

COUNCIL OF THE CITY OF PHILADELPHIA

COMMITTEE ON LICENSE AND INSPECTIONS

City Hall, Room 400
Philadelphia, Pennsylvania
Wednesday, February 4, 2026
1:00 p.m.

PRESENT:

CHAIRMAN MICHAEL DRISCOLL
COUNCILWOMAN JAMIE GAUTHIER
COUNCILMAN CURTIS J. JONES, JR.
COUNCILMAN NICOLAS O'ROURKE
COUNCILMAN ANTHONY PHILLIPS

MAURA MCDONALD, Clerk

1 P R O C E E D I N G S

2 CHAIR DRISCOLL: I now note
3 that the hour has come.

4 Ms. McDonald, will you
5 please call the roll to take
6 attendance?

7 Members that are in
8 attendance, please indicate that
9 you're present when your name is
10 called.

11 THE CLERK: Councilmember
12 Gilmore-Richardson, Councilmember
13 Jones.

14 COUNCILMEMBER JONES:
15 Present.

16 THE CLERK: Councilmember
17 Gauthier, Councilmember Phillips.

18 COUNCILMEMBER PHILLIPS:
19 Present.

20 THE CLERK: Councilmember
21 O'Rourke.

22 COUNCILMEMBER O'ROURKE:
23 Present.

24 THE CLERK: Councilmember

1 Squilla, Chair Driscoll.

2 CHAIR DRISCOLL: Present.

3 Thank you. A quorum of the
4 committee is present and the hearing
5 is now called to order.

6 This is the public hearing
7 of the Committee on Licenses and
8 Inspections regarding Bill No.
9 251097 and Bill No. 250980.

10 Ms. McDonald, would you
11 please read the title of these
12 bills?

13 THE CLERK: Bill No.
14 251097, an ordinance amending
15 Chapter 9-4400 of the Philadelphia
16 code entitled, "Responsible business
17 operations" to add illegal sales of
18 tobacco products to minors and
19 unlicensed tobacco retailing as
20 nuisance behaviors and require
21 completion of a department approved
22 tobacco retailer education and
23 compliance training as a condition
24 of lifting cease operations orders,

1 all under certain terms and
2 conditions.

3 And Bill No. 250980, an
4 ordinance amending Chapter 9-3900 of
5 the Philadelphia code entitled,
6 "Property licenses and owner
7 accountability" by requiring
8 non-resident landlords to provide
9 verifiable contact information and
10 designate local contact and
11 establishing penalties for
12 non-compliance, all under certain
13 terms and conditions.

14 CHAIR DRISCOLL: Thank you,
15 Ms. McDonald.

16 I also want to note the
17 attendance of Councilmember Jamie
18 Gauthier. Welcome.

19 Ms. McDonald, will you
20 please call the first panel we have
21 to testify this afternoon on Bill
22 No. 251097.

23 THE CLERK: Dawn
24 Kieseewetter, director of

1 environmental health services for
2 the Philadelphia Department of
3 Public Health.

4 CHAIR DRISCOLL: Good
5 afternoon.

6 MR. HARTUNG: I'm not Dawn
7 Kieseewetter.

8 CHAIR DRISCOLL: Yeah, I
9 can tell.

10 Please state your name for
11 the record and proceed with the
12 testimony.

13 MR. HARTUNG: Thank you.

14 Good afternoon, Chair
15 Driscoll and members on the
16 Committee on License and
17 Inspections.

18 My name is Ben Hartung and
19 I'm a public policy advisory with
20 the Division of Chronic Disease and
21 Injury Prevention for the
22 Philadelphia Department of Public
23 health.

24 Thank you for the

1 opportunity to testified today on
2 Bill No. 251097 introduced by
3 Councilmember Phillips. Nuisance
4 behavior in Section 9-4401 of the
5 Philadelphia code by adding the
6 illegal sale of tobacco products
7 under Federal law, including but not
8 limited to the sale or distribution
9 of tobacco products to individuals
10 under 21 years of age or operation
11 of a tobacco retail establishment
12 without a permit as required by
13 Chapter 9-631 of the Philadelphia
14 code.

15 The Health Department
16 agrees that the sale of tobacco
17 products to minors and the sale of
18 tobacco products without a
19 Philadelphia retailer permit is
20 nuisance behavior. Both activities
21 are illegal under Philadelphia law
22 pursuant to Philadelphia code
23 Section 9-622 and Philadelphia code
24 9-631.

1 Both activities negatively
2 impact public health by causing
3 children to become addicted to
4 tobacco products and making it
5 harder for people to quit. Nearly
6 4,000 Philadelphians die each year
7 due to tobacco use.

8 This bill also requires
9 that retailer determined to ne
10 nuisances because of illegal tobacco
11 sales complete tobacco retailer and
12 compliance training within 60 days
13 of executing a nuisance abatement
14 plan.

15 This bill will give the
16 Health Department an additional
17 enforcement tool to address
18 businesses with repeated violations
19 of tobacco sales laws.

20 The Health Department
21 currently requires businesses with a
22 Philadelphia tobacco retailer permit
23 to complete an education modual on a
24 yearly basis. These existing

1 materials can be used to create a
2 tobacco retailer education and
3 compliance training for nuisance
4 business that this bill requires
5 under Philadelphia code Section
6 9-4404.

7 Thank you for the
8 opportunity to testify today.

9 CHAIR DRISCOLL: Thank you
10 for your testimony. I want to first
11 recognize Councilmember Phillips.

12 COUNCILMEMBER PHILLIPS:
13 Thank you so much for your
14 testimony. And just to begin, I
15 wanted to provide some opening
16 remarks even though this may not
17 necessarily fall into this
18 particular bill.

19 I just want to thank
20 Cykhira Walton on our team for
21 today's non-resident -- non-resident
22 landlord bill. That was her idea.
23 And I'm supporting it because a lot
24 of times our staff, right, have to

1 take on calls and they're thinking
2 through how do we address these
3 issues in the city of Philadelphia.

4 And she came to me and said
5 she has an idea and she wants --
6 would love for me to present it.
7 And I'm proud to support this idea
8 she came up with to help better
9 Philadelphia. So thank you,
10 Cykhira.

11 So, you know, I just want
12 to say for too long tenants and city
13 agencies have struggled to reach
14 absentee landlords. Many licenses
15 list PO boxes or virtual addresses
16 making enforcement nearly
17 impossible.

18 As documented, more than 55
19 percent of Philadelphia homes are
20 renter occupied. And over 62,000
21 units -- there's over 62,000 housing
22 code violations have been recorded
23 since 2020, many linked to
24 unreachable owners.

1 This legislation has been a
2 challenge for many Councilmembers
3 and a long status quo that have
4 allowed those gaps to persist.

5 Now, while there are many
6 different opinions on how government
7 should go about this, the reality is
8 that the current system has not
9 delivered safe, accountable
10 outcomes. This legislation closes
11 the loophole on several issue.

12 It requires landlords to
13 provide real verifiable addresses
14 and prohibits virtual and symbolic
15 locations and mandates that
16 non-resident owners designate a
17 responsible local agent who has
18 agreed to serve. Just as
19 importantly it establishes a 30-day
20 cure period, owners receive notice
21 and opportunity to comply before
22 fines, license actions or tenant
23 remedies apply.

24 This is something that much

1 of the Business Association and
2 Apartment Association folks really
3 supported because they wanted to
4 have the opportunity for their
5 clientele to get support in this
6 area. This balances fairness with
7 accountability.

8 Now, secondly to this bill
9 I wanted to address the amended
10 tobacco retailer education and
11 compliance ordinance. Our
12 communities are facing a surge in
13 illegal tobacco sales and unlicensed
14 vape smoke shops, many of which sale
15 flavored and youth targeted products
16 to minors. These practices
17 contribute to addiction, chronic
18 absenteeism and safety concerns in
19 our schools.

20 This bill also pushes
21 against the status quo where repeat
22 violations often result in temporary
23 closures without meaningful change.

24 While perspectives may

1 differ on enforcement approaches,
2 doing nothing has not protected our
3 children or our neighborhoods. This
4 legislation brings illegal tobacco
5 activity into our existing nuisance
6 enforcement frame work and
7 introduces a constructive
8 education-based solution.

9 Together these bills send a
10 clear message. We are serious about
11 safe housing, we are serious about
12 protecting our youth and we are
13 serious about supporting responsible
14 businesses.

15 I look forward to working
16 with my colleagues, community
17 stakeholders and city agencies to
18 move on these important measures. I
19 just want to say thank you to the
20 Public Health Department for working
21 with myself and Cykhira to deliver
22 this legislation.

23 This idea was generated by
24 me, and Cykhira and I, we worked on

1 this together because we visited
2 spaces such as Northeast
3 Philadelphia, Ogontz, and Mount Airy
4 and so forth, and West Oak Lane.
5 And experienced a lot of tobacco
6 retailer establishments opening and
7 closing because they are selling to
8 minors.

9 And the reality to me
10 that's a travesty that they get back
11 open and they did it and did it
12 again. Now, we have to put a little
13 bit more ownist in making sure that
14 they don't do it again. So my hope
15 is that this particular bill helps
16 solve that.

17 I just want to ask you a
18 quick question. What are just some
19 things you all are thinking about
20 when it comes to enforcement of this
21 potential new law?

22 MR. HARTUNG: I just
23 acknowledge that the problem with
24 tobacco retail is real and we thank

1 you for introducing this bill.

2 I think in terms of this
3 bill specifically, we would love to
4 work with your office to get out in
5 the community and do education of
6 retailers. Because I mean upfront
7 making sure the community knows that
8 folks need have a permit to operate
9 and be able to report to us so we
10 can get out quickly and stop things
11 in the bud.

12 I mean, there are nuisances
13 that we need to get out and cease,
14 and that's another part of the tool
15 kit that I manage, but making sure
16 that folks in the community feel
17 empowered to speak out and say this
18 business is not properly licensed.
19 We need you to get out there and use
20 your tools, I think is what comes to
21 mind.

22 COUNCILMEMBER: Thank you
23 so much.

24 CHAIR DRISCOLL: Member

1 Gauthier?

2 COUNCILMEMBER GAUTHIER:

3 Thank you, Mr. Chair, and good
4 afternoon.

5 I wanted to start by
6 commending the bill sponsor for both
7 of these bills, but especially the
8 absentee landlord bill.

9 I believe that in the 3rd
10 District we actually have more than
11 55 percent of people who rent so,
12 you know, the majority of people
13 rent. But a lot of times, we're at
14 a loss for contacting some of these
15 landlords and getting them to take
16 meaningful action on their
17 properties.

18 And it's -- you know, my
19 staff has had to turn into research
20 experts to track down some of these
21 nameless, faceless, LLCs that own
22 quite a lot of property, but not
23 doing well by our neighbors.

24 And so, you know, obviously

1 we need housing in this city. Some
2 of that housing is going to be home
3 ownership, some of it -- a
4 significant amount of it is rental.
5 But also owning a business is a
6 privilege, it is not a right in this
7 city. And folks who own a business
8 have to follow rules and be good
9 neighbors and citizens. So I think
10 this bill takes us closer to that
11 and I really appreciate it because
12 it solves a critical need.

13 I also appreciate the
14 nuisance business bill. I just
15 wanted to just ask a few questions
16 because we struggle with this so
17 much in my district. And it feels
18 like I'm just, you know, we're
19 calling the Health Department again
20 and again and again for the same
21 properties and that these
22 properties, or these businesses are
23 getting cited, but we're having
24 difficulty resolving the behavior,

1 or getting these folks out of our
2 community if they don't follow the
3 rules.

4 So one thing I wanted to
5 ask about -- or two issues that
6 we've had problems with
7 specifically. One, there are
8 businesses that open after the
9 city's, sort of, hours, I guess.

10 So I have a business, for
11 example, that opens at 4:00 p.m. and
12 it's been a struggle to get folks
13 out there to inspect because I think
14 that doesn't align with the
15 established work schedule.

16 What can we do about that?
17 Because we can't -- you know, if
18 these folks are being a problem
19 after 4:00 or after 5:00, then we
20 have to be a problem to them after
21 4:00 or after 5:00. So that's No.
22 1.

23 And No. 2, I also had
24 issues with inspectors going to

1 sites and saying I don't see it.
2 It's happening, other people see it.
3 So what can we do to inspect maybe
4 if they're hiding their products
5 behind the wall or somewhere in the
6 shop? What are the measures that
7 we're able to take, so these folks
8 are not outsmarting us based on
9 their time of operations or where
10 they're placing products. We need
11 to be smarter ideally and more
12 nimble than them. And so I'm
13 wondering if you could, sort of,
14 speak to those items.

15 MR. HARTUNG: Sure, I can
16 speak to those. After hours
17 operations, we do have connection
18 with the Philadelphia Police
19 Department. So we would refer them
20 to the police department to go check
21 on the sales if it's after operating
22 hours for our sanitarians because
23 they do work a regular 9:00 to 5:00
24 schedule.

1 In terms of inspecting
2 beyond, you know, the footprint of
3 the store and looking around, the
4 authority to do that comes from the
5 Pennsylvania Department of Revenue.
6 And you may have heard this before,
7 but if there are reports of hiding
8 things, you know, behind -- we've
9 heard of secret compartment in the
10 back where the residents might be if
11 it's that sort of setup of a
12 retailer. We should get that and
13 specifically send that information
14 and we can reach out to the
15 Department of Revenue to go out and
16 do sweeps.

17 I mean, the resources we
18 have with the Department of Revenue
19 and the time is something that we
20 need to work on, I think. But
21 that's who we rely on to do more
22 sting operations like that.

23 COUNCILMEMBER GAUTHIER:
24 Thank you for speaking to that.

1 Thank you for this bill. I'm
2 grateful for anything that gets us
3 to a different place than where we
4 are now, but I will continue to
5 push.

6 These folks are severely
7 bring down the quality of life in
8 our neighborhoods. We cannot allow
9 them to be smarter and faster and
10 more nimble than we are. We have to
11 keep up with the pace with which
12 these stores are taking over our
13 commercial corridor.

14 Thank you so much.

15 MR. HARTUNG: Thank you.

16 CHAIR DRISCOLL: Thank you,
17 Member Gauthier. And your point is
18 well taken and thank you for
19 responding that that flex inspection
20 timing is going to be critical. So
21 as your department looks at your
22 budget next year and your hours, I
23 don't know all your implications,
24 regarding the union, but I think

1 it's important to the members of
2 this panel that you pursue what you
3 were talking about there.

4 With that I recognize
5 Member Curtis Jones.

6 COUNCILMEMBER JONES: Thank
7 you, Mr. Chairman. I was handling
8 something of great priority which is
9 lunch.

10 First of all, thank you
11 Mr. Chairman for having this most
12 important hearing. And thank you to
13 the authors of the bills that are
14 focused on the quality of operation
15 within our communities.

16 I want to also shout out
17 Member Jeffrey Young. Yesterday he
18 had an important hearing addressing
19 some of those business operations
20 within his district which reflects
21 the 3rd, which reflects the 9th,
22 which reflects the 6th and the 4th.
23 So it's a city-wide concern.

24 I want to also shout out

1 Kathy Gilmore-Richardson who has
2 been laser focused on some of the
3 concerns that some of these
4 businesses pose.

5 So the questions I'm about
6 to ask I do not need a response this
7 moment because I want to keep the
8 hearing moving. But please give the
9 answers to the Chairman and the
10 members of this committee.

11 So let's start with how
12 many bills have been introduced most
13 recently to address some of the
14 operations of small business
15 concerns in our corridors and are
16 they being codified in a way that
17 what happens in the Health
18 Department when it comes to Liquor
19 By The Drink, what happens when they
20 are selling Lucy cigarettes, what
21 happens when they're selling these
22 oils that are intoxicants for our
23 kids. And for me, gambling machines
24 and their operation and how all of

1 these things go to work together to
2 create a toxic community
3 environment.

4 And that somebody is
5 looking at all of our efforts
6 individually and codifying them in a
7 strike force way to the Nuisance
8 Business Task Force that says that,
9 no, we didn't see what Health
10 Department was looking for, but we
11 saw three other things that should
12 shut that down. So that is
13 codification is the question of the
14 laws that we are passing. That's
15 No. 1.

16 Number 2, how do we, are
17 we, will we close to loophole that
18 Member Driscoll takes the time over
19 months to identify some of the
20 operations that are illegal in your
21 districts, our directs. And then
22 all of a sudden we finally get to
23 the point where we close them down,
24 and they close for a week and open

1 back up in their cousin's name.

2 All of that work, all of
3 your time, all of those tax dollars
4 dedicated to address an issue that
5 they quickly circumvent. How are we
6 monitoring the relationship between
7 cousin businesses, LLCs that are
8 related that just go about the
9 business of ignoring us? So the
10 that's question No. 2. Are we
11 closing that loophole?

12 Number 3, how are we
13 looking at overlays? Now, I don't
14 know -- your bill, Member, is at
15 large, it doesn't matter what
16 district it's in, right?

17 COUNCILMEMBER PHILLIPS:
18 Yeah.

19 COUNCILMEMBER JONES: But
20 we're piecemealing these kind of
21 controls over businesses, whether
22 you're talking about Kensington,
23 whether you're talking about West
24 Philly to kind of say, we don't want

1 a certain type of business and I
2 stereotype them as those Halloween
3 lights, you know what I'm talking
4 about. The Halloween lights that
5 are all around those retail stores.
6 And do we have an hours of
7 operations that is city-wide? So
8 when are businesses supposed to
9 close?

10 Some of them like 7-Eleven
11 are 24, but is there a regulation
12 that covers these? So those are a
13 series of questions that I don't
14 need the answer to right now. But
15 for sure when we come back for the
16 budget, I will ask at the end,
17 hopefully we will have those answers
18 and be clear about what our position
19 is.

20 Thank you, Mr. Chair.

21 CHAIR DRISCOLL: Thank you,
22 Member Jones.

23 MR. HARTUNG: I was taking
24 notes. Thank you very much.

1 CHAIR DRISCOLL: Thank you.

2 Yeah, so I think that's all we have
3 for this panel. Thank you for your
4 testimony.

5 MR. HARTUNG: Thank you
6 very much.

7 CHAIR DRISCOLL:
8 Ms. McDonald, will you please call
9 the second panel we have today this
10 afternoon to testify this afternoon
11 on Bill No. 251097?

12 THE CLERK: Jacob Zychick,
13 American Heart Association, and
14 Heather Miller, Lawncrest Community
15 Association.

16 CHAIRMAN: Well, welcome.
17 Please state your name for the
18 record and proceed with your
19 testimony.

20 MS. MILLER: Hello, my name
21 is Heather Miller and I'm here
22 representing Lawncrest Community
23 Association today.

24 Well, first, it's my

1 pleasure to give testimony before
2 this esteemed panel. Thank you
3 Chairman Driscoll, Councilmember
4 Curtis Jones, Jamie Gauthier, my
5 Councilman, Councilman Anthony
6 Phillips and Councilman Nicholas
7 O'Rourke.

8 Again, my name is Heather
9 Miller and I serve as Vice President
10 of the Lawncrest Community
11 Association. I'm here today to
12 express my support for amending
13 Philadelphia co-Chapter 9-4400, the
14 proposed tobacco and retailer
15 education bill. It's a reasonable
16 adjustment to business operations
17 which would require illegal sales of
18 tobacco products to minors in
19 unlicensed retailers to undergo
20 education and compliance training as
21 a pre-requisite for lifting a cease
22 operations order.

23 This measure is a positive
24 step towards holding business owners

1 accountable for blatant violations
2 of law designated to protect our
3 most vulnerable population, our
4 children.

5 Many business owners
6 particularly in impoverished areas
7 with predominately black and brown
8 communities target children to
9 maximize profits by flagrantly
10 disregarding the laws intended to
11 safe guard the health and well-
12 being. It's imperative that we hold
13 these individuals accountable and
14 one effective way to do so is
15 through education. Removing excuses
16 for non-compliance.

17 I would like to thank
18 Councilman Phillips for his ongoing
19 commitment to fighting in the
20 communities and especially our
21 youth, along with the rest of the
22 esteem panel members.

23 Thank you.

24 MR. ZYCHICK: Dear Chair

1 Driscoll and members of the
2 Committee on License and Inspection,
3 on behalf of the American Heart
4 Association, thank you for the
5 opportunity to provide testimony on
6 the significant growth and
7 unlicensed and improperly licensed
8 vape shop retrailers operating --

9 CHAIR DRISCOLL: Excuse me.
10 Could you state your name for the
11 record?

12 MR. ZYCHICK: Jacob
13 Zychick.

14 CHAIR DRISCOLL: Okay.

15 MR. ZYCHICK: Sorry about
16 that.

17 The effectiveness of
18 current prevention to control
19 efforts intended to protect our
20 young people from these harmful
21 tobacco products. Evidence based
22 strategies to address tobacco have
23 led to the use of traditional
24 cigarettes reaching its lowest point

1 in decades.

2 The American Heart
3 Association is still deeply
4 concerned about the prevalent use
5 e-cigarette use by kids in
6 Philadelphia. Thirty-eight percent
7 of youth have tried and 19 percent
8 currently use e-cigarettes. Each
9 year the tobacco industry sells over
10 \$300-million of their deadly
11 products in our city.

12 Seventy-four percent of
13 e-cigarette sales are flavored
14 products. Research has shown that
15 most teens start using tobacco with
16 flavored products. These harmful
17 products are appealing to young
18 people and many mistakenly believe
19 they are less harmful.

20 Unfortunately preemption
21 has limited municipalities in
22 Pennsylvania from implementing
23 evidence based public policy as a
24 strategy to reduce tobacco use in

1 our communities. State preemption
2 has prevented Philadelphia from
3 implementing a prohibition on the
4 sale of flavored tobacco products,
5 including e-cigarettes.

6 But even with limited
7 authority, Philadelphia tobacco
8 control advocates have found
9 opportunities to address the use of
10 these harmful products. One success
11 has been decline of tobacco retailer
12 density by nearly 20 percent in the
13 three years that regulations were
14 originally strengthened.

15 Tobacco retailer education
16 compliance ordinance continues to
17 strengthen the city's efforts to
18 address the use of these harmful
19 products.

20 Thank you to Councilmember
21 Phillips for listening to public
22 health officials and community
23 stakeholders that led to this
24 innovative legislation being

1 introduced to address tobacco and
2 vape retailers found to operate
3 unlicensed and improperly licensed.
4 This legislation would help reduce
5 use of tobacco products, strengthen
6 retailer compliance and education,
7 and continue to expand effective
8 tobacco control measures in
9 neighborhoods.

10 This legislation along with
11 continued efforts by the city of
12 Philadelphia, School District of
13 Philadelphia, Smoke Free Philly and
14 advocates will help continue to
15 reduce young people using these
16 harmful products.

17 When government agencies,
18 elected officials and public health
19 leaders and community stakeholders
20 work together, we can address public
21 health challenges like the use of
22 harmful tobacco products.

23 This legislation introduced
24 by Councilmember Phillips would

1 continue to strengthen the city's
2 tobacco enforcement efforts to
3 ensure our young people do not
4 become addicted to these harmful
5 products.

6 The American Heart
7 Association is committed to
8 collaborating with the city of
9 Philadelphia, City Council,
10 Philadelphia Department of Public
11 Health to implement innovative,
12 evidence-based strategies to end the
13 use of tobacco products in
14 Philadelphia. And also would like
15 to wish everybody a happy heart
16 month this month.

17 CHAIR DRISCOLL: Thank you
18 both for your testimony.

19 Councilmember Phillips?

20 COUNCILMEMBER PHILLIPS: I
21 just want to say thank you so much
22 for your testimony and support. It
23 means a lot to all of us, not only
24 in the 9th District, but as

1 Councilmember Gauthier said, those
2 that are going to through this
3 throughout the city of Philadelphia.

4 CHAIR DRISCOLL: Thank you
5 for your testimony.

6 Are there any -- hearing no
7 further questions from members of
8 the panel, no other panels to
9 testify on Bill No. 2351097, we will
10 move on 250980.

11 Ms. McDonald, will you
12 please call the first panel we have
13 to testify this afternoon on Bill
14 No. 250980.

15 THE CLERK: Basil Merenda,
16 Commissioner Inspection Safety
17 Compliance Division, Department of
18 License and Inspections.

19 CHAIR DRISCOLL: Good
20 morning, Commissioner. Before you
21 begin -- before you begin,
22 Commissioner, I want to thank my
23 colleagues here who were praying and
24 acknowledging the one year

1 anniversary of the plane crash
2 Saturday. Heather Miller, you were
3 there with your folks in the
4 Lawncrest community.

5 You know, a lot of us were
6 working real hard for the first two
7 weeks, but your department was
8 working real hard for 365 days. So
9 I just wanted to open up a thank you
10 and your department for all you did
11 for the plane crash victims and all
12 the businesses up there and the
13 homes whatnot. So I just wanted to
14 start out with that.

15 COMMISSIONER MERENDA:

16 Yeah, we appreciate your
17 recognition at the service on
18 Saturday. It was a solemn ceremony,
19 the Mayor did a great job with that
20 recognizing all the first responder,
21 as well as our folks that were out
22 there from the very first hour.

23 Councilmember Phillips was
24 there, as well as Councilmember

1 Gauthier.

2 CHAIR DRISCOLL: And

3 O'Rourke.

4 COMMISSIONER MERENDA: And

5 O'Rourke, yes, sure. I'm sorry.

6 CHAIR DRISCOLL: And in

7 spirit, Councilmember Jones. He was

8 one of the first people to text me

9 that night. Driscoll, whatever you

10 need.

11 So with that, state your

12 name for the record and proceed with

13 your testimony.

14 COMMISSIONER MERENDA: My

15 name is Basil Merenda.

16 Good afternoon, Chairperson

17 Driscoll, members of the License and

18 Inspection Committee. My name is

19 Basil Merenda and I'm the

20 commissioner of the Department of

21 License and Inspections, Safety and

22 Compliance Division. That's the

23 construction side of the

24 re-organized L&I.

1 I'm here to provide
2 testimony on Bill No. 250980
3 introduced by Councilmember Phillips
4 which will amend Section 9-3900 to
5 increase accountability of
6 non-resident landlords.

7 As the committee is aware
8 this bill would require that when a
9 property owner does not maintain a
10 physical address within Philadelphia
11 the owner must designate a local
12 agent with a physical address in the
13 city. That agent would be
14 authorized to receive legal notices
15 and emergency communications on
16 behalf of the owner when a property
17 is found to be in violation of
18 applicable property maintenance and
19 licensing laws.

20 The bill also authorizes
21 the department to verify owner and
22 agent contact information and
23 provides additional enforcement
24 tools when an owner or agent fails

1 to maintain responsive contact.

2 At the outset the
3 administration supports the spirit
4 of this legislation and thanks
5 Councilmember Phillips for the
6 advocacy on behalf of his
7 constituents around the issue which
8 is one we encounter regularly with
9 our enforcement work.

10 The administration shares
11 the goal of improving landlord
12 responsiveness and strengthening the
13 accountability particularly where
14 absentee ownership has contributed
15 to unsafe or deteriorated conditions
16 which is why L&I currently has an
17 existing process to identify both
18 the property owners and/or local
19 point of contacts.

20 When the property owners
21 cannot be readily reached by tenants
22 or the department it delays
23 necessary repairs, deters
24 enforcement actions and can pose

1 serious risk to tenant safety and
2 quality of life ensuring there's a
3 reliable, responsive and verifiable
4 point of contact for every licensed
5 property is essential to public
6 health safety and effective
7 enforcement.

8 Our inspectors day in and
9 day out work tirelessly to inspect
10 properties across the city of
11 Philadelphia with the mission and
12 vision to build and sustain a safer
13 Philadelphia by embracing best
14 practices in technology and consumer
15 service. Our goal is to enable the
16 public to access information, secure
17 required approvals and comply with
18 building safety requirements in a
19 convenient, reliable and transparent
20 manner.

21 Both divisions of License &
22 Inspections strive towards the goal
23 from the ISC side, my side of the
24 department, a structures life begins

1 under the care of ISC, including
2 building permits and plans,
3 monitoring of construction sites,
4 trade and business license concerns
5 and ensuring structural integrity
6 and renovations and permitting for
7 renovation to name a few.

8 The responsibilities of the
9 quality of life, the other side of
10 L&I begins once a structure is
11 completed, including the enforcement
12 of vacant and unsealed properties
13 interior and exterior property
14 maintenance complaints filed by
15 tenants and neighborhood folks
16 alike. And also, concerns regarding
17 proper use of business compliance,
18 including nuisance businesses,
19 limited lodging and enforcement of
20 the property maintenance code to
21 name a few of the responsibilities
22 that come under the purview of the
23 other side of L&I, quality of life.

24 Both divisions converge on

1 several points as both offer
2 litigation support for municipal and
3 equity court to the Law Department ,
4 along with cross collaboration and
5 referrals to the appropriate unit.

6 L&I achieves code
7 compliance through collaboration,
8 education and effective enforcement
9 measures that hold businesses,
10 contractors and property owners a
11 accountable.

12 In relation to the
13 ordinance before the committee
14 today, L&I already has a process to
15 identify property owners and local
16 agents. Information on responsible
17 parties including individuals
18 associated with LLCs and designated
19 local agents is collected through
20 the rental license applications.

21 Ownership may be verified
22 by our in-house research team before
23 any notice of violation is issued,
24 ensuring legal notices are delivered

1 to the correct party and helping
2 prevent delays or disruption in our
3 enforcement.

4 Our enforcement mechanism
5 is issuing notices of violation with
6 the goal of getting the property
7 back into compliance. We
8 traditionally give those who receive
9 a violation up to 35 days to get in
10 compliance and rectify the
11 violation.

12 At that point we then go
13 out and reinspect. If the violation
14 has not been complied, we then issue
15 a final notice of the violation. At
16 that point if the violation is still
17 not complied, the case is referred
18 to the Law Department for court
19 ordered enforcement.

20 We identified a few
21 technical, legal and operational
22 concerns with the current draft of
23 the legislation.

24 Our aim in raising these

1 issues is to help ensure the
2 obligations and requirements and it
3 imposes are clear enforceable and
4 well integrated into the departments
5 existing regulatory framework, so it
6 can achieve its intended purpose.

7 Number 1, as introduced and
8 amended, this legislation raised
9 several concerns including legal
10 separation of powers and other
11 potential unintended consequences
12 which have been sheared with the Law
13 Department sponsor through a law
14 department memo, if I'm not
15 mistaken.

16 Section 9-3907 of the code
17 already requires non-resident
18 landlords to designate a local
19 management agent who's authorized to
20 receive legal notice and to provide
21 contact information for the party
22 responsible for routine maintenance
23 of the rental properties.

24 This requirement is

1 enforced through the rental license
2 issuance and renewal process. And
3 the information is maintain in the
4 departments eCLIPSE system.

5 In addition, the department
6 is in the process of implementing
7 enhanced controls to ensure that the
8 city's address rather than the post
9 office box is provided.

10 Number 3, the bill as
11 introduced and amended would not
12 impose any new enforceable
13 obligations on L&I and would not
14 change landlords obligations when
15 renting properties where they don't
16 reside.

17 Although managing
18 information is not currently
19 published on the city's website, it
20 can be obtained through existing
21 mechanisms including the open data
22 request.

23 Additionally Section 9-3907
24 requires the managing agents to

1 provide contact information directly
2 to tenants. Owner information is
3 also collected through the
4 Commercial Activities License, the
5 CAL. And rental licenses
6 processes -- and the rental license
7 process is partially published
8 online. Publications will expand
9 once the form used to collect LLC
10 ownership information is replaced
11 with a structural data field in the
12 electronic system.

13 As introduced and amended,
14 the disclosure of the name and email
15 by the department of L&I raises
16 legal and liability concerns for the
17 city that were flagged by the Law
18 Department. We would recommend
19 consulting with the Law Department
20 on this section.

21 Number 5, the tenant remedy
22 section raises several concerns
23 around the accelerated timeline for
24 L&I to take action and does not take

1 into account re-inspections that may
2 need to take place. There are also
3 concerns around the tenant
4 withholding rent as there are some
5 limited circumstances in which the
6 court would recognize the tenant as
7 having a legitimate right to
8 withhold rent. We would recommend
9 consulting with the Law Department.

10 The proposal suggest that
11 an email address may be used for
12 service of notice. While email may
13 be a helpful supplement or a
14 courtesy communication tool, the
15 department is required to serve
16 official notices by postal mail or
17 in-person to ensure proper notice
18 and due process requirements.

19 Clarification is needed to
20 ensure this provision does not
21 conflict with existing legal notice
22 requirements. The department
23 appreciates the inclusive of
24 additional enforcement tools, but

1 recommends that any new penalties be
2 aligned with the existing Class 1
3 violations.

4 This alignment would ensure
5 consistency across the departments
6 enforcement program that provide
7 clarity and uniformity for our
8 inspectors on the ground.

9 Number 7, there are several
10 legal concerns that have been
11 flagged by the Law Department which
12 we would recommend checking with the
13 Law Department on, including the
14 ambiguity on the penalty section,
15 the language under oath which is not
16 found in any section in Title 9, and
17 the accelerated timeline that
18 requires sooner actions than L&I
19 operates under.

20 Number 8: The proposal
21 appears to prohibit property owners
22 from using international addresses.
23 While international addresses are
24 not common, the department does

1 encounter legitimate cases,
2 including service members stationed
3 overseas and international companies
4 that own or operate property in
5 Philadelphia. Specifically we would
6 recommend clarifying this provision
7 to avoid the unintentionally
8 excluding those circumstances and
9 overburdening our over seas service
10 members.

11 Accordingly, we would
12 respectfully request that this
13 legislation be held in committee to
14 permit us to work with the bill
15 sponsor on a counter proposal that
16 may better achieve the goal of
17 landlord responsiveness and
18 accountability to ensure we keep all
19 of Philadelphia's residents safe.

20 Thank you for the
21 opportunity to provide the testimony
22 to the committee and I'm happy to
23 answer any questions at this time.
24 That was a mouthful.

1 CHAIR DRISCOLL: Thank you
2 for articulating and putting it in
3 writing so the maker of the bill has
4 your concerns and I'm sure in his
5 thoughtful consideration that he
6 will look at the things you just
7 highlighted.

8 I will share with you as
9 Councilmember Gauthier said earlier,
10 and I'm surely Councilmember Jones
11 and O'Rourke and Phillips' offices
12 may share, the frustration level we
13 have in trying to identify and
14 contact these folks is heightened.
15 I mean it's so frustrating.

16 We try so hard to be
17 responsive and when we can't get
18 through to anybody and there's these
19 LLCs and phony PO boxes and all
20 these other things.

21 So I think the frustration
22 that you're hearing from us is not
23 what you've articulated in your
24 testimony, it's just us trying to do

1 a good job.

2 So with that, I would like
3 to recognize the maker of the bill.
4 Councilmember Phillips.

5 COUNCILMEMBER PHILLIPS:

6 Thank you, Chairman Driscoll. I
7 concur with what you're saying.
8 This is where we are. For me, I
9 respect the American tradition of
10 separation of powers and I also
11 understand why those lines exist.

12 But I want to be clear that
13 when a family is living next to a
14 deteriorating property or a tenant
15 is living in unsafe conditions, they
16 are not asking which branch of
17 government has jurisdiction, they're
18 asking for help.

19 I have a pastor here who
20 went through this very similar
21 situation that helped us create this
22 bill. He wasn't -- me trying to
23 explain technicalities to them
24 didn't matter, what matter is how

1 are we getting it done. You know,
2 people want to live in a safe home,
3 they want their block to look
4 decent, they want dignity in their
5 neighborhoods. This is not an
6 academic debate about authority,
7 this is about doing what's right.

8 So government does not work
9 when we point fingers and pass
10 responsibility, I'm sure you know
11 that. But it works when we show up
12 for people. So I just want to
13 quickly just note that you noted
14 that we wanted, you know, more time
15 for this to be worked on. And to
16 me, you know, the reality of the
17 matter is that that's the problem I
18 see with government response, is
19 that we talked about this issue way
20 before the summer. We brought it
21 formally during the summer about
22 this issue and how we were going
23 work on it together.

24 We pointed out the problem

1 and unfortunately you're the
2 department that has not come up with
3 a solution. I don't expect y'all to
4 -- you know, you don't work for us
5 in that way, right, but we are
6 partners. And I do believe that had
7 a timeline been presented about how
8 you're going to solve our problem,
9 that would have been different than
10 providing what I got from your team
11 members is just all the reasons this
12 doesn't work. I would been more
13 like, oh, they're actually work to
14 change this.

15 I don't have the faith that
16 you're work to change this because I
17 never got a solution to the problem.
18 And to me even before the hearing we
19 had all these issues you would have
20 told me, just give me a backwards
21 timeline in three to four months,
22 six months, whatever, I'm going to
23 give you a better answer to this and
24 I'm going to keep updating you. I

1 would have been more in tune with
2 saying, you know what, even though
3 Cykhira did all this hard work, we
4 are going to hold off.

5 But because I don't trust
6 that, I want you all to use this
7 bill to actually figure it out.

8 Right. And then if you figure out
9 something better, come back to us.

10 Right. And I think if you come back
11 to us with something better, all the
12 merrier. All we want is the success
13 of Philadelphia.

14 And I think that's where
15 our frustration is, is that we just
16 need you to come up with a time
17 frame of how you're going to get
18 this all done.

19 COMMISSIONER MERENDA: They
20 are all legitimate concerns,
21 Councilmember, and we're frustrated
22 as you are with dealing with the --
23 on my side, the construction side,
24 with the fly by night operators,

1 contractors that are not properly
2 licensed, not co-compliant and not
3 meeting the tax obligations. And
4 I'm sure the quality of life side,
5 they have their concerns also.

6 Candidly, I was brought
7 into this at the 11th hour so to
8 speak. Like I said, my focus is on
9 the construction side, but I can
10 certainly get involved in trying to
11 see what we can do. In other words,
12 I'll bring fresh eyes to look at
13 this, and we can certainly work
14 together with you.

15 In fact, Saturday evening
16 we worked with Councilmember
17 Gauthier. There was an issue about
18 a particular apartment complex that
19 the tenants did not have any heat.
20 And I explained to the Councilmember
21 that that was the quality of life
22 side. However, be that as it may,
23 be that as it may, I told to
24 Councilmember, we have the CSU

1 inspectors on the street, emergency
2 duty. And I would be willing, more
3 than willing to send CSI inspectors
4 there to see if there's any integral
5 and structural issues.

6 COUNCILMEMBER PHILLIPS: I
7 don't think you're the person -- I
8 think it's more the quality of life
9 side we are concerned about and
10 that's who we are really more in
11 contact with. I'm with you. Just
12 for me, even if you can lend your
13 ideas to that side, that would be
14 really helpful because they need it.

15 I just want to also
16 articulate the fact and I'm going to
17 stop because I want to get through
18 this hearing as quickly as possible.

19 COMMISSIONER MERENDA:
20 Yeah.

21 COUNCILMEMBER PHILLIPS:
22 But just the idea of the
23 city of Philadelphia, like basically
24 saying just give us more time for an

1 issue that we have a -- there's a
2 pastor here and he's going to talk
3 momentarily, but there's a space in
4 our district, a vacant lot, received
5 like 80-something, a ridiculous
6 amount of violations.

7 And he was literally trying
8 to change this lot to a space for
9 the community for the church, but
10 couldn't get the -- can I get the
11 number to this person? And there's
12 nothing on file. And it just sits
13 there and we have to go through this
14 process of trying to see if we can
15 get it on Sheriff's sale and it
16 becomes a nuisance property in the
17 community.

18 So now it's like, while
19 you're saying give us -- like that
20 other side is saying give us more
21 time. We're like, what are you
22 talking about? You need time, but
23 it's not fair that we're your
24 partners. I know sometimes when the

1 Mayor says something, you get it
2 done in 15, 30 days. But when we
3 say something, yeah, we're not your
4 boss, I respect the fact that -- but
5 we're your partner. And I feel
6 there should be a level of
7 connectedness where you respect what
8 we have to do for our community as
9 well.

10 COMMISSIONER MERENDA: So
11 noted. At least on my side of L&I,
12 I can proudly say that I setup a
13 pretty good protocol, reporting
14 protocol with all the members of
15 City Council. So we can certainly
16 make sure that that is addressed and
17 they are all legitimate concerns.
18 And I look at us all working
19 together, not just the Mayor, City
20 Council, the departments all working
21 together for the good of the
22 citizens of Philadelphia.

23 COUNCILMEMBER PHILLIPS: I
24 have to ask this question or Cykhira

1 is going to ask why didn't you ask
2 the question? How does L&I handle
3 situations where mail is returned,
4 emails bounce back and phone numbers
5 are disconnected? And then, how
6 does the inability to reach a
7 responsive owner or decision-maker
8 affect timeliness for compliance?

9 COMMISSIONER MERENDA: That
10 is a challenge, Councilmember. You
11 hit it on the head. That is a
12 challenge. We have research staff
13 that goes out and does additional
14 review of various databases to find
15 better addresses and better
16 locations for owners of those
17 properties.

18 And, in fact, on my side
19 when we have to, for example, an ID
20 or an unsafe property, we also have
21 to try and identify the mortgage
22 holder, in addition to the property
23 owner if that's the relevant issue.
24 So that is a challenge and we have a

1 research staff that looks at a
2 variety of different data basis to
3 get more up-to-date information on a
4 particular property.

5 COUNCILMEMBER PHILLIPS:

6 Well, I'm not going to preach to the
7 choir. I just want to say I hope
8 you come up with something if you
9 think it's better. But as our body
10 I feel we are responsible for
11 responding to our constituents, our
12 neighbors and we have to come up
13 with something on our own.

14 We did a lot of amendments
15 having worked with the Law
16 Department and L&I, I'm the first
17 person to really listen. A lot of
18 the stuff that you were mentioning,
19 I mean it doesn't -- if you have all
20 these things in place, then why is
21 it not working? Some of it just
22 doesn't make sense.

23 So I'm just hoping that
24 something can come from this, and

1 that you do find ways to enforce
2 this law. Because as you said, the
3 reason why we're doing this is
4 because if they're not responsive we
5 need to move on from them in the
6 city of Philadelphia and give them a
7 serious violation, and that's the
8 way we solve that problem.

9 COMMISSIONER MERENDA:

10 Sure.

11 CHAIR DRISCOLL: Member
12 Gauthier.

13 COUNCILMEMBER GAUTHIER:

14 Thank you, Mr. Chair.

15 As you mentioned, I saw you
16 at the memorial on Saturday evening
17 and you were ready to jump into
18 action for me for a senior building
19 that didn't have heat, even though
20 it's not your shop. Right. And so
21 I appreciate your work and
22 dedication.

23 But I also want to support
24 my colleague and just give you an

1 example. I appreciate your detailed
2 list of feedback and, you know, the
3 fact that you-all took time to
4 reviewing the legislation, that's
5 obvious. But any suggestion that we
6 are doing this well or that we have
7 what we need in place is just not
8 true in terms of what we are seeing
9 on the ground.

10 And I wanted to give you a
11 specific example. So I had a block
12 in Southwest Philadelphia, a rowhome
13 block, right? And there's a
14 property, sort of in the middle of
15 the block, a rowhome that was being
16 rented by an absentee landlord,
17 somebody I believe they were out in
18 California.

19 There was drug dealing
20 happening out of this property,
21 there was a shooting outside of this
22 property. And these folks between
23 their activity and traffic had
24 locked this block down to the point

1 where the residents on the block
2 were looking to me for action. And
3 sure we got an address from L&I, but
4 there was no response to that
5 address. We had to get on the
6 Internet and search and find this
7 person.

8 And you know, in the
9 meantime, I'm being responsive to
10 the residents. I go to a block
11 meeting on the block, I was afraid
12 being on the block with what was
13 going on. And so thankfully we did
14 find the landlord, he wasn't an
15 awful person. He was willing to
16 evict the tenant. Now, I'm not the
17 evict the tenant Councilmember,
18 that's rarely -- that's rarely my
19 position.

20 But in this situation where
21 there was violence happening, drug
22 activity happening, essentially this
23 one bad actor taking over a whole
24 block, I was like, yes, evict the

1 tenant, right.

2 COMMISSIONER MERENDA:

3 Unacceptable.

4 COUNCILMEMBER GAUTHIER: So

5 thank you goodness we got the

6 landlord to work was, but we did the

7 research work. I made a phone

8 calls. We don't mind, this was an

9 important issue, but we don't have

10 the capacity to that for the

11 significant amount of absentee

12 landlords in this city. So we need

13 help and we need a better system and

14 I fully support my college on

15 getting this bill done.

16 COMMISSIONER MERENDA: If I

17 may comment. Any nuisance property

18 situations like that, I'm sure that

19 quality of life will get out there

20 as quickly as possible.

21 In fact, Ranee Reinhardt

22 who is one of the hardest working

23 folks at L&I, she works on the

24 quality of life side and she's in

1 charge of the nuisance property
2 unit. If you can get an address and
3 any other addresses like that, I'm
4 sure Ranee will get there as soon as
5 possible.

6 COUNCILMEMBER GAUTHIER:

7 It's done. This was a couple of
8 years ago. It's done. You know,
9 the property is being rented by
10 someone else and I haven't heard
11 those complaints. But what I'm
12 saying is we don't have the capacity
13 to do that with every bad actor. We
14 have to have a better system and
15 more supports in place.

16 COMMISSIONER MERENDA:

17 Sure.

18 CHAIR DRISCOLL: Member
19 Jones.

20 COUNCILMEMBER JONES: So
21 real quick because we got to move on
22 this hearing. Three things, time is
23 not neutral. No matter how much we
24 kick the can down the road, people

1 are still being kicked out. L&I has
2 to do its job, that's No. 1.

3 Brith Shalom, I won't go
4 into the long history of that and
5 finding that owner. And then filing
6 \$23-million worth of investment, you
7 were there, my colleagues were
8 there. We wound up putting that
9 owner in jail because we found him.
10 It's so material that he then went
11 to jail, and that's an important
12 part.

13 And what I would say is we
14 are at the tip of the iceberg around
15 the city of distressed properties
16 like this so we have to get our game
17 in order.

18 And the only final thing I
19 would say is that whatever
20 information you find out about
21 property owners please share with
22 the revenue commissioner. Because
23 if they're hiding about repairs,
24 they're hiding about taxes.

1 COMMISSIONER MERENDA: More
2 likely than not. Yeah, I agree.

3 COUNCILMEMBER JONES:
4 That's all I got, Mr. Chairman.

5 CHAIR DRISCOLL: Thank you,
6 Member Jones. And thank you,
7 Commissioner, for your testimony.
8 Much appreciated.

9 Ms. McDonald, will you
10 please call the next panel to
11 testify on Bill No. 250980?

12 THE CLERK: Reverend
13 Nicholas Christian, Sr., Heather
14 Miller, William Scott and Garrett
15 O'Dwyer.

16 CHAIR DRISCOLL: Good
17 afternoon. You guys can pick your
18 order and in that order state your
19 name and please proceed with your
20 testimony.

21 REVEREND CHRISTIAN: Good
22 afternoon. My name is Nicholas
23 Christian. I serve as the pastor of
24 the Philippian Baptist Church

1 located at 5801 Broad Street.

2 I want to thank you
3 Councilman Phillips for the
4 opportunity to testify today. I
5 believe I was the pastor he alluded
6 to a bit earlier in this address.

7 I want to begin with the
8 words of the Profit Jeremiah,
9 Chapter 39, verse 7. Where he says
10 seek the peace in prosperity of the
11 city to which I've carried you.
12 Pray for it, for if it prospers, you
13 too will prosper.

14 That scripture captures why
15 I'm here today. Black history month
16 is not only about celebrating
17 historical achievements. It's also
18 about prophetic honesty regarding
19 systems that have historically
20 harmed our communities. It's about
21 the responsibility we share to heal
22 and repair these communities not
23 exclusively as pastors or believers,
24 but even politicians, leaders and

1 dare I say systems whose power and
2 positions are uniquely equipped to
3 be repairers of the breach.

4 Safety, housing, land use,
5 investment and neighborhood
6 stewardship have always been central
7 to the story of community repair.

8 From redlining to
9 disinvestment to absentee ownership,
10 black neighborhoods have too often
11 carried the burden of neglect while
12 others benefited from their
13 distance.

14 I speak today as a pastor,
15 as community leader, a former
16 resident and a current servant of
17 North Philadelphia. But more
18 importantly, like many of you, I am
19 a lover of our city as a whole. And
20 I also speak as someone who has
21 witnessed the consequences of
22 non-resident landlords being
23 unreachable and unaccountable.

24 In our community a property

1 on Park Avenue became a source of
2 ongoing harm because the owner was
3 not local or unreachable and did not
4 steward the land responsibly.

5 Over time the property
6 became overgrown and neglected.
7 Trash accumulated, illegal dumping
8 increased and people from outside
9 the neighborhood began using the
10 space in ways that disrespected
11 people that actually lived there.
12 The effects were not abstract, they
13 were personal, they were human.

14 Our seniors, some of whom
15 attend my church, were unable to
16 walk safely on the sidewalks. They
17 could not easily park their cars
18 near their homes. I personally
19 witnessed elderly resident, already
20 vulnerable, walking on the streets
21 because the sidewalks were no longer
22 feasible. Blocked by blighted
23 property and bad property
24 stewardship.

1 This is not just an
2 inconvenience. That's a significant
3 dignity issue, that's a safety
4 issue.

5 When residents and local
6 leaders tried to do the right thing
7 and sought help, there was no one to
8 contact. No local representative
9 for the property, no accountability,
10 no owner of said property. And
11 sure, L&I and leaders faithfully
12 responded to calls and complaints,
13 levied fines and addressed the
14 debris. And of course our Mayor's
15 team has since come and attempted to
16 beautify the property, however, this
17 problem has persisted nearly 20
18 years on this block alone. Because
19 levying fines and penalties against
20 a unreachable source can't
21 effectively address the issue that
22 inconveniences our neighbors.

23 Removing debris and dumping
24 isn't preventative, it's reactive.

1 The lack of access to things like
2 peace and safety caused by
3 properties like this one and others
4 like it all around our city create
5 stress, frustration and a deep sense
6 of abandonment. And it sends the
7 message to our people in our
8 neighborhoods that people in our
9 neighborhoods and communities matter
10 less than the convenience of
11 ownership from afar, regardless of
12 the owner stewardship.

13 And so this bill amending
14 Chapter 9-3900 of the Philadelphia
15 code is not just more red tape.
16 It's a step toward justice requiring
17 non-resident landlords to provide
18 verifiable contact information and a
19 designated local contact is not
20 excessive, it's basic
21 accountability.

22 It ensures that when
23 problems arise there is someone who
24 must answer, someone who must act

1 and someone who must care.

2 This legislation protects
3 communities like mine. It protects
4 our most vulnerable, it protects our
5 seniors, families and children. It
6 helps prevent minor issues from
7 becoming public safety crisis. And
8 it affirms the principal that black
9 and brown communities and all
10 communities have known to be true.
11 When no one is accountable, harm
12 multiplies.

13 Thus, as we celebrate Black
14 history month, as we celebrate 2350
15 years of independence and the
16 unfinished pursuit of liberty and
17 justice for all, and as we all
18 journey toward One Philly a United
19 City and one America, a united
20 nation, let the celebration be
21 ingratiated with a quest for peace
22 in the city through the creation of
23 bills that value people over
24 distance and stewardship over

1 neglect.

2 Accountability is not anti-
3 development, it is a foundation for
4 healthy, sustainable development.
5 And for these reasons rooted in
6 scripture, lived experience and love
7 for this city, I strongly support
8 this bill and urge its passage.

9 Thank you for the
10 opportunity to be heard and for your
11 commitment to the people of
12 Philadelphia.

13 CHAIR DRISCOLL: Thank you,
14 Reverend.

15 MS. MILLER: All right.
16 Hello, again. Well, I hate to have
17 to follow pastor here. I'm going to
18 keep it simple. I can go on and on
19 with examples like yours in my
20 community --

21 CHAIR DRISCOLL: Can you
22 begin by stating your name for the
23 record again?

24 MS. MILLER: My name is

1 Heather Miller here representing
2 Lawncrest Community Association.
3 Sorry, Chairman.

4 So I'm here to strongly
5 support amending Philadelphia code
6 Chapter 9-3900, regarding property
7 licensing and owner accountability.

8 This amendment is the vital
9 for enhancing our communities
10 quality of life in ensuring
11 non-resident landlords are held
12 accountable for building
13 deterioration and code violations,
14 securing the sustainability of our
15 neighborhood.

16 I have direct experience
17 with how some non-resident landlords
18 evade accountability and compliance
19 through various means. There is no
20 valid reason why they should not be
21 required to provide verifiable
22 contact information and appoint a
23 local representative within our
24 community.

1 Considering that they
2 profit from their properties, such
3 accountability measures are a must.
4 I call on each of you to support
5 this essential amendment. And I'll
6 be glad to come back and testify at
7 another time with more specific
8 examples of what my community has
9 been going through for a little over
10 20 years from non-compliant
11 landlords. Thank you.

12 MR. O'DWYER: Good
13 afternoon, Chairperson Driscoll and
14 members of City Councils Committee
15 on License and Inspections. My name
16 is Garrett O'Dwyer and I'm the
17 policy director at the Philadelphia
18 Association of Community Development
19 Corporation or PACDC.

20 Thank you for the
21 opportunity to offer testimony in
22 support of bill 250980, new
23 accountability protocols for
24 landlords to receive a valid rental

1 housing license. We want to thank
2 the bill's sponsor, Councilmember
3 Anthony Phillips for taking the
4 initiative because the status quo is
5 unacceptable and inaction isn't an
6 option.

7 PACDC is the leading voice
8 of non-profit community development
9 corporations in Philadelphia. Our
10 606 CDC members and over 90
11 associate members are responsible
12 for addressing key affordable
13 housing, social service and economic
14 development needs across our city.

15 Every day CDCs are
16 addressing the compounding issues
17 that arise from landlord neglect in
18 our communities. Poor property
19 maintenance leads to significant
20 deterioration of basic household
21 systems, which jeopardizes the
22 habitability of the residents or
23 tenants.

24 These tenants are often

1 forced to make the desperate choice
2 between tolerating conditions that
3 risk their safety and health or the
4 roof over their head.

5 For many of our low income
6 tenants leaving simply isn't an
7 option. The lack of affordable
8 housing and how high up moving cost
9 means the alternative to dangerous
10 house is often no housing at all.
11 However, remaining in these
12 conditions exposes them to health
13 risk which can lead to lost days of
14 work or school, further jeopardizing
15 their financial stability and
16 economic mobility.

17 While the burden on
18 landlord neglect fall hardest on
19 tenants, they are not the only ones
20 impacted. Negligent external
21 property maintenance makes these
22 properties a blight on the community
23 at large. Blight is like a cancer,
24 adjoining homes are often the first

1 to suffer, but prevailing conditions
2 of neglect can expand whole blocks
3 and impact entire neighborhoods.

4 Numerous peer review
5 studies many of them conduct in
6 Philadelphia have demonstrated the
7 connection between unmitigated
8 blight and poor health and quality
9 of health outcomes including
10 increase crime and violence.

11 Bill No. 250980 seeks to
12 empower tenants in communities to
13 hold negligent landlords accountable
14 by mandating that property owners
15 provide basic identifying
16 information as a requirement for
17 obtaining a rental housing license.

18 For too long problematic
19 property owners have used existing
20 registration loopholes to remain
21 anonymous through shadowy ownership
22 structures, phony mailing addresses
23 and useless contact information.

24 This legislation will

1 mandate things that are common
2 sense. Beneficial owners of
3 property will be required to provide
4 their primary residential address
5 which will be subject to
6 verification by the Department of
7 License & Inspection and out-of-town
8 owners will be further required to
9 designate local agents to function
10 as a point of contact.

11 If passed this bill will
12 ensure that L&I will have a point of
13 contact if code violation arise and
14 can hold property owners responsible
15 for unaddressed infractions if they
16 persist.

17 Having to provide this
18 information on the record is a
19 needed step to fundamentally
20 altering the current incentive
21 structure for owners who choose to
22 allow their properties to
23 deteriorate.

24 To be clear the problematic

1 owners that make this legislative
2 necessary do not represent the
3 majority of Philadelphia's private
4 rental market who are mostly small
5 landlords that try and follow the
6 rules and provide safe stable
7 housing for their tenants. These
8 landlords are key to our housing
9 supply especially for housing
10 affordable to moderate income
11 individuals and families and we
12 should be thoughtful about
13 conditions that might raise
14 operating costs that are generally
15 passed onto the tenants.

16 We have concerns that
17 mandating local property owners who
18 say just live over the city limits
19 to register local agents within the
20 city may require them to pay
21 additional fees for entities to
22 represent them in this capacity and
23 we'd encourage the bill's sponsor
24 and the committee to consider

1 whethere a geographical exemption to
2 the local agent requirement that is
3 broader than the city limits is
4 appropriate and would address some
5 of those concerns.

6 The harm created by
7 increasing investor ownership of
8 residential real estate is something
9 that Philadelphia and cities across
10 the country are contending with.

11 This was recently the
12 subject of PACDC's equitable
13 development symposium where we heard
14 from local and national thought
15 leaders on practical steps that
16 localities could take to prevent and
17 address negative impacts on
18 communities.

19 An important component is
20 developing the capacity to
21 adequately hold negligent property
22 owners accountable. That is what
23 Bill No. 250980 seeks to accomplish.

24 We support this legislation

1 and look forward to working with
2 City Council on additional steps we
3 can take to develop a housing echo
4 system that encourages responsible
5 property ownership. Thank you for
6 the opportunity to testify this
7 afternoon.

8 CHAIR DRISCOLL: Thank you
9 all three for your testimony.

10 Member Phillips?

11 COUNCILMEMBER PHILLIPS:
12 No, just thank you so much. Pastor,
13 incredible, incredible. Thank you.

14 CHAIR DRISCOLL: Hearing no
15 further questions for this panel,
16 are there any other panels to be
17 called?

18 So we'll move to public
19 comment then. Will you please call
20 the first person making public
21 comment we have to testify this
22 afternoon on the bills before the
23 committee today?

24 THE CLERK: William Scott

1 and Robert Gray.

2 MR. GRAY: Hello, Council.

3 How are you?

4 CHAIR DRISCOLL: Please
5 state your name for the record and
6 proceed with a testimony.

7 MR. GRAY: Not a problem.
8 My name is Robert Gray. I'm a
9 licensed real estate agent here in
10 the city of Philadelphia, I'm also a
11 resident here.

12 Today specifically I am
13 here in on behalf of bill 251097. I
14 wanted to come in with an open heart
15 to listen to the Councilmembers
16 because I think its important and at
17 the heart of this legislation there
18 is a core that cares about the youth
19 and that to me is something that's
20 very imperative now. I'm very alive
21 and well in this city. I'm walking
22 in the subway currently. I also
23 work part-time at Chipotle so engage
24 with the youth frequently.

1 However, I cannot support
2 this bill for three reasons
3 primarily. The first being it's
4 completely redundant. Okay. We
5 have laws in place for a reason and
6 there are a lot of business owners
7 who follow the laws and do what
8 they're supposed to make sure they
9 have the proper coherence with
10 whatever the city provides, and also
11 the state regulations as well as
12 federal.

13 And these are laws that
14 have been put in place for a reason.
15 So I'm here on behalf of those
16 business owners to represent the
17 American business owner who is tired
18 of constantly being harassed and
19 harangued by L&I.

20 And when it comes down to
21 my second point that this will open
22 the door for further discrimination
23 as well as bias. We heard the
24 Council today talk about them, and

1 they, and the Halloween lights. And
2 these businesses -- and these
3 business owners are people, they
4 represent different nationalities
5 that may not be welcome to some.
6 But they are taking a market share
7 here in the city and paying their
8 taxes as well.

9 So I think there tends to
10 be a tidal wave of an agenda to
11 villainize these people that are
12 business owners and property owners
13 that they are somehow crooks or
14 somehow don't have the best interest
15 of Philadelphia, when in fact they
16 do. Because they pay a higher tax
17 rate and they also have to
18 contribute to dealing with the
19 people that are actually creating
20 the nuisance outside of their
21 business, who are using drugs and
22 handling paraphernalia, and hanging
23 out and twerking in the street.
24 Okay.

1 So I understand on one hand
2 we do have to hold people
3 accountable when they violate these
4 certain laws and things. But I
5 personally have reached out the L&I
6 when I had a surge of water going
7 through my ceiling and nothing was
8 done. What did they do? They came
9 around next week, though, to give me
10 a trash citation outside of my
11 apartment which was not my trash.

12 So what we need do really
13 is focus on what is L&I doing with
14 our city resources and our taxes?
15 Are they actually making sure that
16 the youth is being connected with
17 resources so that they don't have to
18 rely on the streets to tell them how
19 to behave.

20 We also have an issue here.
21 We are putting resources towards
22 another ordinance, when we can be
23 putting resource towards education
24 in our schools with programs such as

1 DARE, which has been successful in
2 the past and working with students
3 directly to show them a moral fiber
4 and a change that needs to happen.

5 We also are now dealing
6 with the third point that I would
7 like to make today. And that point
8 is where are the parents? Where are
9 they? To care about the lungs and
10 the hearts of their children because
11 they are the ones that are
12 responsible to tell their kids to
13 say no. And if they are lighting up
14 a Newport in the car, the chances
15 that their child is going to be
16 addicted to tobacco are extremely
17 high.

18 I have several relatives
19 that the mother smoked, the daughter
20 smokes, and now the granddaughter is
21 breathing it in. And you know what,
22 that's an individual problem. And
23 we need to focus on allocating our
24 resources better in this time of the

1 economy.

2 We see government agencies
3 weaponize and use against people
4 that pay their taxes. Look at what
5 ICE is doing and now we have L&I
6 basically doing the same thing. To
7 label every business owner as a
8 nuisance when they are not, they are
9 a contributing member of society.

10 When it comes down to Bill
11 250980, I think it's a good step in
12 a good right direction. But let's
13 ask ourselves why doesn't L&I have
14 these phone number, why don't we
15 have these addresses? Could it be
16 that there's a silent partner there
17 wiping away this information?

18 And it took a lot for me to
19 come today because I know you don't
20 have the resources as the
21 Councilwoman had commented that we
22 don't have the resources to research
23 people, but I'm sure you do. And
24 I'm sure they have been researching.

1 They have been researching,
2 harassing business owners, following
3 their next location, going to second
4 and third locations to find
5 citations and create revenue for
6 their department.

7 And you know what,
8 Philadelphia, I just want to say
9 thank you and I know my time is
10 coming. I want to say thank you,
11 Philadelphia, because we are going
12 to getting better and don't have
13 anything else to write citations for
14 and now we're a nuisance. And I
15 think we can do better if we just
16 can work on connecting with the
17 youth on a more direct scale. And
18 I'm here to support change for the
19 good and the better Philadelphians
20 and hard working Philadelphians that
21 are paying these taxes to support
22 this Council.

23 CHAIR DRISCOLL: Thank you.

24 Please state your name and

1 proceed with your testimony.

2 MR. SCOTT: My name is
3 William Scott. Thank you for
4 providing the time for me to make my
5 comments. I'm here in support for
6 the non-resident landlord
7 accountability board on behalf of
8 myself and the Logan Civic
9 Association.

10 In order to qualify or
11 discount my comments it may be
12 useful for you to know that I've
13 been a member of the Logan Civic
14 Association since 2013. Further, my
15 background includes an extensive
16 history in the real estate
17 development investment and
18 management businesses. That
19 experience was gathered here in
20 Philadelphia and other parts of the
21 United States.

22 Beginning in 1978 and
23 continuing through to recent days it
24 has been my great good fortune to

1 work and partner with some of the
2 most significant people and projects
3 in Philadelphia's history.

4 Those people and projects
5 are inclusive of but not limited to,
6 Samuel Evans of Evans-Pitcairn, the
7 builder of 2000 Market Street,
8 Center Square and the Independence
9 Blue Cross building, while
10 simultaneously inventing the
11 Suburban Office Park.

12 Bill Rouse, who built 1900
13 Market Street, Liberty Place, the
14 Comcast Center and a little thing
15 called Liberty Property Trust while
16 simultaneously ensuring the success
17 of the Philadelphia Convention
18 Center and the development of the
19 Kimmel Center.

20 Steve Solms who virtually
21 invented the adoptive reuse business
22 with the historic landmark for a
23 living multi-family apartment
24 business. Tony Lordi of Pitcairn

1 Properties, 1800 and 1880 JFK
2 Boulevard and the Bell Atlantic
3 Tower now known as 3 Logan.

4 Jonathan Butcher of the
5 former New York Stock Exchange
6 member firm Butcher and Singer, who
7 provided the financing and
8 encouragement for a partner in me to
9 create the new real estate
10 investment of Butcher and Singer
11 which became a model for a number of
12 the New York Stock Exchange member
13 firms to use in creating their own
14 real estate investment divisions.

15 Don Harvey of Pitcairn
16 Properties who built 5 Penn Center,
17 now known as 1501 Market Street and
18 1760 Market Street. Then later
19 joined me at Pantzer Properties
20 where we created a real estate
21 management company to lease and
22 manage 3-million square feet of
23 office and residential properties, a
24 hotel and two shopping centers.

1 All of that history and
2 more relate directly to the Logan
3 Civic Association experience and to
4 the proposed legislation.

5 Every one of us involved in
6 the above projects learned that once
7 the parade of praise and uniqueness
8 and innovation of design goes past
9 real estate is always and everywhere
10 a management intensive business. It
11 requires transparency on the rights
12 and obligations of landlords as well
13 as tenants. And it requires action
14 plans in the event of ordinary
15 maintenance and casualty recovery.

16 No responsible landlord
17 would isolate a tenant from access
18 to such plans. Putting tenant
19 performance aside for a different
20 conversation, our experience at the
21 Logan Civic Association shows that
22 too many landlords are acting
23 irresponsibly and blinding tenants
24 not only to the procedure for

1 ordinary maintenance, but failing to
2 provide functioning contact
3 information to any responsible party
4 or person in the event of a
5 casualty. This is dangerous and
6 unaccessible.

7 In our view this
8 legislation attempts to take a step
9 on a path of finding a fix for this
10 unacceptable condition. Logan Civic
11 Association and I support this bill.

12 CHAIR DRISCOLL: Thank you
13 both for your testimony.

14 Ms. McDonald, any others
15 for public comment?

16 THE CLERK: There are no
17 more names for public comment.

18 CHAIR DRISCOLL: I would
19 like to thank all witnesses for
20 joining us today and this concludes
21 the hearing and we now go into the
22 public meeting.

23 There being no further
24 questions and no other witnesses to

1 testify on Bill Nos. 251097 and
2 250980, I'll ask -- so we already
3 established -- I would like to move
4 in to the public meeting.

5 Mr. McDonald, will you
6 please call the roll to take
7 attendance? Members that are in
8 attendance, please indicate you're
9 present when your name is called.

10 THE CLERK: Councilmember
11 Gilmore-Richardson, Councilmember
12 Jones.

13 COUNCILMEMBER JONES:
14 Present.

15 THE CLERK: Councilmember
16 Gauthier, Councilmember Phillips.

17 COUNCILMEMBER PHILLIPS:
18 Present.

19 THE CLERK: Councilmember
20 O'Rourke.

21 COUNCILMEMBER O'ROURKE:
22 Present.

23 THE CLERK: Vice Chair
24 Squilla, Chair Driscoll.

1 CHAIR DRISCOLL: Present.

2 Chair recognizes

3 Councilmember Phillips for a motion
4 on Bill No. 251097.

5 COUNCILMEMBER PHILLIPS:

6 Thank you, Mr. Chair. I offer an
7 amendment to Bill No. 251097. A
8 copy of the amendment has been
9 circulated to all members of the
10 committee. I move that the
11 amendment to Bill No. 251097 be
12 approved.

13 COUNCILMEMBER JONES:

14 Second.

15 CHAIR DRISCOLL: The Chair
16 notes for record that Councilmember
17 Jones seconds the motion. It has
18 been moved and properly seconded
19 that Bill No. 251097 as amended be
20 reported from this committee with a
21 favorable recommendation and further
22 move that the rules of council be
23 suspended to permit first reading of
24 this bill at the next session of

1 council.

2 All those in favor of the
3 motion -- my apologizes. We want to
4 adopt the amendment first. So let's
5 -- let's start from the beginning so
6 we are clear, for the record.

7 The Chair recognizes
8 Councilmember Phillips for a motion
9 on the amendment to Bill No. 251097.

10 COUNCILMEMBER PHILLIPS:

11 Thank you, Mr. Chairman. I offer an
12 amendment to Bill No. 251097. A
13 copy of amendment has been a
14 circulated to members of the
15 committee. I move that the
16 amendment to Bill No. 251097 be
17 approved.

18 COUNCILMEMBER JONES:

19 Second.

20 CHAIR DRISCOLL: The Chair
21 notes, for the record, Councilmember
22 Jones seconds the motion. It has be
23 moved and properly amended that Bill
24 No. 251097 be approved.

1 All those in favor of the
2 motion will signify by saying aye.
3 Those opposed? The ayes have it.
4 The motion carries. And the
5 amendment to Bill No. 251097 has
6 been approved.

7 The Chair recognizes
8 Councilmember Phillips for a motion
9 on Bill No. 251097 as amended.

10 COUNCILMEMBER PHILLIPS:
11 Thank you, Mr. Chair. I move that
12 Bill No. 251097 as amended be
13 reported from this committee with a
14 favorable recommendation and further
15 move that the rules of council be
16 suspended to permit first reading of
17 the bill at our next session of
18 Council.

19 COUNCILMEMBER JONES:
20 Second.

21 CHAIR DRISCOLL: The Chair
22 notes for the that Councilmember
23 Jones seconds the motion. And it's
24 been moved and properly seconded

1 that Bill No. 251097, as amended, be
2 reported from this committee with a
3 favorable recommendation and further
4 move that the rules of council be
5 suspended to permit first reading of
6 this bill at the next session of
7 Council.

8 All those in favor of the
9 motion will signify by saying aye.
10 The ayes have it. The motion
11 carries.

12 The Chair recognizes
13 Councilmember Phillips for a motion
14 on the amendment to Bill No. 250980.

15 COUNCILMEMBER PHILLIPS:
16 Thank you, Mr. Chair. I offer an
17 amendment to Bill No. 250980. A
18 copy of the amendment has been
19 circulated to all members. I move
20 that the amendment to Bill No.
21 250980 be approved.

22 COUNCILMEMBER JONES:
23 Second.

24 CHAIR DRISCOLL: Chair

1 notes for the record that
2 Councilmember Jones seconds the
3 motion. It has been moved and
4 properly seconded that the amendment
5 of Bill No. 250980 be approved.

6 All this in favor of the
7 motion will signify by saying aye.
8 Those opposed? The ayes have it.
9 The motion carries and the amendment
10 to the 250980 has been approved.

11 The Chair recognizes
12 Councilmember Phillips on Bill No.
13 250980 as amended.

14 COUNCILMEMBER PHILLIPS:
15 Thank you, Mr. Chair. I move that
16 Bill No. 250980, as amended, be
17 reported from this committee with a
18 favorable recommendation and further
19 move that rules of council be
20 suspended permit first reading of
21 this bill at the session of Council.

22 COUNCILMEMBER JONES:
23 Second.

24 CHAIR DRISCOLL: The Chair

1 notes, for the record, that
2 Councilmember Jones seconds the
3 motion moved and properly that Bill
4 No. 250980, as amended, be reported
5 from this committee with a favorable
6 recommendation. And further move
7 that the rules of council be
8 suspended to permit first reading of
9 this bill at the next session of
10 Council.

11 All those in favor of the
12 motion will signify by saying aye.
13 The ayes have it. The motion
14 carries.

15 This concludes the business
16 before this Committee on License and
17 Inspections today. Thank you all
18 very much for your attendance and
19 thank you, members.

20 (Meeting for the Committee on License & Inspections
21 concluded at 2:35 p.m.)
22
23
24

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

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

Samanda J. Rios

Samanda J. Rios

Court Reporter
Notary Public of PA & DE

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\$	11,19 97:9,12,16,24 98:5, 9,12 99:1	7-eleven 25:10
\$23-million 65:6	2:35 101:21	8
\$300-million 30:10	3	8 47:20
1	3 24:12 44:10 92:3	80-something 56:5
1 17:22 23:15 43:7 47:2 65:2	3-million 92:22	9
11th 54:7	30 57:2	9 47:16
15 57:2	30-day 10:19	9-3900 4:4 37:4 71:14 74:6
1501 92:17	35 42:9	9-3907 43:16 44:23
1760 92:18	365 35:8	9-4400 3:15 27:13
1800 92:1	39 67:9	9-4401 6:4
1880 92:1	3rd 15:9 21:21	9-4404 8:6
19 30:7	4	9-622 6:23
1900 91:12	4,000 7:6	9-631 6:13,24
1978 90:22	4:00 17:11,19,21	90 76:10
2	4th 21:22	9:00 18:23
2 17:23 23:16 24:10	5	9th 21:21 33:24
20 31:12 70:17 75:10	5 45:21 92:16	A
2000 91:7	55 9:18 15:11	abandonment 71:6
2013 90:14	5801 67:1	abatement 7:13
2020 9:23	5:00 17:19,21 18:23	absentee 9:14 15:8 38:14 61:16 63:11 68:9
21 6:10	6	absenteeism 11:18
2350 72:14	60 7:12	abstract 69:12
2351097 34:9	606 76:10	academic 51:6
24 25:11	62,000 9:20,21	accelerated 45:23 47:17
250980 3:9 4:3 34:10,14 37:2 66:11 75:22 78:11 81:23 88:11 95:2 99:14, 17,21 100:5,10,13,16 101:4	6th 21:22	access 39:16 71:1 93:17
251097 3:9,14 4:22 6:2 26:11 83:13 95:1 96:4,7,	7	accomplish 81:23
	7 47:9 67:9	account 46:1
		accountability 4:7 11:7 37:5 38:13 48:18 70:9 71:21 73:2 74:7,18 75:3,

23 90:7 accountable 10:9 28:1,13 41:11 72:11 74:12 78:13 81:22 86:3 accumulated 69:7 achieve 43:6 48:16 achievements 67:17 achieves 41:6 acknowledge 13:23 acknowledging 34:24 act 71:24 acting 93:22 action 15:16 45:24 60:18 62:2 93:13 actions 10:22 38:24 47:18 activities 6:20 7:1 45:4 activity 12:5 61:23 62:22 actor 62:23 64:13 add 3:17 addicted 7:3 33:4 87:16 addiction 11:17 adding 6:5 addition 44:5 58:22 additional 7:16 37:23 46:24 58:13 80:21 82:2 Additionally 44:23 address 7:17 9:2 11:9 22:13 24:4 29:22 31:9,18 32:1,20 37:10,12 44:8 46:11 62:3,5 64:2 67:6 70:21 79:4 81:4,17 addressed 57:16 70:13 addresses 9:15 10:13 47:22,23 58:15 64:3 78:22 88:15 addressing 21:18 76:12, 16	adequately 81:21 adjoining 77:24 adjustment 27:16 administration 38:3,10 adopt 97:4 adoptive 91:21 advisory 5:19 advocacy 38:6 advocates 31:8 32:14 afar 71:11 affect 58:8 affirms 72:8 affordable 76:12 77:7 80:10 afraid 62:11 afternoon 4:21 5:5,14 15:4 26:10 34:13 36:16 66:17,22 75:13 82:7,22 age 6:10 agencies 9:13 12:17 32:17 88:2 agenda 85:10 agent 10:17 37:12,13,22, 24 43:19 81:2 83:9 agents 41:16,19 44:24 79:9 80:19 agree 66:2 agreed 10:18 agrees 6:16 aim 42:24 Airy 13:3 align 17:14 aligned 47:2 alignment 47:4 alike 40:16	alive 83:20 allocating 87:23 allowed 10:4 alluded 67:5 altering 79:20 alternative 77:9 ambiguity 47:14 amend 37:4 amended 11:9 43:8 44:11 45:13 96:19 97:23 98:9, 12 99:1 100:13,16 101:4 amending 3:14 4:4 27:12 71:13 74:5 amendment 74:8 75:5 96:7,8,11 97:4,9,12,13,16 98:5 99:14,17,18,20 100:4,9 amendments 59:14 America 72:19 American 26:13 29:3 30:2 33:6 50:9 84:17 amount 16:4 56:6 63:11 and/or 38:18 anniversary 35:1 anonymous 78:21 answers 22:9 25:17 Anthony 27:5 76:3 anti- 73:2 apartment 11:2 54:18 86:11 91:23 apologizes 97:3 appealing 30:17 appears 47:21 applicable 37:18 applications 41:20 apply 10:23
--	--	--

appoint 74:22	ayes 98:3 99:10 100:8 101:13	7:8,15 8:4,18,22 11:8,20 13:15 14:1,3 15:6,8 16:10,14 20:1 24:14 26:11 27:15 34:9,13 37:2, 8,20 44:10 48:14 49:3 50:3,22 53:7 63:15 66:11 71:13 73:8 75:22 78:11 79:11 81:23 83:13 84:2 88:10 91:12 94:11 95:1 96:4,7,11,19,24 97:9,12, 16,23 98:5,9,12,17 99:1, 6,14,17,20 100:5,12,16, 21 101:3,9
appreciated 66:8	B	bill's 76:2 80:23
appreciates 46:23		bills 3:12 12:9 15:7 21:13 22:12 72:23 82:22
approaches 12:1		bit 13:13 67:6
approvals 39:17	back 13:10 19:10 24:1 25:15 42:7 53:9,10 58:4 75:6	black 28:7 67:15 68:10 72:8,13
approved 3:21 96:12 97:17,24 98:6 99:21 100:5,10	background 90:15	blatant 28:1
area 11:6	backwards 52:20	blight 77:22,23 78:8
areas 28:6	bad 62:23 64:13 69:23	blighted 69:22
arise 71:23 76:17 79:13	balances 11:6	blinding 93:23
articulate 55:16	Baptist 66:24	block 51:3 61:11,13,15,24 62:1,10,11,12,24 70:18
articulated 49:23	based 18:8 29:21 30:23	Blocked 69:22
articulating 49:2	basic 71:20 76:20 78:15	blocks 78:2
associate 76:11	basically 55:23 88:6	Blue 91:9
Association 11:1,2 26:13, 15,23 27:11 29:4 30:3 33:7 74:2 75:18 90:9,14 93:3,21 94:11	Basil 34:15 36:15,19	board 90:7
Atlantic 92:2	basis 7:24 59:2	body 59:9
attempted 70:15	beautify 70:16	boss 57:4
attempts 94:8	began 69:9	Boulevard 92:2
attend 69:15	begin 8:14 34:21 67:7 73:22	bounce 58:4
attendance 2:6,8 4:17 95:7,8 101:18	beginning 90:22 97:5	box 44:9
authority 19:4 31:7 51:6	begins 39:24 40:10	boxes 9:15 49:19
authorized 37:14 43:19	behalf 29:3 37:16 38:6 83:13 84:15 90:7	branch 50:16
authorizes 37:20	behave 86:19	breach 68:3
authors 21:13	behavior 6:4,20 16:24	breathing 87:21
Avenue 69:1	behaviors 3:20	
avoid 48:7	believers 67:23	
aware 37:7	Bell 92:2	
awful 62:15	Ben 5:18	
aye 98:2 99:9 100:7 101:12	Beneficial 79:2	
	benefited 68:12	
	bias 84:23	
	bill 3:8,9,13 4:3,21 6:2	

bring 20:7 54:12 brings 12:4 Brith 65:3 Broad 67:1 broader 81:3 brought 51:20 54:6 brown 28:7 72:9 bud 14:11 budget 20:22 25:16 build 39:12 builder 91:7 building 39:18 40:2 60:18 74:12 91:9 built 91:12 92:16 burden 68:11 77:17 business 3:16 8:4 11:1 14:18 16:5,7,14 17:10 21:19 22:14 23:8 24:9 25:1 27:16,24 28:5 40:4, 17 84:6,16,17 85:3,12,21 88:7 89:2 91:21,24 93:10 101:15 businesses 7:18,21 12:14 16:22 17:8 22:4 24:7,21 25:8 35:12 40:18 41:9 85:2 90:18 Butcher 92:4,6,10	cancer 77:23 Candidly 54:6 capacity 63:10 64:12 80:22 81:20 captures 67:14 car 87:14 care 40:1 72:1 87:9 cares 83:18 carried 67:11 68:11 carries 98:4 99:11 100:9 101:14 cars 69:17 case 42:17 cases 48:1 casualty 93:15 94:5 caused 71:2 causing 7:2 CDC 76:10 CDCS 76:15 cease 3:24 14:13 27:21 ceiling 86:7 celebrate 72:13,14 celebrating 67:16 celebration 72:20 Center 91:8,14,18,19 92:16 centers 92:24 central 68:6 ceremony 35:18 Chair 2:2 3:1,2 4:14 5:4,8, 14 8:9 14:24 15:3 20:16 25:20,21 26:1,7 28:24 29:9,14 33:17 34:4,19 36:2,6 49:1 60:11,14 64:18 66:5,16 73:13,21 82:8,14 83:4 89:23 94:12,	18 95:23,24 96:1,2,6,15 97:7,20 98:7,11,21 99:12, 16,24 100:11,15,24 Chairman 21:7,11 22:9 26:16 27:3 50:6 66:4 74:3 97:11 Chairperson 36:16 75:13 challenge 10:2 58:10,12, 24 challenges 32:21 chances 87:14 change 11:23 44:14 52:14,16 56:8 87:4 89:18 Chapter 3:15 4:4 6:13 67:9 71:14 74:6 charge 64:1 check 18:20 checking 47:12 child 87:15 children 7:3 12:3 28:4,8 72:5 87:10 Chipotle 83:23 choice 77:1 choir 59:7 choose 79:21 Christian 66:13,21,23 chronic 5:20 11:17 church 56:9 66:24 69:15 cigarettes 22:20 29:24 circulated 96:9 97:14 99:19 circumstances 46:5 48:8 circumvent 24:5 citation 86:10 citations 89:5,13 cited 16:23
C		
CAL 45:5 California 61:18 call 2:5 4:20 26:8 34:12 66:10 75:4 82:19 95:6 called 2:10 3:5 82:17 91:15 95:9 calling 16:19 calls 9:1 63:8 70:12		

cities 81:9	codification 23:13	71:9 72:3,9,10 74:9 76:18 78:12 81:18
citizens 16:9 57:22	codified 22:16	community 12:16 14:5,7, 16 17:2 23:2 26:14,22 27:10 31:22 32:19 35:4 56:9,17 57:8 68:7,15,24 73:20 74:2,24 75:8,18 76:8 77:22
city 9:3,12 12:17 16:1,7 30:11 32:11 33:8,9 34:3 37:13 39:10 45:17 55:23 57:15,19 60:6 63:12 65:15 67:11 68:19 71:4 72:19,22 73:7 75:14 76:14 80:18,20 81:3 82:2 83:10,21 84:10 85:7 86:14	codifying 23:6	companies 48:3
city's 17:9 31:17 33:1 44:8,19	coherence 84:9	company 92:21
city-wide 21:23 25:7	collaborating 33:8	compartment 19:9
Civic 90:8,13 93:3,21 94:10	collaboration 41:4,7	complaints 40:14 64:11 70:12
Clarification 46:19	colleague 60:24	complete 7:11,23
clarifying 48:6	colleagues 12:16 34:23 65:7	completed 40:11
clarity 47:7	collect 45:9	completely 84:4
Class 47:2	collected 41:19 45:3	completion 3:21
clear 12:10 25:18 43:3 50:12 79:24 97:6	college 63:14	complex 54:18
CLERK 2:11,16,20,24 3:13 4:23 26:12 34:15 66:12 82:24 94:16 95:10, 15,19,23	Comcast 91:14	compliance 3:23 7:12 8:3 11:11 27:20 31:16 32:6 34:17 36:22 40:17 41:7 42:7,10 58:8 74:18
clientele 11:5	commending 15:6	complied 42:14,17
close 23:17,23,24 25:9	comment 63:17 82:19,21 94:15,17	comply 10:21 39:17
closer 16:10	commented 88:21	component 81:19
closes 10:10	comments 90:5,11	compounding 76:16
closing 13:7 24:11	commercial 20:13 45:4	concern 21:23
closures 11:23	commissioner 34:16,20, 22 35:15 36:4,14,20 53:19 55:19 57:10 58:9 60:9 63:2,16 64:16 65:22 66:1,7	concerned 30:4 55:9
co-chapter 27:13	commitment 28:19 73:11	concerns 11:18 22:3,15 40:4,16 42:22 43:9 45:16, 22 46:3 47:10 49:4 53:20 54:5 57:17 80:16 81:5
co-compliant 54:2	committed 33:7	concluded 101:21
code 3:16 4:5 6:5,14,22, 23 8:5 9:22 40:20 41:6 43:16 71:15 74:5,13 79:13	committee 3:4,7 5:16 22:10 29:2 36:18 37:7 41:13 48:13,22 75:14 80:24 82:23 96:10,20 97:15 98:13 99:2 100:17 101:5,16,20	concludes 94:20 101:15
	common 47:24 79:1	concur 50:7
	communication 46:14	condition 3:23 94:10
	communications 37:15	conditions 4:2,13 38:15 50:15 77:2,12 78:1 80:13
	communities 11:12 21:15 28:8,20 31:1 67:20,22	

conduct 78:5 conflict 46:21 connected 86:16 connectedness 57:7 connecting 89:16 connection 18:17 78:7 consequences 43:11 68:21 consideration 49:5 consistency 47:5 constantly 84:18 constituents 38:7 59:11 construction 36:23 40:3 53:23 54:9 constructive 12:7 consulting 45:19 46:9 consumer 39:14 contact 4:9,10 37:22 38:1 39:4 43:21 45:1 49:14 55:11 70:8 71:18,19 74:22 78:23 79:10,13 94:2 contacting 15:14 contacts 38:19 contending 81:10 continue 20:4 32:7,14 33:1 continued 32:11 continues 31:16 continuing 90:23 contractors 41:10 54:1 contribute 11:17 85:18 contributed 38:14 contributing 88:9 control 29:18 31:8 32:8	controls 24:21 44:7 convenience 71:10 convenient 39:19 Convention 91:17 converge 40:24 conversation 93:20 copy 96:8 97:13 99:18 core 83:18 Corporation 75:19 corporations 76:9 correct 42:1 corridor 20:13 corridors 22:15 cost 77:8 costs 80:14 council 33:9 57:15,20 82:2 83:2 84:24 89:22 96:22 97:1 98:15,18 99:4, 7 100:19,21 101:7,10 Councilman 27:5,6 28:18 67:3 Councilmember 2:11,12, 14,16,17,18,20,22,24 4:17 6:3 8:11,12 14:22 15:2 19:23 21:6 24:17,19 27:3 31:20 32:24 33:19, 20 34:1 35:23,24 36:7 37:3 38:5 49:9,10 50:4,5 53:21 54:16,20,24 55:6, 21 57:23 58:10 59:5 60:13 62:17 63:4 64:6,20 66:3 76:2 82:11 95:10,11, 13,15,16,17,19,21 96:3,5, 13,16 97:8,10,18,21 98:8, 10,19,22 99:13,15,22 100:2,12,14,22 101:2 Councilmembers 10:2 83:15 Councils 75:14	Councilwoman 88:21 counter 48:15 country 81:10 couple 64:7 court 41:3 42:18 46:6 courtesy 46:14 cousin 24:7 cousin's 24:1 covers 25:12 crash 35:1,11 create 8:1 23:2 50:21 71:4 89:5 92:9 created 81:6 92:20 creating 85:19 92:13 creation 72:22 crime 78:10 crisis 72:7 critical 16:12 20:20 crooks 85:13 cross 41:4 91:9 CSI 55:3 CSU 54:24 cure 10:20 current 10:8 29:18 42:22 68:16 79:20 Curtis 21:5 27:4 Cykhira 8:20 9:10 12:21, 24 53:3 57:24 D dangerous 77:9 94:5 dare 68:1 87:1 data 44:21 45:11 59:2 databases 58:14
---	--	--

daughter 87:19 Dawn 4:23 5:6 day 39:8,9 76:15 days 7:12 35:8 42:9 57:2 77:13 90:23 deadly 30:10 dealing 53:22 61:19 85:18 87:5 Dear 28:24 debate 51:6 debris 70:14,23 decades 30:1 decent 51:4 decision-maker 58:7 decline 31:11 dedicated 24:4 dedication 60:22 deep 71:5 deeply 30:3 delays 38:22 42:2 deliver 12:21 delivered 10:9 41:24 demonstrated 78:6 density 31:12 department 3:21 5:2,22 6:15 7:16,20 12:20 16:19 18:19,20 19:5,15,18 20:21 22:18 23:10 33:10 34:17 35:7,10 36:20 37:21 38:22 39:24 41:3 42:18 43:13,14 44:5 45:15,18,19 46:9,15,22 47:11,13,24 52:2 59:16 79:6 89:6 departments 43:4 44:4 47:5 57:20 design 93:8	designate 4:10 10:16 37:11 43:18 79:9 designated 28:2 41:18 71:19 desperate 77:1 detailed 61:1 deteriorate 79:23 deteriorated 38:15 deteriorating 50:14 deterioration 74:13 76:20 determined 7:9 deters 38:23 develop 82:3 developing 81:20 development 73:3,4 75:18 76:8,14 81:13 90:17 91:18 die 7:6 differ 12:1 difficulty 16:24 dignity 51:4 70:3 direct 74:16 89:17 direction 88:12 directly 45:1 87:3 93:2 director 4:24 75:17 directs 23:21 disclosure 45:14 disconnected 58:5 discount 90:11 discrimination 84:22 Disease 5:20 disinvestment 68:9 disregarding 28:10 disrespected 69:10	disruption 42:2 distance 68:13 72:24 distressed 65:15 distribution 6:8 district 15:10 16:17 21:20 24:16 32:12 33:24 56:4 districts 23:21 Division 5:20 34:17 36:22 divisions 39:21 40:24 92:14 documented 9:18 dollars 24:3 Don 92:15 door 84:22 draft 42:22 Drink 22:19 Driscoll 2:2 3:1,2 4:14 5:4,8,15 8:9 14:24 20:16 23:18 25:21 26:1,7 27:3 29:1,9,14 33:17 34:4,19 36:2,6,9,17 49:1 50:6 60:11 64:18 66:5,16 73:13,21 75:13 82:8,14 83:4 89:23 94:12,18 95:24 96:1,15 97:20 98:21 99:24 100:24 drug 61:19 62:21 drugs 85:21 due 7:7 46:18 dumping 69:7 70:23 duty 55:2 E e-cigarette 30:5,13 e-cigarettes 30:8 31:5 earlier 49:9 67:6
--	--	---

easily 69:17	enforcement 7:17 9:16 12:1,6 13:20 33:2 37:23 38:9,24 39:7 40:11,19 41:8 42:3,4,19 46:24 47:6	evening 54:15 60:16
echo 82:3		event 93:14 94:4
eclipse 44:4		evict 62:16,17,24
economic 76:13 77:16	engage 83:23	evidence 29:21 30:23
economy 88:1	enhanced 44:7	evidence-based 33:12
education 3:22 7:23 8:2 11:10 14:5 27:15,20 28:15 31:15 32:6 41:8 86:23	enhancing 74:9	examples 73:19 75:8
education-based 12:8	ensure 33:3 43:1 44:7 46:17,20 47:4 48:18 79:12	excessive 71:20
effective 28:14 32:7 39:6 41:8	ensures 71:22	Exchange 92:5,12
effectively 70:21	ensuring 39:2 40:5 41:24 74:10 91:16	excluding 48:8
effectiveness 29:17	entire 78:3	exclusively 67:23
effects 69:12	entities 80:21	Excuse 29:9
efforts 23:5 29:19 31:17 32:11 33:2	entitled 3:16 4:5	excuses 28:15
elderly 69:19	environment 23:3	executing 7:13
elected 32:18	environmental 5:1	exemption 81:1
electronic 45:12	equipped 68:2	exist 50:11
email 45:14 46:11,12	equitable 81:12	existing 7:24 12:5 38:17 43:5 44:20 46:21 47:2 78:19
emails 58:4	equity 41:3	expand 32:7 45:8 78:2
embracing 39:13	essential 39:5 75:5	expect 52:3
emergency 37:15 55:1	essentially 62:22	experience 73:6 74:16 90:19 93:3,20
empower 78:12	established 17:15 95:3	experienced 13:5
empowered 14:17	establishes 10:19	experts 15:20
enable 39:15	establishing 4:11	explain 50:23
encounter 38:8 48:1	establishment 6:11	explained 54:20
encourage 80:23	establishments 13:6	exposes 77:12
encouragement 92:8	estate 81:8 83:9 90:16 92:9,14,20 93:9	express 27:12
encourages 82:4	esteem 28:22	extensive 90:15
end 25:16 33:12	esteemed 27:2	exterior 40:13
enforce 60:1	evade 74:18	external 77:20
enforceable 43:3 44:12	Evans 91:6	extremely 87:16
enforced 44:1	Evans-pitcairn 91:6	eyes 54:12

F								
faceless 15:21 facing 11:12 fact 54:15 55:16 57:4 58:18 61:3 63:21 85:15 failing 94:1 fails 37:24 fair 56:23 fairness 11:6 faith 52:15 faithfully 70:11 fall 8:17 77:18 families 72:5 80:11 family 50:13 faster 20:9 favor 97:2 98:1 99:8 100:6 101:11 favorable 96:21 98:14 99:3 100:18 101:5 feasible 69:22 federal 6:7 84:12 feedback 61:2 feel 14:16 57:5 59:10 feels 16:17 fees 80:21 feet 92:22 fiber 87:3 field 45:11 fighting 28:19 figure 53:7,8 file 56:12 filed 40:14 filing 65:5	final 42:15 65:18 finally 23:22 financial 77:15 financing 92:7 find 58:14 60:1 62:6,14 65:20 89:4 finding 65:5 94:9 fines 10:22 70:13,19 fingers 51:9 firm 92:6 firms 92:13 fix 94:9 flagged 45:17 47:11 flagrantly 28:9 flavored 11:15 30:13,16 31:4 flex 20:19 fly 53:24 focus 54:8 86:13 87:23 focused 21:14 22:2 folks 11:2 14:8,16 16:7 17:1,12,18 18:7 20:6 35:3,21 40:15 49:14 61:22 63:23 follow 16:8 17:2 73:17 80:5 84:7 footprint 19:2 force 23:7,8 forced 77:1 form 45:9 formally 51:21 fortune 90:24 forward 12:15 82:1 found 31:8 32:2 37:17 47:16 65:9	foundation 73:3 frame 12:6 53:17 framework 43:5 Free 32:13 frequently 83:24 fresh 54:12 frustrated 53:21 frustrating 49:15 frustration 49:12,21 53:15 71:5 fully 63:14 function 79:9 functioning 94:2 fundamentally 79:19 <tr> <th data-bbox="1138 888 1533 930">G</th><th data-bbox="711 888 1105 930"></th><th data-bbox="1138 888 1533 930"></th></tr> <tr> <td data-bbox="284 961 678 1896"></td><td data-bbox="711 961 1105 1896"></td><td data-bbox="1138 961 1533 1896"> gambling 22:23 game 65:16 gaps 10:4 Garrett 66:14 75:16 gathered 90:19 Gauthier 2:17 4:18 15:1,2 19:23 20:17 27:4 34:1 36:1 49:9 54:17 60:12,13 63:4 64:6 95:16 generally 80:14 generated 12:23 geographical 81:1 Gilmore-richardson 2:12 22:1 95:11 give 7:15 22:8 27:1 42:8 52:20,23 55:24 56:19,20 60:6,24 61:10 86:9 glad 75:6 goal 38:11 39:15,22 42:6 48:16 </td></tr>	G					gambling 22:23 game 65:16 gaps 10:4 Garrett 66:14 75:16 gathered 90:19 Gauthier 2:17 4:18 15:1,2 19:23 20:17 27:4 34:1 36:1 49:9 54:17 60:12,13 63:4 64:6 95:16 generally 80:14 generated 12:23 geographical 81:1 Gilmore-richardson 2:12 22:1 95:11 give 7:15 22:8 27:1 42:8 52:20,23 55:24 56:19,20 60:6,24 61:10 86:9 glad 75:6 goal 38:11 39:15,22 42:6 48:16
G								
		gambling 22:23 game 65:16 gaps 10:4 Garrett 66:14 75:16 gathered 90:19 Gauthier 2:17 4:18 15:1,2 19:23 20:17 27:4 34:1 36:1 49:9 54:17 60:12,13 63:4 64:6 95:16 generally 80:14 generated 12:23 geographical 81:1 Gilmore-richardson 2:12 22:1 95:11 give 7:15 22:8 27:1 42:8 52:20,23 55:24 56:19,20 60:6,24 61:10 86:9 glad 75:6 goal 38:11 39:15,22 42:6 48:16						

good 5:4,14 15:3 16:8
34:19 36:16 50:1 57:13,
21 66:16,21 75:12 88:11,
12 89:19 90:24

goodness 63:5

government 10:6 32:17
50:17 51:8,18 88:2

granddaughter 87:20

grateful 20:2

Gray 83:1,2,7,8

great 21:8 35:19 90:24

ground 47:8 61:9

growth 29:6

guard 28:11

guess 17:9

guys 66:17

H

habitability 76:22

Halloween 25:2,4 85:1

hand 86:1

handle 58:2

handling 21:7 85:22

hanging 85:22

happen 87:4

happening 18:2 61:20
62:21,22

happy 33:15 48:22

harangued 84:19

harassed 84:18

harassing 89:2

hard 35:6,8 49:16 53:3
89:20

harder 7:5

hardest 63:22 77:18

harm 69:2 72:11 81:6

harmed 67:20

harmful 29:20 30:16,19
31:10,18 32:16,22 33:4

Hartung 5:6,13,18 13:22
18:15 20:15 25:23 26:5

Harvey 92:15

hate 73:16

head 58:11 77:4

heal 67:21

health 5:1,3,23 6:15 7:2,
16,20 12:20 16:19 22:17
23:9 28:11 31:22 32:18,
21 33:11 39:6 77:3,12
78:8,9

healthy 73:4

heard 19:6,9 64:10 73:10
81:13 84:23

hearing 3:4,6 21:12,18
22:8 34:6 49:22 52:18
55:18 64:22 82:14 94:21

heart 26:13 29:3 30:2
33:6,15 83:14,17

hearts 87:10

heat 54:19 60:19

Heather 26:14,21 27:8
35:2 66:13 74:1

heightened 49:14

held 48:13 74:11

helped 50:21

helpful 46:13 55:14

helping 42:1

helps 13:15 72:6

hiding 18:4 19:7 65:23,24

high 77:8 87:17

higher 85:16

highlighted 49:7

historic 91:22

historical 67:17

historically 67:19

history 65:4 67:15 72:14
90:16 91:3 93:1

hit 58:11

hold 28:12 41:9 53:4
78:13 79:14 81:21 86:2

holder 58:22

holding 27:24

home 16:2 51:2

homes 9:19 35:13 69:18
77:24

honesty 67:18

hope 13:14 59:7

hoping 59:23

hotel 92:24

hour 2:3 35:22 54:7

hours 17:9 18:16,22 20:22
25:6

house 77:10

household 76:20

housing 9:21 12:11 16:1,2
68:4 76:1,13 77:8,10
78:17 80:7,8,9 82:3

human 69:13

I

ICE 88:5

iceberg 65:14

ID 58:19

idea 8:22 9:5,7 12:23
55:22

ideally 18:11

ideas 55:13	inclusive 46:23 91:5	integrated 43:4
identified 42:20	income 77:5 80:10	integrity 40:5
identify 23:19 38:17 41:15 49:13 58:21	inconvenience 70:2	intended 28:10 29:19 43:6
identifying 78:15	inconveniences 70:22	intensive 93:10
ignoring 24:9	increase 37:5 78:10	interest 85:14
illegal 3:17 6:6,21 7:10 11:13 12:4 23:20 27:17 69:7	increased 69:8	interior 40:13
impact 7:2 78:3	increasing 81:7	international 47:22,23 48:3
impacted 77:20	incredible 82:13	Internet 62:6
impacts 81:17	independence 72:15 91:8	intoxicants 22:22
imperative 28:12 83:20	individual 87:22	introduced 6:2 22:12 32:1,23 37:3 43:7 44:11 45:13
implement 33:11	individually 23:6	introduces 12:7
implementing 30:22 31:3 44:6	individuals 6:9 28:13 41:17 80:11	introducing 14:1
implications 20:23	industry 30:9	invented 91:21
important 12:18 21:1,12, 18 63:9 65:11 81:19 83:16	information 4:9 19:13 37:22 39:16 41:16 43:21 44:3,18 45:1,2,10 59:3 65:20 71:18 74:22 78:16, 23 79:18 88:17 94:3	inventing 91:10
importantly 10:19 68:18	infractions 79:15	investment 65:6 68:5 90:17 92:10,14
impose 44:12	ingratiated 72:21	investor 81:7
imposes 43:3	initiative 76:4	involved 54:10 93:5
impossible 9:17	Injury 5:21	irresponsibly 93:23
impoverished 28:6	innovation 93:8	ISC 39:23 40:1
improperly 29:7 32:3	innovative 31:24 33:11	isolate 93:17
improving 38:11	inspect 17:13 18:3	issuance 44:2
in-house 41:22	inspecting 19:1	issue 10:11 24:4 38:7 42:14 51:19,22 54:17 56:1 58:23 63:9 70:3,4,21 86:20
in-person 46:17	inspection 20:19 29:2 34:16 36:18 79:7	issued 41:23
inability 58:6	Inspections 3:8 5:17 34:18 36:21 39:22 75:15 101:17,20	issues 9:3 17:5,24 43:1 52:19 55:5 72:6 76:16
inaction 76:5	inspectors 17:24 39:8 47:8 55:1,3	issuing 42:5
incentive 79:20	inspects 39:9	items 18:14
includes 90:15	integral 55:4	
including 6:7 31:5 40:1, 11,18 41:17 43:9 44:21 47:13 48:2 78:9		

J Jacob 26:12 29:12 jail 65:9,11 Jamie 4:17 27:4 Jeffrey 21:17 jeopardizes 76:21 jeopardizing 77:14 Jeremiah 67:8 JFK 92:1 job 35:19 50:1 65:2 joined 92:19 joining 94:20 Jonathan 92:4 Jones 2:13,14 21:5,6 24:19 25:22 27:4 36:7 49:10 64:19,20 66:3,6 95:12,13 96:13,17 97:18, 22 98:19,23 99:22 100:2, 22 101:2 journey 72:18 jump 60:17 jurisdiction 50:17 justice 71:16 72:17	kit 14:15 L L&i 36:24 38:16 40:10,23 41:6,14 44:13 45:15,24 47:18 57:11 58:2 59:16 62:3 63:23 65:1 70:11 79:12 84:19 86:5,13 88:5, 13 label 88:7 lack 71:1 77:7 land 68:4 69:4 landlord 8:22 15:8 38:11 48:17 61:16 62:14 63:6 76:17 77:18 90:6 93:16 landlords 4:8 9:14 10:12 15:15 37:6 43:18 44:14 63:12 68:22 71:17 74:11, 17 75:11,24 78:13 80:5,8 93:12,22 landmark 91:22 Lane 13:4 language 47:15 large 24:15 77:23 laser 22:2 law 6:7,21 13:21 28:2 41:3 42:18 43:12,13 45:17,19 46:9 47:11,13 59:15 60:2 Lawncrest 26:14,22 27:10 35:4 74:2 laws 7:19 23:14 28:10 37:19 84:5,7,13 86:4 lead 77:13 leader 68:15 leaders 32:19 67:24 70:6, 11 81:15 leading 76:7 leads 76:19	learned 93:6 lease 92:21 leaving 77:6 led 29:23 31:23 legal 37:14 41:24 42:21 43:9,20 45:16 46:21 47:10 legislation 10:1,10 12:4, 22 31:24 32:4,10,23 38:4 42:23 43:8 48:13 61:4 72:2 78:24 81:24 83:17 93:4 94:8 legislative 80:1 legitimate 46:7 48:1 53:20 57:17 lend 55:12 level 49:12 57:6 levied 70:13 levying 70:19 liability 45:16 liberty 72:16 91:13,15 license 5:16 10:22 29:2 34:18 36:17,21 39:21 40:4 41:20 44:1 45:4,6 75:15 76:1 78:17 79:7 101:16,20 licensed 14:18 29:7 32:3 39:4 54:2 83:9 licenses 3:7 4:6 9:14 45:5 licensing 37:19 74:7 life 20:7 39:2,24 40:9,23 54:4,21 55:8 63:19,24 74:10 lifting 3:24 27:21 lighting 87:13 lights 25:3,4 85:1 limited 6:8 30:21 31:6 40:19 46:5 91:5
K Kathy 22:1 Kensington 24:22 key 76:12 80:8 kick 64:24 kicked 65:1 kids 22:23 30:5 87:12 Kiesewetter 4:24 5:7 Kimmel 91:19 kind 24:20,24		

limits 80:18 81:3 lines 50:11 linked 9:23 Liquor 22:18 list 9:15 61:2 listen 59:17 83:15 listening 31:21 literally 56:7 litigation 41:2 live 51:2 80:18 lived 69:11 73:6 living 50:13,15 91:23 LLC 45:9 LLCS 15:21 24:7 41:18 49:19 local 4:10 10:17 37:11 38:18 41:15,19 43:18 69:3 70:5,8 71:19 74:23 79:9 80:17,19 81:2,14 localities 81:16 located 67:1 location 89:3 locations 10:15 58:16 89:4 locked 61:24 lodging 40:19 Logan 90:8,13 92:3 93:2, 21 94:10 long 9:12 10:3 65:4 78:18 longer 69:21 loophole 10:11 23:17 24:11 loopholes 78:20 Lordi 91:24 loss 15:14	lost 77:13 lot 8:23 13:5 15:13,22 33:23 35:5 56:4,8 59:14, 17 84:6 88:18 love 9:6 14:3 73:6 lover 68:19 low 77:5 lowest 29:24 Lucy 22:20 lunch 21:9 lungs 87:9	manner 39:20 market 80:4 85:6 91:7,13 92:17,18 material 65:10 materials 8:1 matter 24:15 50:24 51:17 64:23 71:9 maximize 28:9 Mayor 35:19 57:1,19 Mayor's 70:14 Mcdonald 2:4 3:10 4:15, 19 26:8 34:11 66:9 94:14 95:5 meaningful 11:23 15:16 means 33:23 74:19 77:9 meantime 62:9 measure 27:23 measures 12:18 18:6 32:8 41:9 75:3 mechanism 42:4 mechanisms 44:21 meeting 54:3 62:11 94:22 95:4 101:20 member 14:24 20:17 21:5, 17 23:18 24:14 25:22 60:11 64:18 66:6 82:10 88:9 90:13 92:6,12 members 2:7 5:15 21:1 22:10 28:22 29:1 34:7 36:17 48:2,10 52:11 57:14 75:14 76:10,11 95:7 96:9 97:14 99:19 101:19 memo 43:14 memorial 60:16 mentioned 60:15 mentioning 59:18
M		
machines 22:23 made 63:7 mail 46:16 58:3 mailing 78:22 maintain 37:9 38:1 44:3 maintenance 37:18 40:14, 20 43:22 76:19 77:21 93:15 94:1 majority 15:12 80:3 make 57:16 59:22 77:1 80:1 84:8 87:7 90:4 maker 49:3 50:3 makes 77:21 making 7:4 9:16 13:13 14:7,15 82:20 86:15 manage 14:15 92:22 management 43:19 90:18 92:21 93:10 managing 44:17,24 mandate 79:1 mandates 10:15 mandating 78:14 80:17		

Merenda 34:15 35:15 36:4,14,15,19 53:19 55:19 57:10 58:9 60:9 63:2,16 64:16 66:1 merrier 53:12 message 12:10 71:7 middle 61:14 Miller 26:14,20,21 27:9 35:2 66:14 73:15,24 74:1 mind 14:21 63:8 mine 72:3 minor 72:6 minors 3:18 6:17 11:16 13:8 27:18 mission 39:11 mistaken 43:15 mistakenly 30:18 mobility 77:16 model 92:11 moderate 80:10 modual 7:23 moment 22:7 momentarily 56:3 monitoring 24:6 40:3 month 33:16 67:15 72:14 months 23:19 52:21,22 moral 87:3 morning 34:20 mortgage 58:21 mother 87:19 motion 96:3,17 97:3,8,22 98:2,4,8,23 99:9,10,13 100:3,7,9 101:3,12,13 Mount 13:3 mouthful 48:24	move 12:18 34:10 60:5 64:21 82:18 95:3 96:10, 22 97:15 98:11,15 99:4, 19 100:15,19 101:6 moved 96:18 97:23 98:24 100:3 101:3 moving 22:8 77:8 multi-family 91:23 multiplies 72:12 municipal 41:2 municipalities 30:21 N nameless 15:21 names 94:17 nation 72:20 national 81:14 nationalities 85:4 ne 7:9 necessarily 8:17 needed 46:19 79:19 negative 81:17 negatively 7:1 neglect 68:11 73:1 76:17 77:18 78:2 neglected 69:6 negligent 77:20 78:13 81:21 neighborhood 40:15 68:5 69:9 74:15 neighborhoods 12:3 20:8 32:9 51:5 68:10 71:8,9 78:3 neighbors 15:23 16:9 59:12 70:22 neutral 64:23	Newport 87:14 Nicholas 27:6 66:13,22 night 36:9 53:24 nimble 18:12 20:10 non-compliance 4:12 28:16 non-compliant 75:10 non-profit 76:8 non-resident 4:8 8:21 10:16 37:6 43:17 68:22 71:17 74:11,17 90:6 North 68:17 Northeast 13:2 Nos 95:1 note 2:2 4:16 51:13 noted 51:13 57:11 notes 25:24 96:16 97:21 98:22 100:1 101:1 notice 10:20 41:23 42:15 43:20 46:12,17,21 notices 37:14 41:24 42:5 46:16 nuisance 3:20 6:3,20 7:13 8:3 12:5 16:14 23:7 40:18 56:16 63:17 64:1 85:20 88:8 89:14 nuisances 7:10 14:12 number 23:16 24:12 43:7 44:10 45:21 47:9,20 56:11 88:14 92:11 numbers 58:4 Numerous 78:4 O O'DWYER 66:15 75:12,16 O'ROURKE 2:21,22 27:7 36:3,5 49:11 95:20,21
---	--	---

Oak 13:4 oath 47:15 obligations 43:2 44:13,14 54:3 93:12 obtained 44:20 obtaining 78:17 obvious 61:5 occupied 9:20 offer 41:1 75:21 96:6 97:11 99:16 office 14:4 44:9 91:11 92:23 offices 49:11 official 46:16 officials 31:22 32:18 Ogontz 13:3 oils 22:22 ongoing 28:18 69:2 online 45:8 open 13:11 17:8 23:24 35:9 44:21 83:14 84:21 opening 8:15 13:6 opens 17:11 operate 14:8 32:2 48:4 operates 47:19 operating 18:21 29:8 80:14 operation 6:10 21:14 22:24 operational 42:21 operations 3:17,24 18:9, 17 19:22 21:19 22:14 23:20 25:7 27:16,22 operators 53:24 opinions 10:6 opportunities 31:9	opportunity 6:1 8:8 10:21 11:4 29:5 48:21 67:4 73:10 75:21 82:6 opposed 98:3 100:8 option 76:6 77:7 order 3:5 27:22 65:17 66:18 90:10 ordered 42:19 orders 3:24 ordinance 3:14 4:4 11:11 31:16 41:13 86:22 ordinary 93:14 94:1 originally 31:14 out-of-town 79:7 outcomes 10:10 78:9 outset 38:2 outsmarting 18:8 overburdening 48:9 overgrown 69:6 overlays 24:13 overseas 48:3 owner 4:6 37:9,11,16,21, 24 45:2 58:7,23 65:5,9 69:2 70:10 71:12 74:7 84:17 88:7 owners 9:24 10:16,20 27:24 28:5 38:18,20 41:10,15 47:21 58:16 65:21 78:14,19 79:2,8,14, 21 80:1,17 81:22 84:6,16 85:3,12 89:2 ownership 16:3 38:14 41:21 45:10 68:9 71:11 78:21 81:7 82:5 owning 16:5 ownist 13:13	P p.m. 17:11 101:21 PACDC 75:19 76:7 PACDC's 81:12 pace 20:11 panel 4:20 21:2 26:3,9 27:2 28:22 34:8,12 66:10 82:15 panels 34:8 82:16 Pantzer 92:19 parade 93:7 paraphernalia 85:22 parents 87:8 park 69:1,17 91:11 part 14:14 65:12 part-time 83:23 partially 45:7 parties 41:17 partner 57:5 88:16 91:1 92:8 partners 52:6 56:24 parts 90:20 party 42:1 43:21 94:3 pass 51:9 passage 73:8 passed 79:11 80:15 passing 23:14 past 87:2 93:8 pastor 50:19 56:2 66:23 67:5 68:14 73:17 82:12 pastors 67:23 path 94:9 pay 80:20 85:16 88:4
--	--	---

paying 85:7 89:21 peace 67:10 71:2 72:21 peer 78:4 penalties 4:11 47:1 70:19 penalty 47:14 Penn 92:16 Pennsylvania 19:5 30:22 people 7:5 15:11,12 18:2 29:20 30:18 32:15 33:3 36:8 51:2,12 64:24 69:8, 11 71:7,8 72:23 73:11 85:3,11,19 86:2 88:3,23 91:2,4 percent 9:19 15:11 30:6,7, 12 31:12 performance 93:19 period 10:20 permit 6:12,19 7:22 14:8 48:14 96:23 98:16 99:5 100:20 101:8 permits 40:2 permitting 40:6 persist 10:4 79:16 persisted 70:17 person 55:7 56:11 59:17 62:7,15 82:20 94:4 personal 69:13 personally 69:18 86:5 perspectives 11:24 Philadelphia 3:15 4:5 5:2, 22 6:5,13,19,21,22,23 7:22 8:5 9:3,9,19 13:3 18:18 27:13 30:6 31:2,7 32:12,13 33:9,10,14 34:3 37:10 39:11,13 48:5 53:13 55:23 57:22 60:6 61:12 68:17 71:14 73:12 74:5 75:17 76:9 78:6 81:9 83:10 85:15 89:8,11	90:20 91:17 Philadelphia's 48:19 80:3 91:3 Philadelphians 7:6 89:19, 20 Philippian 66:24 Phillips 2:17,18 6:3 8:11, 12 24:17 27:6 28:18 31:21 32:24 33:19,20 35:23 37:3 38:5 50:4,5 55:6,21 57:23 59:5 67:3 76:3 82:10,11 95:16,17 96:3,5 97:8,10 98:8,10 99:13,15 100:12,14 Phillips' 49:11 Philly 24:24 32:13 72:18 phone 58:4 63:7 88:14 phony 49:19 78:22 physical 37:10,12 pick 66:17 piecemealing 24:20 Pitcairn 91:24 92:15 place 20:3 46:2 59:20 61:7 64:15 84:5,14 91:13 placing 18:10 plan 7:14 plane 35:1,11 plans 40:2 93:14,18 pleasure 27:1 PO 9:15 49:19 point 20:17 23:23 29:24 38:19 39:4 42:12,16 51:9 61:24 79:10,12 84:21 87:6,7 pointed 51:24 points 41:1 police 18:18,20	policy 5:19 30:23 75:17 politicians 67:24 poor 76:18 78:8 population 28:3 pose 22:4 38:24 position 25:18 62:19 positions 68:2 positive 27:23 post 44:8 postal 46:16 potential 13:21 43:11 power 68:1 powers 43:10 50:10 practical 81:15 practices 11:16 39:14 praise 93:7 Pray 67:12 praying 34:23 pre-requisite 27:21 preach 59:6 predominately 28:7 preemption 30:20 31:1 present 2:9,15,19,23 3:2,4 9:6 95:9,14,18,22 96:1 presented 52:7 President 27:9 pretty 57:13 prevailing 78:1 prevalent 30:4 prevent 42:2 72:6 81:16 preventative 70:24 prevented 31:2 prevention 5:21 29:18 primarily 84:3
--	---	--

primary 79:4 principal 72:8 priority 21:8 private 80:3 privilege 16:6 problem 13:23 17:18,20 51:17,24 52:8,17 60:8 70:17 83:7 87:22 problematic 78:18 79:24 problems 17:6 71:23 procedure 93:24 proceed 5:11 26:18 36:12 66:19 83:6 90:1 process 38:17 41:14 44:2, 6 45:7 46:18 56:14 processes 45:6 products 3:18 6:6,9,17,18 7:4 11:15 18:4,10 27:18 29:21 30:11,14,16,17 31:4,10,19 32:5,16,22 33:5,13 profit 67:8 75:2 profits 28:9 program 47:6 programs 86:24 prohibit 47:21 prohibition 31:3 prohibits 10:14 projects 91:2,4 93:6 proper 40:17 46:17 84:9 properly 14:18 54:1 96:18 97:23 98:24 100:4 101:3 properties 15:17 16:21,22 39:10 40:12 43:23 44:15 58:17 65:15 71:3 75:2 77:22 79:22 92:1,16,19, 23	property 4:6 15:22 37:9, 16,18 38:18,20 39:5 40:13,20 41:10,15 42:6 47:21 48:4 50:14 56:16 58:20,22 59:4 61:14,20, 22 63:17 64:1,9 65:21 68:24 69:5,23 70:9,10,16 74:6 76:18 77:21 78:14, 19 79:3,14 80:17 81:21 82:5 85:12 91:15 prophetic 67:18 proposal 46:10 47:20 48:15 proposed 27:14 93:4 prosper 67:13 prosperity 67:10 prosperes 67:12 protect 28:2 29:19 protected 12:2 protecting 12:12 protects 72:2,3,4 protocol 57:13,14 protocols 75:23 proud 9:7 proudly 57:12 provide 4:8 8:15 10:13 29:5 37:1 43:20 45:1 47:6 48:21 71:17 74:21 78:15 79:3,17 80:6 94:2 provided 44:9 92:7 providing 52:10 90:4 provision 46:20 48:6 public 3:6 5:3,19,22 7:2 12:20 30:23 31:21 32:18, 20 33:10 39:5,16 72:7 82:18,20 94:15,17,22 95:4 Publications 45:8	published 44:19 45:7 purpose 43:6 pursuant 6:22 pursue 21:2 pursuit 72:16 purview 40:22 push 20:5 pushes 11:20 put 13:12 84:14 putting 49:2 65:8 86:21, 23 93:18 Q qualify 90:10 quality 20:7 21:14 39:2 40:9,23 54:4,21 55:8 63:19,24 74:10 78:8 quest 72:21 question 13:18 23:13 24:10 57:24 58:2 questions 16:15 22:5 25:13 34:7 48:23 82:15 94:24 quick 13:18 64:21 quickly 14:10 24:5 51:13 55:18 63:20 quit 7:5 quo 10:3 11:21 76:4 quorum 3:3 R raise 80:13 raised 43:8 raises 45:15,22 raising 42:24
---	--	--

Ranee 63:21 64:4 rarely 62:18 rate 85:17 re-inspections 46:1 re-organized 36:24 reach 9:13 19:14 58:6 reached 38:21 86:5 reaching 29:24 reactive 70:24 read 3:11 readily 38:21 reading 96:23 98:16 99:5 100:20 101:8 ready 60:17 real 10:13 13:24 35:6,8 64:21 81:8 83:9 90:16 92:9,14,20 93:9 reality 10:7 13:9 51:16 reason 60:3 74:20 84:5,14 reasonable 27:15 reasons 52:11 73:5 84:2 receive 10:20 37:14 42:8 43:20 75:24 received 56:4 recent 90:23 recently 22:13 81:11 recognition 35:17 recognize 8:11 21:4 46:6 50:3 recognizes 96:2 97:7 98:7 99:12 100:11 recognizing 35:20 recommend 45:18 46:8 47:12 48:6 recommendation 96:21 98:14 99:3 100:18 101:6	recommends 47:1 record 5:11 26:18 29:11 36:12 73:23 79:18 83:5 96:16 97:6,21 100:1 101:1 recorded 9:22 recovery 93:15 rectify 42:10 red 71:15 redlining 68:8 reduce 30:24 32:4,15 redundant 84:4 refer 18:19 referrals 41:5 referred 42:17 reflects 21:20,21,22 register 80:19 registration 78:20 regular 18:23 regularly 38:8 regulation 25:11 regulations 31:13 84:11 regulatory 43:5 Reinhardt 63:21 reinspect 42:13 relate 93:2 related 24:8 relation 41:12 relationship 24:6 relatives 87:18 relevant 58:23 reliable 39:3,19 rely 19:21 86:18 remain 78:20	remaining 77:11 remarks 8:16 remedies 10:23 remedy 45:21 Removing 28:15 70:23 renewal 44:2 renovation 40:7 renovations 40:6 rent 15:11,13 46:4,8 rental 16:4 41:20 43:23 44:1 45:5,6 75:24 78:17 80:4 rented 61:16 64:9 renter 9:20 renting 44:15 repair 67:22 68:7 repairers 68:3 repairs 38:23 65:23 repeat 11:21 repeated 7:18 replaced 45:10 report 14:9 reported 96:20 98:13 99:2 100:17 101:4 reporting 57:13 reports 19:7 represent 80:2,22 84:16 85:4 representative 70:8 74:23 representing 26:22 74:1 request 44:22 48:12 require 3:20 27:17 37:8 80:20 required 6:12 39:17 46:15 74:21 79:3,8
---	--	---

requirement 43:24 78:16 81:2 requirements 39:18 43:2 46:18,22 requires 7:8,21 8:4 10:12 43:17 44:24 47:18 93:11, 13 requiring 4:7 71:16 research 15:19 30:14 41:22 58:12 59:1 63:7 88:22 researching 88:24 89:1 reside 44:16 resident 68:16 69:19 83:11 residential 79:4 81:8 92:23 residents 19:10 48:19 62:1,10 70:5 76:22 resolving 16:24 resource 86:23 resources 19:17 86:14, 17,21 87:24 88:20,22 respect 50:9 57:4,7 respectfully 48:12 responded 70:12 responder 35:20 responding 20:19 59:11 response 22:6 51:18 62:4 responsibilities 40:8,21 responsibility 51:10 67:21 responsible 3:16 10:17 12:13 41:16 43:22 59:10 69:4 76:11 79:14 82:4 87:12 93:16 94:3 responsive 38:1 39:3 49:17 58:7 60:4 62:9	responsiveness 38:12 48:17 rest 28:21 result 11:22 retail 6:11 13:24 25:5 retailer 3:22 6:19 7:9,11, 22 8:2 11:10 13:6 19:12 27:14 31:11,15 32:6 retailers 14:6 27:19 32:2 retailing 3:19 retrailers 29:8 returned 58:3 reuse 91:21 revenue 19:5,15,18 65:22 89:5 Reverend 66:12,21 73:14 review 58:14 78:4 reviewing 61:4 ridiculous 56:5 rights 93:11 risk 39:1 77:3,13 road 64:24 Robert 83:1,8 roll 2:5 95:6 roof 77:4 rooted 73:5 Rouse 91:12 routine 43:22 rowhome 61:12,15 rules 16:8 17:3 80:6 96:22 98:15 99:4 100:19 101:7 S safe 10:9 12:11 28:11 48:19 51:2 80:6	safely 69:16 safer 39:12 safety 11:18 34:16 36:21 39:1,6,18 68:4 70:3 71:2 72:7 77:3 sale 6:6,8,16,17 11:14 31:4 56:15 sales 3:17 7:11,19 11:13 18:21 27:17 30:13 Samuel 91:6 sanitarians 18:22 Saturday 35:2,18 54:15 60:16 scale 89:17 schedule 17:15 18:24 school 32:12 77:14 schools 11:19 86:24 Scott 66:14 82:24 90:2,3 scripture 67:14 73:6 search 62:6 seas 48:9 seconded 96:18 98:24 100:4 seconds 96:17 97:22 98:23 100:2 101:2 secret 19:9 section 6:4,23 8:5 37:4 43:16 44:23 45:20,22 47:14,16 secure 39:16 securing 74:14 seek 67:10 seeks 78:11 81:23 selling 13:7 22:20,21 sells 30:9 send 12:9 19:13 55:3
---	---	---

sends 71:6	56:20 57:11 58:18 63:24	space 56:3,8 69:10
senior 60:18	sidewalks 69:16,21	spaces 13:2
seniors 69:14 72:5	significant 16:4 29:6 63:11 70:2 76:19 91:2	speak 14:17 18:14,16 54:8 68:14,20
sense 59:22 71:5 79:2	signify 98:2 99:9 100:7 101:12	speaking 19:24
separation 43:10 50:10	silent 88:16	specific 61:11 75:7
series 25:13	similar 50:20	specifically 14:3 17:7 19:13 48:5 83:12
servant 68:16	simple 73:18	spirit 36:7 38:3
serve 10:18 27:9 46:15 66:23	simply 77:6	sponsor 15:6 43:13 48:15 76:2 80:23
service 35:17 39:15 46:12 48:2,9 76:13	simultaneously 91:10,16	square 91:8 92:22
services 5:1	Singer 92:6,10	Squilla 3:1 95:24
session 96:24 98:17 99:6 100:21 101:9	sites 18:1 40:3	Sr 66:13
setup 19:11 57:12	sits 56:12	stability 77:15
Seventy-four 30:12	situation 50:21 62:20	stable 80:6
severely 20:6	situations 58:3 63:18	staff 8:24 15:19 58:12 59:1
shadowy 78:21	small 22:14 80:4	stakeholders 12:17 31:23 32:19
Shalom 65:3	smarter 18:11 20:9	start 15:5 22:11 30:15 35:14 97:5
share 49:8,12 65:21 67:21 85:6	smoke 11:14 32:13	state 5:10 26:17 29:10 31:1 36:11 66:18 83:5 84:11 89:24
shares 38:10	smoked 87:19	States 90:21
sheared 43:12	smokes 87:20	stating 73:22
Sheriff's 56:15	social 76:13	stationed 48:2
shooting 61:21	society 88:9	status 10:3 11:21 76:4
shop 18:6 29:8 60:20	solemn 35:18	step 27:24 71:16 79:19 88:11 94:8
shopping 92:24	Solms 91:20	steps 81:15 82:2
shops 11:14	solution 12:8 52:3,17	stereotype 25:2
shout 21:16,24	solve 13:16 52:8 60:8	Steve 91:20
show 51:11 87:3	solves 16:12	steward 69:4
shown 30:14	sooner 47:18	stewardship 68:6 69:24
shows 93:21	sort 17:9 18:13 19:11 61:14	
shut 23:12	sought 70:7	
side 36:23 39:23 40:9,23 53:23 54:4,9,22 55:9,13	source 69:1 70:20	
	Southwest 61:12	

71:12 72:24 sting 19:22 Stock 92:5,12 stop 14:10 55:17 store 19:3 stores 20:12 25:5 story 68:7 strategies 29:22 33:12 strategy 30:24 street 55:1 67:1 85:23 91:7,13 92:17,18 streets 69:20 86:18 strengthen 31:17 32:5 33:1 strengthened 31:14 strengthening 38:12 stress 71:5 strike 23:7 strive 39:22 strongly 73:7 74:4 structural 40:5 45:11 55:5 structure 40:10 79:21 structures 39:24 78:22 struggle 16:16 17:12 struggled 9:13 students 87:2 studies 78:5 stuff 59:18 subject 79:5 81:12 Suburban 91:11 subway 83:22 success 31:10 53:12 91:16 successful 87:1	sudden 23:22 suffer 78:1 suggest 46:10 suggestion 61:5 summer 51:20,21 supplement 46:13 supply 80:9 support 9:7 11:5 27:12 33:22 41:2 60:23 63:14 73:7 74:5 75:4,22 81:24 84:1 89:18,21 90:5 94:11 supported 11:3 supporting 8:23 12:13 supports 38:3 64:15 supposed 25:8 84:8 surely 49:10 surge 11:12 86:6 suspended 96:23 98:16 99:5 100:20 101:8 sustain 39:12 sustainability 74:14 sustainable 73:4 sweeps 19:16 symbolic 10:14 symposium 81:13 system 10:8 44:4 45:12 63:13 64:14 82:4 systems 67:19 68:1 76:21 T takes 16:10 23:18 taking 20:12 25:23 62:23 76:3 85:6 talk 56:2 84:24 talked 51:19	talking 21:3 24:22,23 25:3 56:22 tape 71:15 target 28:8 targeted 11:15 Task 23:8 tax 24:3 54:3 85:16 taxes 65:24 85:8 86:14 88:4 89:21 team 8:20 41:22 52:10 70:15 technical 42:21 technicalities 50:23 technology 39:14 teens 30:15 temporary 11:22 tenant 10:22 39:1 45:21 46:3,6 50:14 62:16,17 63:1 93:17,18 tenants 9:12 38:21 40:15 45:2 54:19 76:23,24 77:6, 19 78:12 80:7,15 93:13, 23 terms 4:1,13 14:2 19:1 61:8 testified 6:1 testify 4:21 8:8 26:10 34:9,13 66:11 67:4 75:6 82:6,21 95:1 testimony 5:12 8:10,14 26:4,19 27:1 29:5 33:18, 22 34:5 36:13 37:2 48:21 49:24 66:7,20 75:21 82:9 83:6 90:1 94:13 text 36:8 thankfully 62:13 thing 17:4 65:18 70:6 88:6 91:14
---	---	--

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villainize 85:11 violate 86:3 violation 37:17 41:23 42:5,9,11,13,15,16 60:7 79:13 violations 7:18 9:22 11:22 28:1 47:3 56:6 74:13 violence 62:21 78:10 virtual 9:15 10:14 virtually 91:20 vision 39:12 visited 13:1 vital 74:8 voice 76:7 vulnerable 28:3 69:20 72:4	whethere 81:1 William 66:14 82:24 90:3 wiping 88:17 withhold 46:8 withholding 46:4 witnessed 68:21 69:19 witnesses 94:19,24 wondering 18:13 words 54:11 67:8 work 12:6 14:4 17:15 18:23 19:20 23:1 24:2 32:20 38:9 39:9 48:14 51:8,23 52:4,12,13,16 53:3 54:13 60:21 63:6,7 77:14 83:23 89:16 91:1 worked 12:24 51:15 54:16 59:15 working 12:15,20 35:6,8 57:18,20 59:21 63:22 82:1 87:2 89:20 works 51:11 63:23 worth 65:6 wound 65:8 write 89:13 writing 49:3	32:15 33:3 youth 11:15 12:12 28:21 30:7 83:18,24 86:16 89:17
Z		
Zychick 26:12 28:24 29:12,13,15		

W

walk 69:16
walking 69:20 83:21
wall 18:5
Walton 8:20
wanted 8:15 11:3,9 15:5
16:15 17:4 35:9,13 51:14
61:10 83:14
water 86:6
wave 85:10
ways 60:1 69:10
weaponize 88:3
website 44:19
week 23:24 86:9
weeks 35:7
well- 28:11
West 13:4 24:23
whatnot 35:13

Y

y'all 52:3
year 7:6 20:22 30:9 34:24
yearly 7:24
years 6:10 31:13 64:8
70:18 72:15 75:10
Yesterday 21:17
York 92:5,12
you-all 61:3
young 21:17 29:20 30:17