the Revenue system
3 for automated billing and payment
4 processing, which should improve customer
5 service while reducing clerical work.
6 Also, a joint committee of Law and
7 Revenue employees have been meeting to
8 work on coordinating the two departments'
9 positions. Its first priority has been
10 reviewing Interest and Penalty
11 provisions, but the project should be
12 concluded shortly, and reviewing payment
13 agreement terms for consistency should be
14 on the next agenda.

15 At the same time, we're
16 improving our own collection. We're
17 working more effectively with co-counsel
18 to collect real estate taxes. We now
19 have two co-counsel actively collecting
20 real estate tax by contacting taxpayers
21 and ultimately taking property to Sheriff
22 sale. Co-counsel received for the first
23 ten months of the fiscal year 32.8
24 million as compared to 18.3 million for
25 that period in Fiscal '10 and 19.4

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2 million for the period in Fiscal 2011.
3 While co-counsel receipts are not
4 segregated by tax type, we believe the
5 bulk of that increase was real estate
6 tax.

7 While we appreciate the good
8 intentions behind Bill No. 120054, we are
9 unable to support the bill in its present
10 form. On the one hand, we believe that
11 the bill is too lenient in requiring
12 Revenue to offer payment agreements to
13 all taxpayers without regard to how many
14 payment agreements the taxpayer has
15 breached in the past, without
16 consideration of whether the taxpayer can
17 afford to pay in full, and without any
18 provisions to compensate the City for the
19 time value of money. On the other hand,
20 we believe that the bill is too harsh in
21 requiring that all properties not in
22 payment agreements be placed in
23 foreclosure proceedings as soon as taxes
24 are three months delinquent without
25 regarding the taxpayers' circumstances.

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2 However, I will not go into any
3 details of our concerns with the bill
4 because I understand that Councilman
5 Green plans to hold meetings this summer
6 to consider how we can make our payment
7 agreements more consistent and more
8 accessible and to discuss how we can
9 further improve our enforcement efforts,
10 including Sheriff sales.

11 As always, we welcome the
12 opportunity to work with the Council, the
13 legal services community and other
14 interested parties to determine how we
15 can better serve the City.

16 This concludes the testimony,
17 and we'll be happy to answer any
18 questions if you have any.

19 COUNCILMAN GREEN: Thank you.

20 Monty Wilson and Stefanie
21 Seldin, please.

22 (Witnesses approached witness
23 table.)

24 MR. WILSON: Councilman, if I
25 may, I have two clients here today.

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2 Could they speak before Stefanie and I
3 do?

4 COUNCILMAN GREEN: Oh, sure.
5 We will start with Cassandra Richardson
6 and Robert Morrell.

7 (Witnesses approached witness
8 table.)

9 COUNCILMAN GREEN: Please state
10 your name for the record and proceed with
11 your testimony, Ms. Richardson.

12 MS. RICHARDSON: Good
13 afternoon. My name is Cassandra
14 Richardson Dennis. I thank you for
15 hearing me this afternoon.

16 I was born in Philadelphia at
17 Temple University Hospital. I reside in
18 West Oak Lane. Dwight Evans is my State
19 Representative. I went to school in the
20 public school system in West Oak Lane and
21 I went to Rowen Elementary School, Wagner
22 Junior High School, Parkway Delta and
23 Community College of Philadelphia.

24 I worked for Shriners Hospital
25 for crippled children in the Spinal Cord

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2 Injury Care Unit. I worked for Friends
3 Psychiatric Hospital as a psychiatric
4 treatment technician. I worked for
5 Friends Hospital for 12 years. Nine
6 years after my employment there, I became
7 disabled, but only partially disabled. I
8 was diagnosed with reflex sympathetic
9 dystrophy, which is a debilitating
10 disorder. I had surgery and returned to
11 work. I was able to work for three years
12 in a modified capacity, but then I needed
13 to come out on total disability.

14 At that time, I was offered a
15 spinal cord stimulator implant or a
16 morphine implant. I opted to have the
17 electrical stimulator and not the
18 morphine.

19 I purchased a property to
20 supplement my disability income, and my
21 daughter rented the property for me, but
22 yet she did not pay the rent and I became
23 delinquent in my taxes. I had to move in
24 the property myself, and I spoke with
25 Linebarger for the City and made payment

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2 arrangements for a payment agreement.

3 Three years into the agreement,
4 I received a notice that they were going
5 to foreclose my property. I continued
6 with the agreement and I spoke with them,
7 and they told me to disregard the
8 foreclosure notice.

9 A year later I received another
10 foreclosure notice, and I was told that I
11 needed to reapply for a hardship
12 agreement.

13 At that time, they denied the
14 agreement, though my circumstances had
15 not changed. And I asked them what I
16 needed to do to stay in my home. They
17 told me at that time that I would need to
18 pay them \$519 per month. The agreement
19 that they had given me was for \$69 a
20 month.

21 At that time, I went to
22 Community Legal Services for assistance
23 so that I can stay in my house.

24 I never broke the agreement,
25 and I continue to make my payments even

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2 now.

3 Thank you.

4 COUNCILMAN GREEN: Thank you.

5 Mr. Morrell.

6 MR. MORRELL: Good afternoon,
7 Councilman Green and everybody. I want
8 you to know, I'm a little bit nervous.
9 I'm not as good as she is right now, but
10 I'll do my best.

11 COUNCILMAN GREEN: Please state
12 your name for the record.

13 MR. MORRELL: My first name is
14 Robert, last name is Morrell. I'm 54,
15 ex-military veteran. I have five
16 daughters, along with my wife. We reside
17 in Philadelphia as a homeowner since
18 1990.

19 In 1999, I was hurt in a
20 work-related accident. I went back to
21 work thereafter. In the year 2004, I was
22 in an automobile accident where I was
23 rear-ended and re-aggravated my
24 condition.

25 Since 2004, I've had sporadic

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2 work here and there, maybe two days,

3 three days, and I would go back out

4 again. I was under a doctor's care,

5 going to physical therapy, medications.

6 I had epidural injections done to see if

7 it could relieve the pain, at no cost.

8 My wife being the only provider

9 of the household and she makes about

10 \$1,500 a month, we had to push monies

11 away and keep money aside for certain

12 bills. Homeowners insurance was

13 mandatory, along with our mortgage, which

14 was \$620 a month. We had to keep paying

15 utility bills, of course, and it didn't

16 allow us too much money after that. So

17 we pushed -- I pushed the personal

18 property taxes aside, thinking we can

19 take care of that later.

20 My children were all going to

21 Catholic school. That was at a cost of

22 about \$3,000 a year. We had to eliminate

23 that and take them out of the Catholic

24 school and put them into a public school

25 setting. Also we had to drop Comcast

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2 cable, dropped telephone bills, stuff
3 like that just so we can afford our
4 means. All along, property taxes were
5 building up.

6 I tried to get away -- get into
7 a budget program, but they told me that I
8 had to have -- well, the first time I had
9 to have \$5,900 up front to go on a budget
10 program. When I went home from speaking
11 to that person that day, I went home and
12 made a phone call, thinking I'll call the
13 Revenue Department again, maybe I'll get
14 somebody else and they'll be able to tell
15 me something different. After giving
16 them my name and my address, they came
17 back, they said that I had to pay 50
18 percent. I asked what 50 percent was,
19 and they told me it was 5,900-some-odd
20 dollars. And I said I can't afford that.
21 If I can afford that, I wouldn't be in
22 this position. They gave me an
23 alternative, I think it was 15 days,
24 before the house goes into foreclosure.

25 I made some phone calls and

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2 heard about Monty. That's how I met
3 Monty, and he's taken my case over for me
4 and has helped us with this right now.

5 I don't want to not pay my
6 taxes. Since 1990 up until the year
7 2004, we have paid our taxes every year.
8 I don't want nobody else to pay my taxes
9 for me. I don't want to lose my house.
10 I want to pay my taxes, but I have to do
11 it where it's going to be affordable for
12 both myself and my family and the City
13 Revenue Department. I am not trying to
14 get out of paying my taxes, but I can't
15 do it at the rate they're asking.

16 Other than that, nothing.
17 Thank you for hearing me.

18 COUNCILMAN GREEN: Thank you.

19 Mr. Wilson and Ms. Seldin,
20 would you like to proceed with your
21 testimony, and then we'll take any
22 questions that we have.

23 Will you be explaining in your
24 testimony what the bill actually does
25 that would be providing relief or should

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2 I give a brief explanation?

3 MR. WILSON: Why don't you give
4 a brief outline.

5 COUNCILMAN GREEN: Okay. So
6 what we propose here is allowing people,
7 based on the percentage they are from
8 poverty, to enter into a payment
9 agreement that is pre-determined. What
10 that would mean is that if you're within,
11 I think, 125 percent of poverty, you
12 would be able to pay between 5 and 7
13 percent of your monthly income as your
14 payment to the City, and if you're within
15 125 percent of poverty and you keep up
16 your payments, that 5 to 7 percent, the
17 City will never be able to take your home
18 into foreclosure, and when you finish
19 paying under those circumstances, you
20 will be excused from all penalty and
21 interest.

22 And so this is intended to
23 provide a simple, clear rule about the
24 ability to enter into payment agreements
25 without negotiations and different people

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2 getting different results based on the
3 different information they provide.
4 There's other exceptions and other
5 criteria for people above 125 percent of
6 poverty to the point where you can avoid
7 up to 50 percent of your penalty and
8 interest by entering into payment
9 agreements, but it creates a simple,
10 clear rule that will be available to
11 every Philadelphia residential property
12 owner.

13 Thank you. Please proceed with
14 your testimony, whatever order you wish.

15 MS. SELDIN: Great. Good
16 afternoon, Councilman Green and members
17 of the Committee. My name is Stefanie
18 Seldin and I am Managing Attorney of
19 Philadelphia VIP, which is an agency that
20 provides free legal services to
21 low-income Philadelphians through
22 volunteer attorneys. Thank you for
23 allowing me to be here today.

24 Our agency has particular
25 expertise with tangled titles, which

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2 means simply that our clients think that
3 their names are on deeds, but they're
4 really not, either because of a
5 fraudulent deed transfer or because the
6 name is actually in a deceased record
7 owner's name.

8 In 2008, Philadelphia VIP
9 commissioned a study with the
10 Cartographic Modeling Lab of the
11 University of Pennsylvania, and they
12 compared the record on those names with
13 the Social Security Death Index and found
14 that there are actually 14,000 record
15 owners who are deceased in the City of
16 Philadelphia. So this is a huge problem
17 in the City.

18 So what we are dealing with is,
19 our clients go in to the various
20 collection agencies and they're told that
21 because the deed is not on their -- their
22 name is not on the deed, that they're out
23 of luck.

24 Guidelines that were worked out
25 by my colleague, Monty Wilson, years ago

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2 made it clear that at least with the
3 collection agents, that this was not
4 supposed to be the case, that with at
5 least Linebarger and GRB, clients such as
6 ours who do not have title in their name
7 but are equitable owners should be
8 allowed to enter payment agreements.
9 And, in fact, by operation of law, they
10 should be considered owners, because
11 under Pennsylvania law, when a parent
12 dies, that children are automatically
13 considered heirs and equitable owners of
14 that property.

15 So we are here to support this
16 bill because we believe that many of the
17 provisions, with a little bit of
18 tweaking, can help our clients be able to
19 get into payment agreements like Monty's
20 clients who are here today, who have
21 slightly different situations. We work
22 very closely with many of the staff at
23 the City of Philadelphia and the Law
24 Department, and they -- Frances Beckley
25 and Jim Zwolak in particular have been

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2 helpful. Linebarger Goggan, not so much.

3 The time that we are wasting
4 working with their staff to try and enter
5 these arrangements, which by guideline
6 are to be of right, is astronomical and
7 would be better spent working with our
8 clients or finding volunteers to work
9 with these clients.

10 So we're very much looking
11 forward to working with the Committee and
12 working with the Councilman's staff and
13 working with the Commissioner,
14 Commissioner Richardson, but we really
15 believe that we need this ordinance, that
16 there will be another Commissioner down
17 the road and Administrations change, and
18 we really believe that the only way to
19 make sure that this is consistent and
20 effective is if there's an ordinance, and
21 we're willing to certainly work with
22 everyone to get something that will, we
23 hope, be passed by the Committee and by
24 Council.

25 Thank you.

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2 COUNCILMAN GREEN: Thank you.

3 Please proceed, Mr. Wilson.

4 MR. WILSON: Thank you,

5 Councilman. Can you hear me?

6 Just an update before I say
7 good morning, Councilman. And, by the
8 way, thank you for hearing me today. I
9 am Monty Wilson. I'm a Senior Attorney
10 at Community Legal Services where I've
11 been doing mortgage foreclosure defense
12 work for about ten years. About six
13 years ago, I started seeing a sharp
14 increase in the number of tax foreclosure
15 cases that were coming into our office,
16 and over time we began to develop a small
17 sub-practice in that area, and as
18 Stefanie said, there's been a long
19 history in Philadelphia of letting the
20 taxes slide. You heard Mr. Morrell's
21 story. He knew he could do that. I
22 think we all have to start with the
23 premise of there's been a long history of
24 if you can't pay your taxes, let it
25 slide, there won't be a problem.

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2 I actually commend the City for
3 saying that's over, and I actually
4 commend Council and the Mayor for saying
5 that needs to change. We need the
6 revenue and we need the money. I want to
7 get us to a place where we have people
8 who are delinquent one or two years and
9 where we can solve that problem quickly
10 and easily. The problem is, we're not
11 there yet, and we have, as a result of
12 that backlog, people with really
13 substantial delinquencies who need some
14 flexibility and room to pay back.

15 Just to finish up
16 Ms. Richardson's sorry, as of today, I
17 got her into a final payment decree,
18 which we will enter in court, setting her
19 up with a payment plan that she can
20 afford. The real issue there -- and
21 Stefanie mentioned this briefly -- was
22 that she had been eligible for a hardship
23 plan, been in it for three years, not
24 breached, been up for reconsideration.
25 They looked at her other properties and

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2 said, You need to liquidate those before
3 we will let you continue to be in a
4 hardship payment plan.

5 She said, Wait. How can I
6 liquidate those? One of them is my
7 mother's, not mine, and the other one is
8 already in foreclosure with the bank.
9 It's long gone.

10 What they didn't do was tell
11 her you can appeal this. You have a
12 right to have someone review the problem
13 and give you an opinion about whether we
14 can move forward here. As a result, she
15 was sued, because she didn't know what
16 else to do, and I ended up representing
17 her.

18 As soon as I filed the letter
19 of appeal to the Solicitor's Office
20 explaining the facts that I just told
21 you, there was no big fight. Everyone
22 agreed, Oh, if those two houses have no
23 value, then there's no reason that she
24 can't be in a low-income payment plan,
25 and the matter was settled and we just

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2 entered the decree.

3 Why did this have to go through
4 an entire legal process and get to Legal
5 Services? It should have been possible
6 to get to that without having the lawyer
7 involved, and it has to work when the
8 lawyers aren't in the room. And that's
9 why we need this bill, so that there's a
10 system in place so that when people need
11 a payment plan, there are clear
12 guidelines that I would think would be
13 helpful to Revenue about what is and
14 isn't possible, and there also is a clear
15 system in place to allow people to say,
16 Can I get into a payment plan, what are
17 my options. And that system needs to be
18 well publicized.

19 There are, according to U.S.
20 Census Bureau, there are about 67,000
21 homeowners in Philadelphia who are living
22 below \$22,000 a year. Not all of them
23 are going to be at the poverty level,
24 because some of them is just a single
25 individual, but for a family of four,

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2 like Mr. Morrell, that is \$1,900 a month.
3 He's living on 1,500, so he's well below
4 the federal poverty levels. He would
5 qualify for this bill, and that would set
6 him up with a payment plan.

7 Just so you know -- and I have
8 Mr. Morrell's permission to tell you
9 this -- he is prepared to pay more than
10 that. Under this payment plan, he would
11 probably have to pay something like \$100
12 a month. He believes that he can pay,
13 with his wife's help obviously, something
14 like \$200 a month, and their real plan is
15 to use their federal income tax return
16 each year for the next two or three years
17 until the delinquency is paid in full.

18 But what they can't do is pay
19 that lump sum, and that's what's keeping
20 them and facing them with foreclosure
21 right now. Right now I'm representing
22 them again in a foreclosure case, with
23 legal costs and expenses. Instead of
24 that, all they need is a plan. The
25 problem is, there's nothing in place

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2 right now for them to get into a plan.

3 There's no formal system. We need that.

4 They unfortunately -- another

5 problem with the system is, Mr. Morrell,

6 his lien was handled by the Revenue

7 Department. If he had been referred to

8 Linebarger Goggan, many of you have

9 probably heard about the Financial

10 Hardship Guidelines, which is basically

11 an agreement that the City has with the

12 other lenders, GRB and Linebarger Goggan,

13 if he had been -- his lien happened to

14 have been handled by Linebarger Goggan,

15 he would have been eligible for a

16 low-income payment plan.

17 Now, again, whether there would

18 have been the formality of anyone telling

19 them that or he would have had to come to

20 me, whether he would have been denied and

21 informed that he had a right to appeal,

22 that would still be a problem, but at

23 least he would have had that right.

24 You have to admit, it's a very

25 odd system in which, depending on who

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2 just happens to be handling the
3 collection matter in your particular
4 case, you may or may not have a right to
5 appeal. You may or may not have a right
6 to a low-income payment plan.

7 One of the major reasons that
8 we need this bill is so that we have
9 uniformity, so that no matter what
10 department you go to, no matter which
11 collection agency you're dealing with,
12 you will get the same offer.

13 It is absolutely true that one
14 of the things that this bill is going to
15 do is give people some kind of end time
16 so that we don't have the perpetual
17 payment plans that go on for years and
18 years - you breach, you get a new one,
19 you breach, you get a new one. Maybe
20 we're going to have a
21 one-strike-and-you're-out rule.

22 Personally, I favor a three-strike rule,
23 but at some point, there's going to be
24 finality.

25 One of the issues that needs to

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2 be addressed, however, is how will people
3 know when they're in danger of breaching.
4 Will they get notice of a breach? Will
5 they have a 30-day right to cure? Will
6 they know that they can step up with the
7 cure amount and catch themselves back up
8 rather than being forced into
9 foreclosure? Those are the issues that
10 need to be addressed before we move ahead
11 into a one-and-done kind of strike
12 position, where you didn't make your
13 payment, we're listing you for Sheriff
14 sale.

15 I don't disagree necessarily
16 that there needs to be some impetus for
17 people to step up and pay their taxes.
18 The tradition that we've had in this city
19 for 30 years has to change, but the City
20 needs the revenue, people need to step up
21 and pay their taxes.

22 At the same time, we need to
23 recognize that homeownership is
24 different. We're not in the business,
25 and neither is the Revenue Department --

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2 and I won't put words in their mouths,
3 but I don't think they would disagree
4 that they're not interested in pushing
5 people out of their homes, but they want
6 to be paid. If we're going to do that,
7 we need a system that's uniform. We need
8 a system that's well publicized. And the
9 last thing I'll mention, we need a system
10 that puts it out there, where the notices
11 and your options are clear and
12 conspicuous in a letter that goes to
13 every homeowner, where they're on the
14 Internet and you can find the
15 information.

16 And last, but not least, we
17 need to be referring taxpayers to
18 homeownership agencies. In Philadelphia,
19 we have a nationally known homeowner
20 alliance that refers people facing
21 private foreclosures to different
22 agencies in the City who help people who
23 get into grievance to work it out, how to
24 pay their delinquencies off with a
25 private bank like Wells Fargo or Chase

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2 Manhattan. Those are national banks.
3 It's a mass of confusion. You can ask
4 any of the counselors.

5 It seems to me obvious in a
6 situation, where everyone's local, where
7 we can sit down and standardize the
8 payment options and the language in the
9 agreements, that taxpayers should be
10 referred to housing counselors. That
11 will relieve the Revenue Department of
12 much of the burden of gathering
13 information. The forms will be filled
14 out correctly, and we'll get people into
15 payment plans. That, combined with this
16 bill and taking these other steps, will
17 make a huge difference in getting the
18 City the revenue it needs and preserving
19 people's homes.

20 COUNCILMAN GREEN: Thank you.

21 I have a couple questions and
22 then I'll turn it over to other members
23 of the Committee.

24 The first is that I guess it's
25 recently been testified to in Council

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2 that the City is going to move to 600
3 foreclosures a month, and there currently
4 is no set standard formal process for
5 people to be able to enter into automatic
6 payment agreements.

7 Could you describe the amount
8 of time it takes to negotiate back and
9 forth, enter into these agreements, both
10 from the perspective of your individual
11 resources as organizations and then also
12 how much time it takes the individual
13 property owner in terms of days and
14 months doing this to enter into these
15 agreements, and, finally, if anybody is
16 prepared at the Law Department or Revenue
17 for 600 such agreements a month, how long
18 the process would take in that
19 circumstance.

20 MR. WILSON: I think as to the
21 last question, you may want to save that
22 for the Revenue Department, but as to our
23 experience -- or the Law Department. As
24 to our experience with homeowners getting
25 into agreements, I hate to say that the

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2 answer is, of course, complicated because
3 I'm an attorney. Mostly it's complicated
4 because, again, it's not a simple
5 question of, Oh, you go to the Revenue
6 Department and get into an agreement. In
7 the eight years that I've been doing
8 this, the first level of difficulty is,
9 Okay, the person was -- you were in an
10 agreement. Was it a written agreement?
11 Can you show me what they gave you in
12 writing? And I will -- in the Revenue
13 Department's, to their credit, they
14 increasingly are giving out written
15 agreements, but for a long time, the
16 standard has been, Well, they entered
17 something into the computer, I'm not sure
18 what, but they told me to send them \$50 a
19 month. So the first issue becomes are
20 you even in an agreement, do we have any
21 record of it.

22 Assuming you can get past that
23 hurdle and the person is actually in an
24 agreement or I'm trying to negotiate one,
25 then it depends who you're dealing with.

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2 Again, if I'm dealing with Linebarger
3 Goggan, I have -- there's a set of
4 guidelines that the City negotiated
5 during the Street Administration that
6 they're supposed to follow. You're
7 supposed to submit proof of income.
8 There's basically a table. You run that
9 down, and they should be eligible for a
10 payment plan. Typically that takes
11 Linebarger Goggan two to three months to
12 review, and if the payment is going to be
13 longer than 24 months, that has to be
14 referred to the Law Department for
15 approval. That can take anywhere from
16 three to four to six months. I think the
17 real key there is, if anything goes
18 wrong, if there's a question -- in one
19 case involving Linebarger and the
20 guidelines, I had exactly
21 Ms. Richardson's situation again. The
22 title to the property was in trust for
23 the person. So the question was, Well,
24 can we do a payment agreement with her?
25 It took us 12 months to resolve that

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2 issue, so that the department -- and

3 finally the Law Department said yes,

4 we'll do a payment agreement. So last I

5 heard, she had been approved -- well,

6 that problem had been resolved. I was

7 waiting for her approval to get the

8 payment agreement. We still don't have

9 it, and I'd say it's been about four

10 months since we resolved the problem.

11 That kind of -- once there's an issue

12 problem, it can take months and months.

13 Title, most of my cases -- it's

14 neither of these, but most of the actual

15 tax foreclosure defense I do, the number

16 one issue is I'm representing the heir of

17 the deceased record owner. And

18 Linebarger Goggan in the agreements, we

19 agreed you don't have to be the record

20 owner. If you can produce a will or

21 letters of administration or a birth

22 certificate, a death certificate to show

23 that you are the legal heir, we'll enter

24 into a payment agreement. Then we'll

25 refer it to VIP to formally straighten

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2 out the title.

3 Linebarger has started to back
4 off of that and take the position, no, if
5 you're not the record owner, we don't do
6 it. And the City's position used to be
7 that if you can provide letters of
8 administration, they would allow you to
9 enter into a payment, but I understand
10 that recently they've shifted that to,
11 no, you must be the record owner.

12 So, again, I have two cases,
13 both of which have been referred to VIP,
14 where we've postponed the hearing at
15 least six times in one case and we're
16 starting on number four for the other
17 one.

18 COUNCILMAN GREEN: So during
19 that period, the two months with the
20 first situation, then three to six
21 months, then potentially 12 months if
22 there's a tangled title, is the interest
23 and penalty accruing --

24 MR. WILSON: Yes.

25 COUNCILMAN GREEN: -- during

1 6/4/12 - FINANCE - BILLS 120054 & 120176
2 that time?

3 And so it is not until you
4 finally enter into a payment agreement,
5 even though you've been trying for 12
6 months or 16 months, that you can suspend
7 future penalty and interest; is that --

8 MR. WILSON: Well, I'm not
9 even -- in the agreements, future
10 penalties and interest are not
11 necessarily suspended. So, yes, the
12 penalties and interest are accruing while
13 the whole thing is pending, but even once
14 you're in the agreement, that doesn't
15 mean that under the terms of the
16 agreement, penalties and interest are
17 necessarily suspended. That's one of the
18 things I would like to see addressed.

19 COUNCILMAN GREEN: In how many
20 agreements do you continue to build up
21 penalties and interest at the very high
22 rate compared to other jurisdictions
23 versus -- in how many agreements do the
24 penalty and interest go away if you meet
25 your obligations, at least future penalty

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2 and interest, if you keep your payment
3 agreement and you pay off your taxes?

4 MR. WILSON: In the agreements
5 that I've finalized, such as the one we
6 just did today for Ms. Richardson, they
7 agreed that attorneys' fees would no
8 longer accrue, although if the property
9 did go forward to Sheriff sale, any costs
10 would be added to the judgment, but that
11 interest, which is 9 percent under state
12 law, would continue to accrue during the
13 pendency of her payoff.

14 COUNCILMAN GREEN: So she
15 continues to pay interest at 9 percent?

16 MR. WILSON: Yes.

17 COUNCILMAN GREEN: And to what
18 extent do you think the hearing today
19 motivated the settlement? No; sorry.

20 Councilman Goode.

21 COUNCILMAN GOODE: Thank you,
22 Mr. Chairman.

23 Good afternoon, Mr. Wilson.
24 Let me preface my comments by saying that
25 I am a co-sponsor of this legislation, so

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2 I don't need you to sell me on it. The
3 way you tried to sell us on it in your
4 written testimony, I have some questions
5 about.

6 You used the statistics or data
7 that 67,000 owner-occupied homes have a
8 household income below 22,000. Where
9 does that come from?

10 MR. WILSON: That's from the
11 ACS, the update of the U.S. Census Bureau
12 from the year 2009. We got that data
13 from The Reinvestment Fund. They had
14 received that data about two months ago,
15 so they were able to figure out what the
16 data said was the number of households in
17 Philadelphia with income below \$22,000.

18 COUNCILMAN GOODE: And so what
19 is the value of those households?

20 MR. WILSON: Excuse me?

21 COUNCILMAN GOODE: What's the
22 value of those homes?

23 MR. WILSON: There is actually
24 a chart. That would have complicated the
25 presentation even further. There is

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2 actually a way to break down the number
3 of homes per different values so that
4 there is a bell curve for --

5 COUNCILMAN GOODE: The question
6 is, for those 67,000 that you cited, do
7 you know the value of those homes?

8 MR. WILSON: It varies. That's
9 my point. The median value is about
10 111,000, I believe, but there are about
11 14,000 that are less than 10,000 and,
12 believe it or not, there are 700 that are
13 worth over a million. So it's not a
14 question of they're all worth the same
15 thing. There's actually a bell curve.

16 COUNCILMAN GOODE: That's
17 exactly my point. So you don't know the
18 value of the homes of those 67,000
19 people?

20 MR. WILSON: No. I can get you
21 that information.

22 COUNCILMAN GOODE: So you don't
23 know what -- I'm not sure you can get me
24 that information. But you don't know
25 what their current tax bill is?

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2 MR. WILSON: Individually? No.

3 COUNCILMAN GOODE: So you don't
4 know what their future tax bill is?

5 MR. WILSON: Individually? No.

6 COUNCILMAN GOODE: But your
7 testimony states their tax bill is going
8 to go up.

9 MR. WILSON: The 67,000 people
10 here who are below \$22,000, most of
11 those, I believe that their tax bills are
12 going to go up.

13 This is not about AVI. Today
14 is about collection.

15 COUNCILMAN GOODE: The question
16 is, why you -- I understand what the
17 hearing is about because I'm a co-sponsor
18 of the bill. I'm questioning your
19 testimony in the hearing, and if you
20 realize that the testimony might not be
21 accurate, you can just say that, but if
22 you want to state why it's accurate, you
23 can do that as well.

24 MR. WILSON: Well, I don't
25 agree that it's not accurate.

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2 Sixty-seven thousand homeowners with

3 income --

4 COUNCILMAN GOODE: Just explain

5 to me how their tax bill is going to go

6 up.

7 MR. WILSON: Well, we don't

8 have the AVI numbers yet. So on that

9 bell curve chart, for those homes whose

10 values are currently at \$10,000 --

11 COUNCILMAN GOODE: Are we

12 talking about those homes that are at

13 \$10,000 or are we talking about these

14 67,000 people?

15 MR. WILSON: That's a portion

16 of the 67,000 is that \$10,000 homes.

17 COUNCILMAN GOODE: So of the

18 67,000, you don't even know what portion

19 of those people's tax bills will go up,

20 do you?

21 MR. WILSON: I can give you a

22 fairly good estimate and I could figure

23 that out.

24 COUNCILMAN GOODE: You can give

25 me an estimate? Go ahead.

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2 MR. WILSON: The explanation --

3 I would have to go back to the TRF --

4 COUNCILMAN GOODE: You can give
5 me an explanation; you can't give me an
6 estimate?

7 MR. WILSON: Today? No.

8 COUNCILMAN GOODE: That's
9 enough. You got my point.

10 MR. WILSON: Could the TRF give
11 you that estimate? Yes, they could.

12 COUNCILMAN GOODE: I don't
13 necessarily think they could either.

14 MR. WILSON: I do not agree
15 with you, sir, that it is not possible to
16 say --

17 COUNCILMAN GOODE: You don't
18 have to agree with me. You have to
19 substantiate your testimony. Okay?

20 COUNCILMAN GREEN: Thank you.
21 I think the testimony is getting caught
22 up in the AVI overall debate, and many --

23 MR. WILSON: I would be happy
24 to --

25 COUNCILMAN GREEN: --

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2 lower-valued homes will receive a tax
3 break and many in that category, as you
4 point out, will receive a large tax
5 increase, and that's true in every home
6 value category.

7 So Councilman Greenlee.

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

10 First, Mr. Wilson, you explain
11 in answer to Councilman Green that the
12 interest and penalty keeps increasing
13 while you're waiting to try to work out
14 that agreement. I assume also what is
15 the case, that no money is being paid to
16 the City until you wait for that
17 agreement to be finalized; is that right?

18 MR. WILSON: I would say
19 generally that's true. Some of these
20 folks are currently, while something is
21 pending, are in an agreement. I have one
22 client who, even though he's not again in
23 a written agreement, made a verbal
24 arrangement with the Revenue Department
25 and is paying them \$91 a month. That

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2 used to be fairly normal. That's getting
3 rarer and rarer.

4 Yes. I think most of the time
5 these people are not in agreements while
6 the litigation is pending. In the Law
7 Department's defense, I've actually said
8 to them several times, While we're
9 working this out, how about we make some
10 kind of arrangement for a good-faith
11 payment, and Law has said, We're not able
12 to do that, we're not able to arrange
13 that. So they feel the same frustration.

14 COUNCILMAN GREENLEE: My other
15 question, Mr. Chairman, really is for the
16 Commissioner. I don't know if people
17 want to finish with these or do you want
18 people to keep coming back and forth?

19 COUNCILMAN GREEN: That's fine.
20 Why don't we go to Councilwoman Reynolds
21 Brown and then we'll have the
22 Commissioner come back.

23 COUNCILMAN GREENLEE: Okay.

24 COUNCILWOMAN BROWN: Good
25 afternoon, and thank you for your

1 6/4/12 - FINANCE - BILLS 120054 & 120176
2 testimony. You spoke about the
3 hurdles -- and I'm paraphrasing -- that
4 you encountered with Linebarger. So how
5 would you characterize those impediments?
6 Are they there because of the nature of
7 their process, or what?

8 MS. SELDIN: I think it's a
9 combination of a lot of different
10 factors. I think they're under
11 increasing pressure to perform, and I
12 think -- and rightfully so. Like Monty,
13 I agree that taxes should be paid. I'm a
14 City resident. I want my garbage picked
15 up. I want the snow removed, et cetera.
16 But I think part of it is just a lack of
17 understanding of what needs to be -- our
18 clients need to be done, and I think
19 there's just a basic misunderstanding
20 about whether or not our clients -- what
21 they can't afford to do and what they
22 want to be able to do and the willingness
23 of that tax agent in particular to work
24 with us. I don't think the will is
25 there, to be perfectly honest.

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2 COUNCILWOMAN BROWN: And is
3 that assessment based on the lack of
4 success you've had in helping them
5 understand the very dire circumstance of
6 your constituents or is that based on a
7 sit-down, face-to-face, offline
8 conversation about how they do business,
9 how you do business and what the common
10 goal is for these citizens?

11 MS. SELDIN: We've had -- I'm
12 sorry, Councilwoman. We've had
13 face-to-face discussions and we're still
14 having a lot of problems.

15 COUNCILWOMAN BROWN: Okay.

16 MR. WILSON: Councilwoman, if I
17 could just add one thing to that. I
18 think Linebarger Goggan was quite willing
19 to work with us, and I have to say the
20 guidelines were a major step forward
21 compared to where we were in 2004. I
22 think the problem is that they are just
23 that, guidelines. They're not
24 enforceable, and sometimes it's a matter
25 of almost having to say the magic words

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2 before you find out the guidelines can
3 even apply to you.

4 One of the major reasons we
5 need a bill like this is so that it is
6 legally established that you can get into
7 a low payment plan versus, Oh, the
8 guidelines.

9 COUNCILWOMAN BROWN: And I
10 would agree with you completely that in
11 any new enterprise, effort, action, that
12 the awareness of it becomes absolutely
13 paramount, and it needs to happen across
14 different sectors and layer it
15 repetitively so that it gets through.

16 So fundamentally, what one, two
17 or three activities or new actions would
18 you offer, separate from what we would
19 ask of City agencies, but what would you
20 offer in terms of the awareness of this
21 new help on behalf of citizens?

22 MR. WILSON: You mean in terms
23 of publicizing?

24 COUNCILWOMAN BROWN: Yes.

25 MR. WILSON: I think we need a

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2 notice similar to -- some of you may know
3 about the Act 6 or Act 91 notice that
4 typically goes out for private homeowners
5 facing private foreclosures, that not
6 just says you owe, but lays out, here are
7 your options, here are the different
8 things you can do.

9 I'm still continually surprised
10 when I learn about a new option that's
11 available for taxpayers. I didn't know
12 until last month that there's a
13 constitutional exemption for disabled
14 veterans who are 100 percent disabled. I
15 am not sure everyone in the City knows
16 that.

17 We need a simple notice that
18 lays out all the options, including some
19 of the newer bills we just passed. I
20 think that same notice needs to have a
21 list of housing counseling agencies and
22 those counselors need to be brought up to
23 speed on all this stuff so that it's not
24 just a question of going to Revenue. The
25 housing counselor helps the person

1 6/4/12 - FINANCE - BILLS 120054 & 120176
2 prepare what's needed for Revenue.

3 COUNCILWOMAN BROWN: Sure.

4 MR. WILSON: I think it would
5 be a good idea to create an Office of the
6 Taxpayer Advocate so that Revenue has
7 someone whose dedicated purpose is to do
8 taxpayer outreach, especially for seniors
9 and the disabled. And I think we need
10 all this stuff to be on the web somewhere
11 that's clear and conspicuous where
12 taxpayers can find it in one place.

13 MS. SELDIN: I would also look
14 to the Mortgage Foreclosure Diversion
15 Program. Their outreach efforts were
16 extraordinary.

17 COUNCILWOMAN BROWN: They were.

18 MS. SELDIN: And I think that
19 it's a model for what we could do with a
20 new program, a new ordinance and a new
21 program.

22 COUNCILWOMAN BROWN: What has
23 been your interface with that office?

24 MS. SELDIN: With which office?
25 I'm sorry.

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2 MR. WILSON: The Diversion
3 Program?

4 COUNCILWOMAN BROWN: Thank you
5 very much.

6 MS. SELDIN: Well, we have
7 volunteers who are in court every
8 Thursday at the Diversion Program in Room
9 676, and we're very actively engaged in
10 providing resources to homeowners who are
11 facing foreclosure to try and prevent
12 them from -- to try and help them save
13 their homes. So we work very closely
14 with Judge Rizzo and the rest of the
15 courts to make that happen.

16 COUNCILWOMAN BROWN: One
17 reappearing feature about all of this is
18 that there is no glue or string that ties
19 all of these worlds together to better
20 assist taxpayers, and this may indeed be
21 an opportunity where departments and
22 government, with CLS, with housing
23 counseling agencies together collectively
24 think through an action plan that looks
25 at the publication of this, because

1 6/4/12 - FINANCE - BILLS 120054 & 120176
2 you're right, when it comes to Act 91,
3 it's real clear what that is and what to
4 do. So this does indeed present --
5 that's the silver lining I think in this
6 circumstance.

7 MR. WILSON: We also have a
8 hotline for private foreclosure cases,
9 the Save Your Home Philly Hotline.
10 Taxpayers should be able to call that
11 hotline and be referred to a counselor.

12 COUNCILWOMAN BROWN: Sure.
13 Thanks again for your testimony.

14 Thank you, Mr. Chairman.

15 COUNCILMAN GREEN: Thank you.

16 If you would just scoot over,
17 Commissioner Richardson is going to join
18 you and answer a question from Councilman
19 Greenlee.

20 Mr. Wilson, you can stay right
21 there. This will just be one second.

22 (Witnesses approached witness
23 table.)

24 COUNCILMAN GREENLEE: Thank
25 you. Good afternoon again. I think the

1 6/4/12 - FINANCE - BILLS 120054 & 120176
2 theme that came up in the testimony and
3 also what Councilman Green said is the
4 strength of this bill, main strength of
5 this bill, is the consistency issue, that
6 both Revenue and the co-counsels kind of
7 operating on the same guidelines, and it
8 sounds like from what we heard today and
9 really what we've heard -- I've heard in
10 my office and my guess is that other
11 offices have heard -- that there isn't
12 that sort of consistency. So I guess my
13 question would be, are the co-counsels
14 and the Revenue, do they work basically
15 in the same guidelines or are they
16 supposed to, I guess?

17 COMMISSIONER RICHARDSON: Well,
18 first of all, your outside collection
19 agencies have guidelines. They probably
20 would be more stricter than our
21 guidelines, because if you haven't paid
22 us over the six months or so and we've
23 submitted you to the counsel, they want
24 the money just as much as we do. Again,
25 our guidelines are posted on the website.

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2 They are informational for people when
3 they get their real estate bills every
4 year as well. Can you find them?

5 Probably not that well on the website.

6 Again, we are rearranging our website to
7 make it more user-friendly for folks.

8 But, again, your outside
9 collection agency is your enforcement.
10 They want to get more money and faster.
11 Again, they're getting paid a commission.
12 That's why they're going to be doing
13 things more faster and trying to get the
14 revenue in faster for the City as well.

15 COUNCILMAN GREENLEE: But are
16 they given guidelines?

17 COMMISSIONER RICHARDSON: They
18 have their own guidelines, yes.

19 COUNCILMAN GREENLEE: And are
20 they agreed to with the Law Department?

21 COMMISSIONER RICHARDSON: We
22 have no problem with their guidelines.

23 MS. BECKLEY: In fact, Monty
24 helped draft these. When was that?
25 2004?

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2 MR. WILSON: That was 2005 or
3 6.

4 MS. BECKLEY: 2005 or 6, okay.

5 And so that was done jointly
6 with the legal services community. And I
7 think there's a consensus that it makes
8 sense to do that for people in less dire
9 financial circumstances at this point. I
10 mean, I think there's never been any
11 hesitation on either Law or Revenue's
12 part to a conversation.

13 And excuse me. I'm Chief
14 Counsel, Frances Beckley, for the record.

15 COUNCILMAN GREENLEE: Let me
16 just -- and I don't want to go through
17 every individual problem here, but it
18 just seems like Mr. Morrell was an
19 example. It seemed like -- in Revenue
20 right now, are you supposed to be offered
21 the opportunity of a low-income
22 agreement? Because I know when you come
23 into the budget hearings, you said you
24 work with people, and I have heard that
25 you have, but in his case, it looks like

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2 he was told, You pay 50 percent and
3 that's it.

4 COMMISSIONER RICHARDSON: See,
5 again, if someone was offered to pay 50
6 percent, they may have broken one or two
7 promises already. So not knowing all the
8 intricacies of his situation, I can't say
9 yay or nay. We don't go off for the very
10 first person saying 50 percent down. We
11 offer everybody 25 percent. That is well
12 documented in our information package and
13 even on the website as well.

14 COUNCILMAN GREENLEE: But
15 you're also supposed to -- do they ask
16 your income level?

17 COMMISSIONER RICHARDSON: Yes.
18 We ask for the information. Even for
19 applications for payment agreements,
20 we'll ask for your information, for your
21 income and things.

22 COUNCILMAN GREENLEE: Okay.
23 All right. Thank you.

24 COUNCILMAN GREEN: With respect
25 to -- anybody can take this. With

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2 respect to means testing, I'd just like
3 to understand, taking a look at the
4 guidelines of the City website, the
5 IFA -- so basically the financial
6 hardship agreements or individual
7 financial hardship agreements -- don't
8 appear to have means testing in them.
9 I'm not sure I understand -- in other
10 words, where someone has said, Well, you
11 have other properties in your name. It's
12 not relevant to us what your income level
13 is. You have to sell your other assets
14 before that.

15 Obviously that's a very recent
16 controversy at the state level where
17 people are requiring means testing before
18 you can get certain benefits, and I just
19 wonder what you think about the general
20 policy of means testing as you're trying
21 to get people to enter into payment
22 agreements where they're agreeing to pay
23 their taxes over time.

24 MR. WILSON: Well, first --

25 COUNCILMAN GREEN: In other

1 6/4/12 - FINANCE - BILLS 120054 & 120176
2 words, where you can't enter into it
3 unless you sell this asset or you do
4 something else.

5 MR. WILSON: I think, first, I
6 just want to clarify, when you ask about
7 the means testing and the guidelines,
8 those are the guidelines for payment
9 plans for Linebarger and GRB. They're
10 not applied to Revenue. That's the ones
11 that you're asking about, right?

12 COUNCILMAN GREEN: Right.

13 MR. WILSON: As to the means
14 testing, I mean, I think one of the
15 issues that will be crucial for this bill
16 is a careful, thoughtful process of what
17 do we mean if we're going to have some
18 kind of income-based payment plan or
19 means testing. Will it be --

20 COUNCILMAN GREEN: Well, the
21 bill has no means testing.

22 MR. WILSON: Well, if you mean
23 by means testing an asset-based test, it
24 does not, and I would tend to agree that
25 there is for your primary residence -- we

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2 might want to adopt other policies for
3 other residences, but for your primary
4 residence, you should be able, as long as
5 you can pay whatever it is determined in
6 the legislation is the affordable amount,
7 you should be able to retain your primary
8 home regardless of your other assets.

9 COUNCILMAN GREEN: And
10 regardless of what the home is worth
11 compared to what you may owe on a
12 mortgage or something else.

13 MR. WILSON: Mm-hmm. I mean,
14 with means testing, you may phase it out
15 depending on the amount of income.

16 COUNCILMAN GREEN: Right. So
17 in Mr. Morrell's case, if this bill were
18 to pass, what would you be able to do for
19 Mr. Morrell?

20 MR. WILSON: If the bill were
21 to pass -- I don't recall the percentages
22 in the bill.

23 COUNCILMAN GREEN: If he is
24 within 30 percent of the median income,
25 he would pay 5 percent. If he's within

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2 30 to 50 percent, he would have to pay 8
3 percent of his monthly income. And
4 obviously there's no limit on the ability
5 to enter into an agreement paying more if
6 you want to pay it down quicker, but we
7 did set a reasonable floor based on what
8 people need to eat and live.

9 MR. WILSON: Right. My
10 experience with the Linebarger guidelines
11 would be that someone like Mr. Morrell
12 with five children would pay 10 percent
13 of his monthly income towards the
14 delinquency. So under these -- I believe
15 under this ordinance, he would actually
16 pay 8 percent. So that 8 percent would
17 go towards the delinquency. His other
18 obligation would be to remain current on
19 his current year's taxes at the same
20 time. There's not an idea here that you
21 are paying the delinquency and then
22 digging yourself back in the hole next
23 year. You have to maintain your current
24 taxes also. So that combined total tax
25 bill, he could manage that on the \$200,

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2 \$300 a month that he's talking about.

3 COUNCILMAN GREEN: And under
4 this bill, the penalties and interest,
5 past penalties and interest, would be
6 waived if he maintained that payment
7 agreement. What is the case today?

8 MR. WILSON: Today when you --
9 it varies. In the judgments that I have
10 agreed to, the person has continued to
11 accrue penalties -- sorry; continued to
12 accrue interest. The penalties have not
13 accrued once judge is entered. And as
14 for someone who is in a regular payment
15 plan, those penalties and interest
16 continue to accrue and there is no
17 prospect of conditional forgiveness or
18 some kind of if you pay 100 percent of
19 the principal and 50 percent of the
20 interest, we will suspend or forgive the
21 rest upon completion of what you need to
22 do. That simply isn't possible. So what
23 we see a lot of is senior citizens in
24 particular on fixed incomes.

25 Basically a lot of the City's

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2 default policy has been, Well, if we get
3 you into a \$50 a month payment plan for
4 the rest of your life until you die,
5 we'll call it a day and foreclose on the
6 property at the end. I mean, there's no
7 way a senior citizen is going to get out
8 from under on \$25 a month when they can
9 pay their current taxes but they've got a
10 \$5,000 delinquency.

11 COUNCILMAN GREEN: And that's
12 because penalties and interest continue
13 to accrue and build and build and build.

14 MR. WILSON: It's a perpetual
15 debt trap.

16 COUNCILWOMAN BROWN: Point of
17 information, Mr. Chairman.

18 COUNCILMAN GREEN: Councilwoman
19 Brown.

20 COUNCILWOMAN BROWN: Are you
21 saying that that is a current practice?

22 MR. WILSON: It varies.

23 COUNCILWOMAN BROWN: Is that an
24 option that is given to seniors?

25 MR. WILSON: It's not

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2 exclusively seniors. The idea is that if
3 you can get into a -- the idea is that
4 you can get into a \$25 a month payment
5 plan. Well, if I'm a senior on a \$25 a
6 month payment plan, I still have to
7 maintain my current taxes. That's
8 non-negotiable, but if I'm paying \$25 a
9 month, then at the end of the year I have
10 paid, let's see, \$300. That may pay the
11 principal, but interest and penalties on
12 that year have continued to accrue. So
13 at the end of the year, I haven't paid
14 off the year. The following year, I
15 haven't paid it off again. Five years
16 later, I still have penalties and
17 interest that are building up. I'm not
18 going to get out of debt.

19 COUNCILWOMAN BROWN: Thank you,
20 Mr. Chairman.

21 COUNCILMAN GREEN: Thank you.

22 Any further questions?

23 (No response.)

24 COUNCILMAN GREEN: There being
25 none, we will move on to Bill -- thank

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2 you, everyone, for your testimony. Thank
3 you, Ms. Richardson, Mr. Morrell. We
4 very much appreciate you coming in.

5 We're going to hold this bill
6 to the call of the Chair, work over the
7 summer with advocates to try to make sure
8 we have the appropriate thresholds for
9 repayment, try to address any concerns
10 the Revenue Department has, and then we
11 will be moving a bill in September prior
12 to the time the new tax bills will go
13 out, as people will want to have the
14 opportunity to enter into agreements with
15 respect to their back taxes, I imagine,
16 as they see their new tax bills arrive.

17 Thank you very much, everybody,
18 for your testimony.

19 MR. WILSON: Thank you.

20 COUNCILMAN GREEN: The next
21 bill is Bill No. 120176, and testifying
22 will be Nancy Winkler and Mark Gale.

23 (Witnesses approached witness
24 table.)

25 COUNCILMAN GREEN: Please state

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2 your name and proceed with your
3 testimony.

4 MR. WINKLER: Great. Thank
5 you. Good afternoon, Councilman Green
6 and members of the Committee on Finance.
7 I am Nancy Winkler. I'm the City
8 Treasurer for the City of Philadelphia.
9 With me today are Mark Gale, Chief
10 Executive Officer of the Philadelphia
11 International Airport, and Chellie
12 Cameron, Deputy Director of Aviation,
13 Finance and Administration. We are all
14 here today to testify on behalf of Bill
15 No. 120176.

16 Bill No. 120176 would provide
17 authorization to issue airport revenue
18 bonds or notes (the "Notes") in an
19 aggregate principal amount of up to \$350
20 million, exclusive of costs of issuance
21 and certain other items.

22 Proceeds from the sale of the
23 bonds shall be used for authorized
24 capital projects for the airport system,
25 as well as to pay for costs of issuance

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2 and capitalized interest on the notes.

3 The Twelfth Supplemental
4 Ordinance to the Amended and Restated
5 General Airport Revenue Bond Ordinance
6 provides authorization to issue airport
7 revenue notes up to an aggregate
8 principal amount of \$350 million, not
9 including cost of issuance.

10 The planned issuance of
11 commercial paper notes allows the Airport
12 and the City to realize substantial cost
13 savings on debt service for capital
14 expenses during the initial construction
15 period for the Airport's Capacity
16 Enhancement Program versus traditional
17 fixed-rate financings by issuing
18 lost-cost, short-term commercial paper.
19 A commercial paper program will also
20 reduce the cost of capital over the
21 coming months by allowing the Airport to
22 ramp up its borrowing as invoices need to
23 be paid.

24 We have presented two
25 amendments to the bill consisting of the

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2 following:

3 Number one, the bill's language
4 has been clarified to confirm our
5 original intent that only the initial 350
6 million of projects, which I understand
7 have already been approved by City
8 Council, may be funded with the bonds.
9 Any use of the existing program for
10 additional capital needs will require
11 subsequent Council approval.

12 The second amendment provides
13 for provision authorizing -- providing --
14 removing the provision that authorized
15 the refunding of the notes. The City
16 will need to return to City Council to
17 obtain approval to issue permanent
18 long-term bonds to fund the retirement of
19 these notes.

20 These amendments have been
21 discussed with the City Council
22 President, and we are comfortable with
23 their form and intent.

24 The purpose of the ordinance is
25 consistent with our policy, because it

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2 will result in low-cost borrowing for the
3 Airport's near-term capital needs. The
4 City's debt policy lists commercial paper
5 as an acceptable type of short-term debt,
6 and the CP has maturities of up to 270
7 days. It's commonly used to finance
8 capital project construction. It can be
9 issued incrementally as funds are needed
10 and then refunded with a long-term
11 financing once the project is completed
12 to take advantage of short-term rates.

13 Thank you very much for the
14 opportunity to present this ordinance
15 today. I'm happy to answer any questions
16 you may have at this time. I could
17 answer questions now or turn it over to
18 Mark, as you choose.

19 COUNCILMAN GREEN: Mr. Gale, if
20 you would not mind or feel free to please
21 summarize your testimony, basically say
22 whether you're in favor of it or not, and
23 the balance of your testimony will be
24 submitted for the record.

25 MR. GALE: Will certainly do,

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2 Mr. Chairman.

3 I would just say first, good
4 afternoon, Chairman Green and members of
5 the Committee on Finance. I'm very
6 pleased to be here today with both the
7 City Treasurer as well as my Deputy
8 Director. And to summarize, yes, the
9 Airport wholeheartedly supports the
10 commercial paper program and what we
11 believe it will do for the Airport moving
12 forward.

13 If you have any questions
14 regarding my testimony. Otherwise, I'll
15 commit it and submit it for the record.

16 COUNCILMAN GREEN: Thank you.

17 Are there any questions for any
18 of these witnesses?

19 (No response.)

20 COUNCILMAN GREEN: Seeing none,
21 we will --

22 COUNCILWOMAN BROWN: One
23 second, Mr. Chairman. I was just
24 conferring with Councilman Goode.

25 (Brief pause.)

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2 COUNCILWOMAN BROWN: All right,
3 then. Thank you, Mr. Chairman.

4 COUNCILMAN GREEN: Are there
5 any questions on behalf of anyone on the
6 Committee?

7 (No response.)

8 COUNCILMAN GREEN: Seeing none,
9 we will adjourn the hearing on Bill No.
10 120176 and move into a meeting on Bill
11 120176.

12 Will Councilman Greenlee please
13 offer the amendment.

14 COUNCILMAN GREENLEE: Thank
15 you, Mr. Chairman. I move the adoption
16 of the amendments to Bill No. 120176.

17 (Duly seconded.)

18 COUNCILMAN GREEN: Having been
19 properly moved and seconded, all in
20 favor?

21 (Aye.)

22 COUNCILMAN GREEN: Any opposed?

23 (No response.)

24 COUNCILMAN GREEN: There are no
25 opposed.

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2 Councilman Greenlee, please
3 move the bill, with a suspension of the
4 rules.

5 COUNCILMAN GREENLEE: Thank
6 you, Mr. Chairman. I move that Bill No.
7 120176, as amended, be reported out of
8 this Committee with a favorable
9 recommendation and move further that the
10 rules of Council be suspended to allow
11 for first reading at our next session of
12 Council.

13 (Duly seconded.)

14 COUNCILMAN GREEN: It's been
15 moved and seconded that we move Bill
16 120176 out of this Committee with a
17 favorable recommendation and with a
18 suspension of the rules.

19 All in favor?

20 (Aye.)

21 COUNCILMAN GREEN: Any opposed?

22 (No response.)

23 COUNCILMAN GREEN: The ayes
24 have it, and this hearing is -- this
25 meeting is adjourned.

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2 Thank you.

3 MR. GALE: Thank you.

4 MS. WINKLER: Thank you very

5 much.

6 (Committee on Finance concluded

7 at 3:15 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 June 4, 2012, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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