

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON PUBLIC HEALTH AND
HUMAN SERVICES

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, March 4, 2014
1:20 p.m.

PRESENT:

COUNCILWOMAN MARIAN B. TASCO, CHAIR
COUNCILWOMAN CINDY BASS
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN WILLIAM K. GREENLEE
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ

RESOLUTION 140025 - Resolution authorizing the
Council Committee on Public Health and Human
Services to hold hearings regarding the
Abandoned and Blighted Property
Conservatorship Act of Pennsylvania.

- - -

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COUNCILWOMAN TASCO: Good

3

afternoon. Thank you so much for coming

4

out to this hearing today, to the Public

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Health and Human Services Committee

6

hearing, Resolution 140025, which is the

7

Pennsylvania Conservatorship Act, the

8

issue we will be discussing.

9

Let me have the Clerk read the

10

resolution.

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THE CLERK: Resolution 140025,

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authorizing the Council Committee on

13

Public Health and Human Services to hold

14

hearings regarding the Abandoned and

15

Blighted Property Conservatorship Act of

16

Pennsylvania.

17

COUNCILWOMAN TASCO: Thank you.

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Let me recognize that we have

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with us this afternoon Councilwoman Marie

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Quinones-Sanchez. As you know, she's

21

been moving the Land Bank program, and

22

certainly this can fit right into that.

23

And our Majority Whip, Councilman

24

Greenlee. And other Councilmembers will

25

probably join us as we go through the

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2 discussion.

3 So I want to say good afternoon
4 to all of the panelists who are here and
5 guests, and I'd like to thank you for
6 being here to testify regarding Act 135,
7 or the Pennsylvania Abandoned and
8 Blighted Property Conservatorship Law.
9 Your input is vital as we begin a
10 conversation during this period of the
11 City budget hearings to discuss how we
12 can better utilize this economic
13 redevelopment tool.

14 During the hearing, our goal is
15 to discuss the history and background of
16 this Act, case studies on how various
17 organizations have used this tool, the
18 public-sector response to the
19 Conservatorship Law, and creative and
20 future uses for conservatorships.
21 Although we will discuss these topics,
22 for me today is also a discussion
23 regarding Arties. For those of you who
24 may be too young to remember Arties,
25 Arties was a retail clothing store in the

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2 City, and in the 9th Councilmanic
3 District an Arties store was located at
4 the corner of Ogontz Avenue and
5 Washington Lane. Although Arties closed
6 many, many years ago -- and I've been
7 here maybe in public office 30 years, and
8 it was closed then -- the owner held onto
9 the property and literally did nothing
10 with it. Well, he did do something. He
11 paid the property taxes, and that's it.

12 In 1983, Dwight Evans created
13 the Ogontz Avenue Revitalization
14 Corporation, or OARC, and began to
15 develop the community. However, the old
16 Arties property remained abandoned and
17 blighted.

18 As the business corridor
19 improved, several attempts were made to
20 purchase the property. Yet the owner
21 would only accept an offer of tens of
22 thousands of dollars above any reasonable
23 appraisal.

24 As Ogontz Avenue grew and
25 sprouted with redevelopment, a tree grew

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2 and sprouted in the old Arties building.
3 Finally, and due to the leadership of
4 Representative Taylor, Governor Rendell
5 and other stakeholders, Act 135 was
6 signed into law in 2008. In a short
7 period of time, the old Arties property
8 was redeveloped into a Tang Pharmacy and
9 a medical office. In my opinion, if it
10 were not for the Conservatorship Law, the
11 old Arties property would still be an
12 abandoned and blighted property on Ogontz
13 Avenue.

14 Through today's hearing, I hope
15 that we will be able to discuss other
16 examples and begin a conversation on how
17 to improve and better utilize the
18 Pennsylvania Conservatorship Law as a
19 redevelopment tool for our communities
20 and our city.

21 So I'm excited to hear what you
22 have to say, your experiences in dealing
23 with this law, and, again, thank you all
24 for coming.

25 So our first panel will be

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2 Cindy Witman Daley, Policy Director of
3 the Housing Alliance of Pennsylvania;
4 Judy Berkman, Esquire, Managing Attorney,
5 Regional Housing Legal Services; and Beth
6 McConnell, Policy Director, Philadelphia
7 Association of CDCs.

8 (Witnesses approached witness
9 table.)

10 COUNCILWOMAN TASCO: Good
11 afternoon.

12 MS. McCONNELL: Good afternoon.
13 So I coordinated with my colleagues here
14 on our testimony, so I'm going to start
15 us off, if that's all right.

16 COUNCILWOMAN TASCO: That's
17 fine. Thank you.

18 MS. McCONNELL: Good afternoon
19 and thank you, of course, for the
20 opportunity to testify about Pennsylvania
21 Act 135, also known as the
22 Conservatorship Act. My name is Beth
23 McConnell, the Policy Director at the
24 Philadelphia Association of CDCs, and
25 thank you, Chairwoman Tasco, for

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2 convening these hearing and, of course,
3 the leadership of all of City Council,
4 Councilwoman Sanchez, Councilman
5 Greenlee, in attacking blight.

6 We're going to hear more today
7 from the expert witnesses about how the
8 Conservatorship Act is used, but just
9 very briefly, of course it's a tool that
10 allows an interested third party, which
11 could include but is not limited to CDCs,
12 to be given permission by a judge to
13 improve a property that's in serious
14 disrepair when the lawful owner is
15 unwilling or unable to bring his or her
16 property into compliance with local
17 property maintenance codes. And as we
18 heard, the Act was passed by the State
19 Legislature under the leadership of
20 Representative Taylor, who is actually
21 working right now to strengthen that bill
22 in Harrisburg -- strengthen the Act in
23 Harrisburg.

24 Here in Philadelphia we need an
25 awful lot of tools in our anti-blight

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2 toolbox. As City Council is well
3 aware -- I'm going to repeat some numbers
4 that you may be familiar with -- we have
5 about 40,000 vacant properties scattered
6 throughout the City, including vacant
7 lots and blighted buildings, of which
8 roughly 30,000 are privately held,
9 privately owned. And the cost of dealing
10 with these properties is enormous. A
11 2010 report prepared by Econsult
12 Corporation for PACDC and the
13 Redevelopment Authority estimated that
14 the City spends more than \$20 million
15 each year in maintenance of vacant
16 properties, including waste cleanup and
17 pest control and police and fire. And
18 that's, of course, a study that was done
19 more than four years ago, so the numbers
20 may be higher.

21 And the vacant properties also
22 drain neighboring households of their
23 wealth. They can reduce property values
24 by as much as 20 percent in some
25 neighborhoods and about six and a half

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2 percent citywide, and that results in an
3 estimated \$3.6 billion reduction in
4 property values, translating for each
5 property in the City about \$8,000 in lost
6 value for each household.

7 Council took a very critical
8 step in passing the Land Bank ordinance
9 this past December to reform the way we
10 get vacant properties back into
11 productive use, and we really think that
12 use of Act 135 can complement the work of
13 the Land Bank. The Land Bank will take
14 several more months, of course, before
15 it's operational, but conservatorship can
16 be used today and is being used today.

17 While the Land Bank has very
18 useful powers to acquire privately held,
19 abandoned, and tax-delinquent properties
20 and clear title for potential new owners,
21 doing so for a meaningful portion of the
22 30,000 properties in need of
23 redevelopment or reuse will take many
24 years, to say the least. And even when
25 the Land Bank is adequately funded and

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2 staffed, it certainly won't have the
3 resources or capacity to take ownership
4 of tens of thousands of new properties
5 overnight. So Act 135 gives
6 organizations that have the capacity to
7 improve blighted properties just one more
8 option.

9 Conservatorship can be a
10 complex and risky and lengthy process and
11 might not be the right tool in many
12 cases. In fact, some of our members,
13 PACDC's members, have looked at whether
14 they could use Act 135 on a few
15 properties, but found that the cost
16 settling the municipal liens as well as
17 investing tens of thousands of dollars in
18 rehabilitating the property would just
19 exceed the property's market value,
20 exposing them to financial loss.

21 So the City might want to
22 explore whether forgiving municipal liens
23 on the properties under Act 135 is a
24 viable option. Additionally, the legal
25 costs associated with pursuing

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2 conservatorship through the courts can
3 also deter potential redevelopers, and so
4 it might be worth looking into whether
5 some amount of limited funds or pro bono
6 legal assistance, more assistance could
7 be made available to help.

8 Again, I want to thank you very
9 much for convening the hearings today on
10 Act 135 and continuing the fight against
11 blight here in Philadelphia.

12 COUNCILWOMAN TASC0: Thank you
13 very much for your testimony.

14 Who is next?

15 MS. DALEY: Good afternoon.
16 I'll go next. I'm Cindy Daley. I'm the
17 Policy Director at the Housing Alliance
18 of Pennsylvania. The Housing Alliance is
19 a statewide non-profit organization that
20 works to increase the availability of
21 homes within reach of --

22 COUNCILWOMAN TASC0: Speak into
23 the mic.

24 MS. DALEY: -- that works to
25 increase the availability of homes within

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2 reach to all Pennsylvanians, especially
3 those with low incomes. We also advocate
4 for policies to advance community
5 revitalization efforts.

6 The Housing Alliance spent more
7 than a decade working to put more tools
8 into the fight blight toolbox. Starting
9 with small tweaks to the state's ancient
10 tax sale laws, we then worked on
11 conservatorship, the blight law known as
12 Act 90, and Land Bank enabling
13 legislation. These and other effective
14 tools are in our Quick Guide, which you
15 have a copy of and also brought you a
16 copy of our Conservatorship Handbook,
17 which explains the process of going -- of
18 using the tool.

19 The Conservatorship Law went
20 into effect in February of 2009. A few
21 weeks later the first case was filed in
22 St. Clair Borough in Schuylkill County.
23 St. Clair is a borough of 3,000 people.
24 We have found in traveling around the
25 state that blight is actually the common

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2 denominator in Pennsylvania. It doesn't
3 matter if you're in a big city or a small
4 town. The solicitor who represents St.
5 Clair and several other municipalities in
6 Schuylkill County has now done about 14
7 cases, conservatorship cases, and he has
8 said that in his 30 years of practice,
9 that this is the best law he's come
10 across.

11 So what is it that makes it so
12 good? Conservatorship is flexible, as
13 you'll hear from a variety of folks
14 today, and it's relatively inexpensive,
15 at least as far as the court proceedings
16 go. That's not a comment on what it may
17 take to rehab or demolish a property.

18 It also does not put the
19 liability of ownership on the
20 conservator. The conservator has
21 possession of the property and the right
22 to work on it under court supervision,
23 but does not own it.

24 I'll give you a few examples of
25 how conservatorship has worked around the

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2 state. I'll leave the Philadelphia
3 examples to later testifiers.

4 The model generally followed in
5 Schuylkill County is to have a buyer
6 identified prior to filing suit. The
7 municipality is the petitioner and the
8 conservator, and the court authorizes
9 transfers of title to the buyer, with a
10 promise, with an agreement to do the work
11 after title is transferred, and that
12 relieves the municipality of the cost of
13 doing the work. The buyer gets clear
14 title, which is one of the most important
15 functions of the law.

16 In Butler County on the western
17 edge of the state, the Redevelopment
18 Authority has done at least seven
19 conservatorship cases. There they do the
20 work themselves, usually demolition
21 because of the properties that they have
22 chosen, but the demolition makes land
23 available for other uses, including
24 commercial, residential, and side yards.

25 In Columbia County in the

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2 middle of the state, the Redevelopment
3 Authority used conservatorship for an old
4 historic property for a home. They're
5 currently seeking a buyer who can do the
6 work himself, basically a sweat equity
7 type of case, and they're looking into
8 the legal mechanisms for making sure that
9 the work actually gets done after title
10 is transferred.

11 Conservatorship is a highly
12 effective tool, but it's not the only
13 answer for -- it is not the answer for
14 every property. Code enforcement should
15 always come first. If code enforcement
16 does not result in compliance, the
17 conservatorship petitioner can use L&I's
18 documents to make the case for
19 conservatorship. Also, the threat of a
20 conservatorship action is a very
21 effective way of motivating an owner to
22 comply with codes or to negotiate a sale.

23 As effective as conservatorship
24 is, there are improvements that could be
25 made. Beth referred to a bill that's

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2 currently in the State Legislature.

3 Representative Taylor has sponsored House

4 Bill 1363, which will address some of the

5 concerns the practitioners have raised

6 over the last five years. The bill will

7 bring most vacant lots within the reach

8 of the law, speed up the process, make it

9 easier for the conservator to hire

10 contractors that can self-finance. As

11 you will hear, financing the work is

12 still a challenge in many cases.

13 House Bill 1363 did pass the

14 House unanimously. It's in the Senate

15 Appropriations Committee.

16 Other testifiers will talk more

17 about the specifics of conservatorship in

18 Philadelphia. I'm happy to answer any

19 questions about the law's history and use

20 around the state.

21 Thank you for having me.

22 COUNCILWOMAN TASCO: Thank you

23 very much.

24 MS. BERKMAN: Good afternoon.

25 My name is Judy Berkman. I'm Managing

1 3/4/14 - PUBLIC HEALTH - RES. 140025
2 Attorney at Regional Housing Legal
3 Services. Regional Housing is a
4 non-profit law firm with unique expertise
5 in affordable housing, sustainable
6 housing and its related components,
7 community and economic development,
8 utility matters, and preservation of
9 homeownership. We also work on
10 innovative policy matters.

11 The legislative purpose of the
12 Abandoned and Blighted Property
13 Conservatorship Act, which is Act 135,
14 took effect in February 2009, and it uses
15 the police power to provide a mechanism
16 to transform abandoned and blighted
17 buildings into productive reuse.
18 Succinctly, it just basically means that
19 the conservator who is appointed by the
20 court is responsible for bringing
21 buildings into municipal code compliance
22 when owners fail to do so.

23 Since the enactment of the law,
24 conservatorship under this court
25 supervision has become an important tool,

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2 as Cindy mentioned, to eliminate blight
3 in Philadelphia. One of the advantages
4 of the law is, it's comprehensive,
5 because it can be used to revitalize
6 property in residential neighborhoods,
7 commercial corridors, and industrial
8 areas. Also, entering the process is
9 flexible. Many interested parties, which
10 is a defined term in the law, interested
11 parties, which include non-profits,
12 adjacent homeowners, and adjacent
13 businesses, can petition the court to
14 establish a conservatorship, and the
15 petitioners have to have development
16 capacity and meet certain criteria. But
17 like Cindy said, it's important to
18 recognize that conservatorship is only
19 one tool to address blight.

20 So what Regional Housing did --
21 in front of you, you have an orange
22 booklet, which is the Best Practices and
23 Implementation Manual. In the back of
24 it -- and it's very detailed, far too
25 detailed, which is why the Housing

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2 Alliance made a more user-friendly
3 handbook, but initially when attorneys
4 were needing to be trained, we developed
5 this handbook so that people could have a
6 comprehensive look at how exactly to go
7 through every step of implementing the
8 law.

9 The back of it includes an
10 appendix with the law itself, and also we
11 worked as a group with staff at the Court
12 of Common Pleas to come up with what's
13 called a General Court Regulation, which
14 slightly changed the procedure from what
15 was in the law.

16 For example, the law had
17 service on the owner by certified mail -
18 return receipt requested, and the new
19 court procedures adopted by the court
20 require more due process and service of
21 process by a sheriff or advertising, if
22 you can't find the owner, things like
23 that.

24 So we also developed trainings
25 for attorneys and for for-profit and

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2 non-profit developers on how to use the
3 law, and we worked with Licenses and
4 Inspections to come up with sample
5 properties of different kinds to take
6 different samples as pilots through the
7 court system, because it was such a new
8 law and you were taking owners' rights
9 away.

10 I'm not going to go into a lot
11 of detail. It's in my testimony, so you
12 can look down the bullet points. There's
13 some key provisions of the law which I'll
14 just point out to you and then I'll get
15 to a few suggestions for reform that can
16 be done, possibly locally in Philadelphia
17 in conjunction with the state law changes
18 that are underway.

19 The first set of bullet points
20 shows who can be a petitioner. We have
21 several petitioners in the room. They
22 could be a for-profit, a non-profit, like
23 I said, an adjacent homeowner or
24 business, and the Redevelopment
25 Authority.

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2 Then there are nine criteria
3 set forth in the law, and you have to
4 meet at least three of them to have a
5 conservatorship name for a property.
6 Public nuisance, it needs substantial
7 rehab, it's unfit for human habitation,
8 it's a hazard of various kinds. And in
9 the manual we went through in great
10 detail how to meet the burden of proving
11 many of these requirements.

12 In addition, as you might
13 imagine, there's some basic conditions.
14 It can't have been legally occupied.
15 That doesn't mean if squatters are there
16 that that's legal. But we don't want to
17 have -- it's only for abandoned property,
18 and that's for 12 months. It can't have
19 been actively marketed for sale, can't be
20 subject to a foreclosure. It can't have
21 a new owner within the last six months,
22 that kind of requirement, so that we're
23 not interfering with other people's
24 rights, as well as it can't be used
25 against someone who is actively deployed

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2 on military service, and it can't be used
3 against the Housing Authority.

4 So once a property is
5 identified and an eligible party is ready
6 to proceed, the court takes over, the
7 petition is filed, and the court has --
8 something that's not in the law, but the
9 local courts have been very flexible
10 about having a status conference first to
11 bring parties together to talk about it.
12 Then there's a preliminary hearing on the
13 preliminary plan. At that point, the
14 conservator is not yet appointed and
15 can't enter the property, except on
16 certain circumstances with court
17 permission. So it's sort of a wild stab
18 as to what's needed. Then the
19 conservator is appointed and has
20 authority to go in the property and start
21 making the plan that then goes back to
22 the court to get the final plan approved,
23 and all along people are given notice
24 about all the steps that are taking
25 place.

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2 As a result of the Regional
3 Housing's Implementation Manual, which is
4 posted on our website, and all the
5 trainings, I've been getting a lot of
6 questions -- I get regular questions a
7 few times a month from for-profits,
8 non-profits, neighbors, people asking
9 questions about particular properties in
10 their neighborhoods that are blighted and
11 they want to consider using the
12 Conservatorship Law. And so it's been
13 interesting to have -- then I look up
14 online, because there's so much
15 information available on the City's
16 website, a lot of information about it.
17 Often there are municipal liens, which is
18 an immediate obstacle to proceeding.

19 So while the Pennsylvania
20 Legislature is considering amendments to
21 Act 135 that will help expand the use of
22 the law and make it easier for us to use
23 it in Philadelphia, I've also observed a
24 few points I'd like to make in terms of
25 improvements that might be able to be

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2 made locally.

3 One is funding. Right now
4 there's really no source of funding
5 unless there's an investor available or
6 the conservator can get a line of credit,
7 because we've asked a lot of commercial
8 banks and they won't do lending and it's
9 just not possible. One reason is the --
10 compared to Ohio where federal liens are
11 the only liens that would be ahead of the
12 conservator's lien, in Pennsylvania it's
13 federal, state, and local liens that are
14 ahead of the conservator's lien. So
15 anything the conservator does would be
16 subject to federal, state, and local
17 liens. Generally there are not federal
18 or state liens, so it's the local
19 municipal liens that are the obstacles.
20 And people don't want to be behind that
21 in lien priority, and I give an example
22 in my testimony of what they did in
23 Massachusetts to try to form a
24 collaborative, a way of giving funding in
25 a line of credit to people doing

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2 conservatorships that then is repaid to
3 that funding source. So one idea is to
4 bring together stakeholders and see if we
5 can put together a funding source for
6 conservatorships that could pay for the
7 attorneys' fees and costs related.
8 Sometimes service of process has to be
9 advertised. That's expensive, as well as
10 the remediation work. And then if we
11 could recycle that money back into a
12 fund, it would be good to have a pilot
13 program or some initiative pulling people
14 together to try to form this kind of
15 funding source.

16 Again, I'm mentioning the
17 municipal liens. It's just an
18 impediment. And if the City could,
19 either as part of the pilot program or a
20 general policy, waive the liens or at
21 least come up with criteria for how they
22 would waive the liens for certain kinds
23 of properties, that would be really
24 appreciated, because so many people who
25 call me up and I look online and I can

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2 see that there are real estate tax liens
3 and I tell them how much and in the
4 neighborhoods they're working in, it's
5 just -- they can't go forward, because
6 after they would put the money in, they'd
7 never get their costs back.

8 And the final suggestion I have
9 is something that may be being worked out
10 as a practical matter, but needs probably
11 some City Council action. Some of the
12 terms in Act 135 are inconsistent with
13 what's in the City Code. For example,
14 "public nuisance" is a term in Act 135,
15 but I think it's nowhere in The
16 Philadelphia Code. So doing an analysis
17 of the Act 135 language and seeing where
18 definitions need to be defined, this
19 means public nuisance -- if it meets
20 these criteria, it means it's a public
21 nuisance for purposes of Act 135. That
22 kind of thing could be very useful,
23 because it's hard to use an L&I violation
24 if they don't have the same language
25 that's in the Code.

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2 So thank you for the
3 opportunity to testify today and provide
4 you with information. I was once --
5 someone in California once was interested
6 in what was going on in blighted and
7 abandoned property in Philadelphia, and
8 they Googled Philadelphia and abandoned
9 and blighted property, and my name kept
10 popping up. So I would like more use of
11 this law so that I am not famous for such
12 an issue.

13 COUNCILWOMAN TASCO: Thank you
14 all very much.

15 The Chair recognizes
16 Councilwoman Sanchez.

17 COUNCILWOMAN SANCHEZ: Yes,
18 quickly, and I know they're coming to
19 testify, but I wanted to ask Cindy, in
20 the implementation in the other counties,
21 what is the role of L&I and their
22 Redevelopment Authorities in this that
23 may be different from what we're doing
24 here in Philadelphia?

25 MS. DALEY: The main difference

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2 I think is where Philadelphia and
3 Pittsburgh have strong and active
4 community organizations, most
5 communities, most towns around the state
6 don't. And so the Redevelopment
7 Authority has taken a more active role
8 in, as I mentioned, Butler County,
9 Columbia County. I'm trying to think of
10 where else they might have done some. So
11 the Redevelopment Authority or a
12 non-profit affiliate of the RDA steps in
13 to take that role, and in other places
14 the municipality itself has done the
15 work. But in places like most of the
16 towns in Schuylkill County, which is coal
17 country, a few counties northwest of
18 here, there just aren't any community
19 groups to take that role. So I think in
20 Philadelphia, having the strength of the
21 neighborhood organizations that you do,
22 it's appropriate for them to be involved
23 as well. But I know that the Housing
24 Authority -- I mean the Redevelopment
25 Authority is stepping up and doing

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2 some -- looking at conservatorship also.

3 COUNCILWOMAN SANCHEZ: Judy,
4 related to the municipal liens piece,
5 essentially what you're saying to us is
6 there's not a policy for -- the City has
7 not articulated a policy around if people
8 are using the conservatorship?

9 MS. BERKMAN: It's my
10 understanding the official policy is not
11 to wipe the liens.

12 COUNCILWOMAN SANCHEZ: Under
13 any conditions?

14 MS. BERKMAN: There may be
15 certain case-by-case times when they
16 have, but my understanding is that the
17 official policy is not to. So it would
18 be good to have criteria for when they
19 would or wouldn't or to parallel the Land
20 Bank, which you're so well aware, does
21 resolve the municipal liens. It would be
22 good to have maybe a parallel process
23 that's similar for this, if that could be
24 worked out.

25 COUNCILWOMAN SANCHEZ: Thank

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2 you. Thank you for highlighting that.

3 COUNCILWOMAN TASC0: Thank you
4 all very much for your testimony.

5 Oh, I have a question. What
6 would be the range of the cost for a
7 pilot? I think you talked about that.

8 MS. BERKMAN: I guess I would
9 have to defer to some of our later
10 panelists. Rick Vanderslice has handled
11 a lot of these. I know in Massachusetts
12 they were only remediating the blight,
13 and I think their line of credit from a
14 few years ago when I worked on it was
15 50,000, but it may not be enough here.

16 COUNCILWOMAN TASC0: Okay.
17 Thank you. Thank you very much.

18 Our next panel will be John
19 Ungar from the "Mighty Northwest" CDC,
20 OARC; Anuj Gupta from the other part of
21 the Mighty Northwest, Mount Airy USA;
22 Rick Vanderslice, Esquire, Richard L.
23 Vanderslice, PC. Thank you. Do we have
24 Joel Palmer, CEO, Scioli Turco? You can
25 sit right there in that chair and when

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2 your time comes to speak, you'll move
3 over to the desk. Thank you.

4 (Witnesses approached witness
5 table.)

6 COUNCILWOMAN TASCO: Good
7 afternoon. Who is going first? Are you
8 going first, John? State your name for
9 the record.

10 MR. UNGAR: Good afternoon,
11 everyone. My name is John Ungar. I'm
12 the Chief Operating Officer of the Ogontz
13 Avenue Revitalization Corporation, or
14 OARC. I just want to state up front, my
15 testimony may sound very familiar,
16 because the Councilwoman very eloquently
17 told the same story about Arties. So
18 please bear through my testimony, but I
19 think it's just a compelling case, and
20 obviously Councilwoman feels the same
21 way. It's a great example of how
22 powerful this tool is.

23 Anyway, OARC is a 501(c)(3)
24 non-profit community development
25 corporation located in Northwest

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2 Philadelphia. We were founded in 1983 by
3 Pennsylvania State Representative Dwight
4 Evans specifically to address the problem
5 of a blighted shopping center on Ogontz
6 Avenue. OARC has grown significantly
7 since then. Our mission is to create and
8 stimulate economic development and
9 improve the quality of life for residents
10 of West Oak Lane, other sections of
11 Northwest Philadelphia. We have been
12 engaged in community economic development
13 work for over 30 years now. Some of our
14 accomplishments include the redevelopment
15 and management of over 400,000 square
16 feet of commercial and institutional
17 space, the rehabilitation and management
18 of approximately 50 units of affordable
19 rental housing, rehabilitation of several
20 vacant homes which we made available to
21 first-time home buyers, establishing the
22 West Oak Lane Charter School, completing
23 a major streetscape project on Ogontz
24 Avenue, providing housing counseling
25 services to approximately a thousand

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2 people a year through our housing
3 counseling division, and of course the
4 West Oak Lane Jazz and Arts Festival,
5 which in its heyday attracted hundreds of
6 thousands of people to our community
7 every year.

8 Basically I'm here to testify
9 in support of the expanded use of the
10 Conservatorship Act and basically I'm
11 going to share our experience with the
12 Act.

13 Just near the corner of Ogontz
14 Avenue and Washington Lane, as the
15 Councilwoman mentioned, which, by the
16 way, is a major intersection on Ogontz
17 Avenue, which is the heart of our
18 commercial corridor, there was a
19 one-story commercial building, which
20 you've identified as Arties, and it sat
21 abandoned for many years. I started
22 working at OARC in the late '90s. As
23 long as I was there, everyone you ever
24 asked said it's been abandoned for so
25 long, no one knew exactly, but it goes

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2 back at least to the 1970s.

3 As I mentioned, we started our
4 revitalization work in the early 1980s,
5 first with the shopping center. We
6 purchased several properties ourself and
7 redeveloped them. We helped several
8 other business owners with facade
9 improvements. We provide street
10 cleaning. We planted trees. We did a
11 redevelopment project, streetscape
12 project with new crosswalks, sidewalks,
13 pedestrian light scales, light poles. In
14 general, we really brought the Avenue
15 back and once again made it a desirable
16 place for businesses and shoppers.

17 However, this one significant
18 building eluded us. We had tried many
19 times in the past to purchase this
20 building from the owner, but the owner
21 always wanted an astronomical amount. I
22 had been told even upwards of a million
23 dollars, probably because the owner was
24 aware of our redevelopment efforts and
25 thought, Oh, these folks will just pay me

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2 whatever. It just sat there like a black
3 eye in the community.

4 So, finally, as the
5 Councilwoman mentioned, although the
6 property owner did not take care of the
7 property -- it was a one-story building
8 and an adjacent parking lot, both of
9 which were completely dilapidated -- he
10 did keep up on the taxes. So before this
11 law came into effect, there really were
12 no means to force the owner to the table.
13 We couldn't bring it to Sheriff Sale.
14 There was really nothing else we could
15 do. It just sat there, this person
16 making unreasonable demands, trying to
17 get a windfall on the community's back.

18 Fortunately, in 2008 the State
19 Legislature passed the Abandoned and
20 Blighted Property Conservatorship Act.
21 So, finally, there was a tool which
22 enabled non-profit organizations and
23 concerned citizens to tackle properties
24 which were blighting their communities,
25 even if the properties were not tax

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2 delinquent. We knew this was our only
3 chance to develop the property, so we
4 reached out to the Regional Housing Legal
5 Services, who in turn put us in touch
6 with the law firm of Morgan Lewis and
7 Bockius. Morgan Lewis and Bockius took
8 our case on a pro bono basis, and we
9 filed the first conservatorship petition
10 in the City of Philadelphia. Happily, we
11 didn't have to even go through the entire
12 process, because finally there was a
13 means to bring the property owner before
14 the court and force him to do something.
15 A petition was filed. A hearing was held
16 where all the parties met the judge. And
17 I want to say by the time we got here,
18 this property was in such horrible shape,
19 half the roof was gone, the parking lot
20 was a mess, the floor was rotted inside,
21 it was infested with birds and other
22 animals. I actually have some pictures.
23 This is what -- on the outside it doesn't
24 look all that terrible. And I'll submit
25 it into the Council later. But you'll

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2 see in the inside, there's really nothing
3 left. There is definitely what qualifies
4 as an attractive nuisance, a danger to
5 the community. This is a man who wanted
6 about a million dollars for this
7 property.

8 By the time we got to court,
9 the property was in that condition. And
10 a meeting was held with the judge, and
11 the property owner realized things were
12 not going so well for him, the judge was
13 inclined to grant our petition, so
14 finally he started talking real-world
15 numbers. And we initially offered
16 \$200,000 for the property. He wanted the
17 property appraised, and we said, Sure, we
18 will pay for an appraisal and we will pay
19 you the fair market appraisal value of
20 the property. Well, fortunately for us,
21 the appraisal came in at \$175,000. So we
22 kept our word and we paid him \$175,000.

23 So, again, this is just the
24 power of this process. The community got
25 the property at a fair market price. The

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2 owner received fair compensation. I
3 think it's really important to mention
4 that. The owner did not get his property
5 taken away from him. And since then,
6 about a few years ago, we sold it to an
7 entrepreneur/developer, which is the Tang
8 family, opened up their -- actually, tore
9 down that building, constructed a brand
10 new building, resurfaced the parking lot,
11 landscaping, signage, and now it's their
12 fifth pharmacy in the City, along with
13 two other offices, two medical offices.

14 So before whereas you
15 previously had the property taxes being
16 paid but a blighted influence in the
17 community, now property taxes are paid,
18 there's no blight, there's U&O, there's
19 payroll, there are jobs. This is a
20 contributing parcel in our community.
21 We're obviously thrilled.

22 I want to add that OARC once
23 again has an opportunity to use the
24 Conservatorship Act, and I think once
25 again this is a situation where it may be

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2 our only viable tool, so it's critical
3 that we continue to support this. We're
4 working to do some development further
5 down Ogontz Avenue, close to the Ogontz
6 branch of the Free Library, and there's
7 about four or five properties all in a
8 row owned by one person or the family,
9 and some of them are behind the taxes,
10 although at least one of them is current
11 in the taxes, so couldn't bring it to a
12 Sheriff's Sale if we tried. Just last
13 week, one of the corner properties
14 collapsed. We met with L&I, and they're
15 very concerned about this as well. We've
16 been in negotiations with the property
17 owner to buy these properties, but our
18 concern is that since the other
19 properties have taxes on them, I
20 ultimately think this property owner is
21 not going to be interested in a direct
22 purchase and I think that conservatorship
23 is going to be the only tool we have
24 available.

25 So, once again, we're very

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2 happy the tool is there. I support the
3 expansion of it.

4 Thank you. It's a fantastic
5 tool. It's important in fighting blight.

6 COUNCILWOMAN TASCO: Thank you
7 very much. Every time I go there, I said
8 that's our conservatorship.

9 MR. GUPTA: Madam Chair,
10 members of the Committee, thank you for
11 holding this important hearing on a
12 matter that I believe with some
13 improvements could offer a citywide
14 solution to our longstanding problem of
15 blight. My name is Anuj Gupta. I'm
16 Executive Director of Mount Airy USA.
17 Mount Airy USA is one of Philadelphia's
18 most comprehensive community development
19 corporations, with a focus on housing
20 counseling, corridor and business
21 district revitalization, a public school
22 improvement initiative, and real estate
23 development of affordable for sale and
24 rental housing and affordable
25 high-quality commercial space for small

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2 businesses. It is our real estate
3 function that brings me here today.

4 For years, Mount Airy USA has
5 been rehabilitating vacant, blighted
6 property, untouched by private
7 developers, into new affordable housing
8 opportunities for low- to moderate-income
9 Philadelphians. However, the City of
10 Philadelphia has, over the past two
11 years, eliminated most of the funding
12 programs that allowed this work to
13 continue. High construction costs in
14 Philadelphia make it difficult to develop
15 high-quality affordable housing or
16 commercial space in areas where the
17 market values are not high. Therefore,
18 to continue this much-needed work, and to
19 finally utilize an effective tool in the
20 fight against blight, Mount Airy USA has
21 turned to using Act 135.

22 Act 135 offers Philadelphia its
23 most effective tool yet in remediating
24 blight. Not only does it put negligent
25 property owners in a position to either

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2 address their property code violations or
3 potentially lose their property, it can
4 also allow a CDC like us to move quickly
5 in addressing a problem property. By way
6 of example, in May 2013, Mount Airy USA
7 filed its first petition to address a
8 longstanding boarded-up vacant property
9 at 59 East Phil Ellena Street, which you
10 have a picture of in its initial state.
11 It should be with your files. This
12 property was owned by a corporate
13 investor with a suburban address who had
14 no interest in caring for the property
15 and was tax delinquent. In December
16 2013, merely seven months later, Mount
17 Airy USA received its final order from
18 the court to enter the property and begin
19 rehabilitation. Construction is now
20 nearly 60 percent complete, and by early
21 April, a brand new housing opportunity
22 will be available for a new homeowner
23 with stainless steel --
24 COUNCILWOMAN TASCO: Where was
25 that located?

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2 MR. GUPTA: At 59 East Phil
3 Ellena Street. So about 75 yards in from
4 Germantown Avenue.

5 A new housing opportunity will
6 be available with stainless steel
7 appliances, energy-efficient windows,
8 hardwood floors, et cetera. As a veteran
9 of City government, I can say with some
10 measure of confidence that no current
11 City vacant disposition process can move
12 that quickly.

13 Having achieved our first
14 success, Mount Airy USA is now determined
15 to replicate this and aggressively
16 address blight throughout our community.
17 There are a number of steps City
18 government can take to make this more
19 feasible.

20 Number one, many properties
21 eligible for conservatorship are upside
22 down. Because the statute requires that
23 all governmental liens be repaid first
24 from sale proceeds, the amount of liens
25 on some properties, plus the construction

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2 costs, exceed any reasonable expected
3 sales value. To date, the Department of
4 Licenses and Inspections has been an
5 excellent partner in not only citing
6 properties for code violations, but also
7 working with potential conservators to
8 discuss reducing outstanding liens to
9 make the economics of rehabilitation
10 work. Unfortunately, other City
11 departments have not followed suit and it
12 has been difficult to generate any
13 interest. To truly unlock the potential
14 of conservatorship, the Revenue
15 Department, Water Department, and Gas
16 Works should all follow suit. We are not
17 asking for unreasonable waivers or
18 reductions of liens, only enough to make
19 the redevelopment of the property work.

20 Number two, the City must stop
21 taking a short-term view towards vacant,
22 blighted properties. In June 2013, Mount
23 Airy USA had prepared a petition for
24 conservatorship for another property that
25 is a longstanding eyesore in our

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2 community. The back of the property was
3 on the verge of collapse, and a rear
4 detached garage may come down altogether
5 in the next storm. Before filing the
6 petition, Mount Airy USA learned that the
7 City was intending to begin tax
8 foreclosure proceedings on the property,
9 a step that would put a halt to
10 conservatorship. When Mount Airy USA
11 requested the Law and Commerce
12 Departments to delay the tax foreclosure
13 process to see if the property could be
14 acquired through conservatorship, Mount
15 Airy USA was told that the City would not
16 stop and that the impetus for generating
17 funds for the School District was too
18 great. This is a shortsighted approach.
19 While a tax foreclosure may generate some
20 immediate relief for the City and
21 District, it does nothing to ensure that
22 the property is redeveloped.
23 Conservatorship would have required not
24 only the repayment of outstanding liens,
25 but under court order would have required

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2 the property to be rehabilitated.

3 Now because of this

4 shortsighted decision, the property

5 continues to sit, deteriorating,

6 presenting a nuisance and blight for the

7 surrounding neighbors, and a significant

8 safety concern. City policy should shift

9 to prioritize the conservatorship

10 applications over tax foreclosures, as

11 conservatorship will ensure the repayment

12 of taxes and that the property is put

13 back into productive use.

14 Three, finally, as mentioned,

15 all of the City's subsidy programs to

16 develop affordable housing in areas where

17 the market is not working have largely

18 been eliminated. This includes the HRP

19 program, the Targeted Housing

20 Preservation program, and the

21 Neighborhood Stabilization program.

22 Council should work with the

23 Administration to restore some funding

24 for this important work by community

25 development corporations, either through

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2 funds slated for construction or general
3 operating funds. Madam Chair, as you
4 know, all of the CDCs in Northwest
5 Philadelphia, a significant portion of
6 our city, are currently disqualified for
7 any CDC funding from the Department of
8 Commerce because of their interpretation
9 of Community Development Block Grant
10 rules.

11 Together with the Lank Bank, we
12 now have the tools in hand to reverse the
13 ravages of blight throughout our
14 community. With a few easy changes, we
15 can now amplify the impact of Act 135.
16 Let's not allow blight to consume any
17 more of our neighborhoods. Let's put
18 this law to work now.

19 I appreciate the opportunity to
20 provide this testimony and would be happy
21 to work with your office moving forward
22 to address these ideas.

23 COUNCILWOMAN TASC0: Thank you
24 very much. We'll let the other two
25 testify and I want to come back to this,

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2 your testimony.

3 Go ahead, sir.

4 MR. VANDERSLICE: Thank you,
5 Madam Chair, members of Council. My name
6 is Richard Vanderslice. I'm an attorney
7 in private practice and I have had the
8 opportunity to represent some of the
9 first movers as far as implementing Act
10 135, including the non-profit Scioli
11 Turco as well as Mayfair CDC, Bridesburg
12 CDC, several private entities, including
13 Stephen Ehrenhalt, Universal Building
14 Corporation, and Streamline Solutions in
15 taking a tact that is allowing private
16 individuals and smaller non-profits to
17 implement the Act to effect change one
18 building at a time in their neighborhood.

19 First, it was touched on
20 earlier, but I would like to say that the
21 Department of Licenses and Inspections'
22 Vacant Property Strategy has been an
23 invaluable resource for the private and
24 non-profit entities that have been
25 putting this into use. It helps us bring

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2 our case, in that we can have testimony
3 from both the inspectors who have been
4 out to the property as well as -- for a
5 time, we had an inspector that was
6 designated to testify and could bring
7 light to the court as to how these
8 properties generally progress when
9 they're left to the owners' own devices.

10 Secondly, I would say that the
11 court has implemented a fair and
12 expeditious manner in which these matters
13 have been handled. Often a respondent or
14 the defendant in a case levies the charge
15 that it is a land grab, which I think
16 previous testimony did a good job of
17 clarifying that in fact the owner remains
18 on title and has the opportunity at most
19 stages at the process to come back in and
20 do the right thing.

21 Finally, once the
22 rehabilitation is complete and a
23 potential out-sale is completed,
24 oftentimes the owner realizes proceeds
25 from the sale of the property, where it

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2 normally would have been taken through
3 tax sale and they probably wouldn't have
4 seen anything or the liens from L&I
5 demolition would have taken away any
6 value to the vacant parcel. So in most
7 cases, it is a win-win.

8 And it's funny that Arties has
9 been mentioned. I attended that hearing,
10 as I had filed the second petition and
11 was anxious to see how it would progress,
12 and one of the factors is that the --
13 well, not factor, but the owner made the
14 argument that the property was not
15 abandoned. And when the judge turned to
16 him and asked him why, he said, Well, I
17 walk by it once a week, so I haven't
18 abandoned it. Now, as you can tell from
19 the photos, especially of the interior, I
20 don't think anyone here would argue that
21 it was abandoned. And believe it or not,
22 I, in the course of proceeding with
23 around 50 of these cases, have heard even
24 more interesting explanations of why
25 their property was not abandoned.

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2 But that is where the court has
3 come in and where a little bit of funding
4 could go a long way. Often these
5 homeowners, if they haven't been to
6 Blight Court, or even when they have,
7 they found that they can get away with
8 keeping their property. Well, you know,
9 technically barely in compliance, it
10 still would, by any definition of the
11 word, be blighted and vacant or
12 abandoned. But when we get some of these
13 homeowners to court and they see that
14 they're not going to be able to dance
15 around and the judge really does a good
16 job of bringing them to task, they
17 realize that, A, we're going to take over
18 and do it if they don't, and B, that
19 they're not going to be able to get any
20 kind of half measure past this process,
21 which for the slight investment of
22 bringing it to court as opposed to what
23 it would take to fully rehabilitate a
24 property or even the City resources it
25 takes to finally get a property to tax

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2 sale, I think the cost-benefit weighs
3 very heavily in favor of
4 conservatorships.

5 An example of where funding
6 would be beneficial beyond the stages of
7 bringing a petition. There's currently a
8 petition pending and awaiting approval of
9 a final plan on a property in Northeast
10 Philadelphia. It was filed by the
11 Bridesburg CDC. That property was gutted
12 by fire. The owner just basically left
13 it to rot. Unfortunately, the costs of a
14 private developer rehabilitating, in
15 addition to the liens on the property,
16 make it somewhat prohibitive to complete
17 a full rehabilitation in the
18 conservatorship process. Now, if there
19 was a grant or some sort of loan
20 guarantee that the City could provide,
21 that would definitely make that project
22 feasible and fully restore that property.
23 But as has been mentioned, the nice thing
24 about the conservatorship process is it's
25 flexible, and we are trying a new

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2 approach with the court that hopefully
3 will get it into the hands of a local
4 person who can bring about a restoration
5 of the property, although not with the
6 alacrity that a conservator may.

7 In regards to the point that
8 was made about abating City liens,
9 there's a property on Fitzgerald Street
10 in South Philadelphia that has a little
11 over \$45,000 in tax liens. I believe
12 there's a portion -- a good portion of
13 that is water and sewer, and I imagine
14 there's a PGW lien that hasn't been
15 recorded. But the difference between
16 making that project full green light and
17 trying to figure out what we're going to
18 do with it is principal and interest on
19 those liens. So even a citywide policy
20 for conservatorships in regards to
21 negotiating the principal and interest on
22 liens would do immeasurable good as far
23 as breaking one of the logjams that have
24 held back these cases.

25 I have had several -- consulted

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2 with several especially private neighbors
3 of these blighted properties who, when
4 faced with the prospect of having to fund
5 the rehabilitation themselves and without
6 the prospect of having commercial lending
7 available and only a hard-money private
8 lender possibility with the higher
9 interest rates, have not seen themselves
10 as having the ability to take on that
11 property that's next door to them causing
12 not only damage to their property but
13 bringing down the value on the property
14 in the rest of the neighborhood. This is
15 what we commonly refer to as the broken
16 tooth. The rest of the block is in great
17 shape, but there's that one property that
18 someone has just let go. I know we've
19 all seen it in Philadelphia.

20 But, again, in these
21 situations, bringing them to court can be
22 two-thirds of the battle, and even
23 funding for that endeavor would bring
24 about a lot of change in these types of
25 properties.

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2 As Ms. Berkman mentioned,
3 amendments to the Property Management
4 Code, the track with Act 135 would also
5 be very helpful in proving the case when
6 it comes to court. Often it takes costly
7 expert witnesses to prove that a property
8 is a fire hazard. Now, you can look at a
9 picture of some of these backyards with
10 the weed trees and trash and you know
11 that that could catch flame on any
12 droughted summer afternoon. You can look
13 in and see all of the trash and see the
14 open windows that have let rain in there,
15 and you know that that property is going
16 to be a hazard for first responders, but
17 without evidence either through expert
18 testimony or, even better, a citation
19 from the Department of Licenses and
20 Inspections saying that it has been
21 deemed a fire hazard by the City, it can
22 be very costly to make that case and
23 satisfy one of the factors that is
24 required to prove that a property is
25 blighted and allow it to be taken into

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2 conservatorship and rehabilitated.

3 One final suggestion I would
4 have is -- and it was touched on by other
5 testimony -- is the tax sale procedure.
6 I can give you an example of a property
7 in South Philadelphia that was filed on,
8 and I don't think it was even a week
9 later one of the law firms that
10 represents the City in tax collection
11 filed their notice of Sheriff Sale. I
12 don't know if any of the Councilmembers
13 have tried to find information on whether
14 or not a property is going to Sheriff
15 Sale, but it's not always as transparent
16 as one would like. Long story short, the
17 property went to sale and it's been six
18 or seven months now trying to negotiate
19 with the successful bidder as to what's
20 going to happen with the property. This
21 could easily have been avoided if the
22 firms that sell these properties were
23 required to do what's commonly called a
24 bring-down title report prior to the
25 sale. This is merely asking the title

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2 company, Hey, what's happened in the year
3 and a half, two years since we filed this
4 case initially? That would pop up the
5 lis pendens, which is a notice of court
6 proceedings that are required to be filed
7 in conservatorship cases, not to mention
8 any other liens that have been filed,
9 which, anecdotally at least, I know costs
10 an immeasurable amount of time on the
11 part of the Law Department when they
12 could be doing greater good as far as
13 collecting revenue for the City.

14 So with those in mind, I would
15 like to thank the Council for the
16 opportunity to testify about this
17 important tool that I have seen
18 revitalize many properties in the City
19 either at the hands of a conservator or a
20 property owner who has come around to the
21 standard that they should be maintaining
22 their house to.

23 Thank you.

24 COUNCILWOMAN TASCO: Thank you
25 very much. We still have a lot of work

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2 to do.

3 Next, Mr. Palmer.

4 MR. PALMER: Madam President,
5 Chairwoman, thank you very much. Thank
6 the Council for the opportunity. I'm
7 Joel Palmer. I'm the Chief Executive
8 Officer for Scioli Turco. We are a
9 501(c)(4) corporation as a conservator
10 for blighted properties. Based on the
11 most recent tally, we have filed more
12 than half of the Act 135 actions in the
13 Court of Common Pleas in Philadelphia and
14 feel qualified to speak about the law.

15 At the risk of -- or not to be
16 cumulative to the other testimony you've
17 heard, I would like to ask that if the
18 City Council could, they codify what is
19 now an ad hoc practice of the Law
20 Department, which is to abate the
21 interest, penalties, fees, and others on
22 the taxes owed on these properties. As
23 Mr. Vanderslice and other witnesses have
24 testified, that sometimes makes the
25 difference between whether a project can

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2 be accomplished equitably and with a fair
3 return or not. And currently it's done
4 on a case-by-case basis, but I think it's
5 something that the City Council could
6 easily put into a code and then it would
7 be done automatically.

8 If the City Council could also
9 urge the Pennsylvania Senate to act
10 without delay on a bill that I believe
11 has no opposition and, that is, the
12 amendments to Act 135. Representative
13 Taylor's office -- and you'll hear from
14 Mark Collazo later on -- have fine-tuned
15 and streamlined some of the parts of the
16 Act that weren't working very well. That
17 has passed the House. It is in the
18 Senate. I think I speak correctly, in
19 that there was no opposition to this
20 amendment, but the vote on it has been
21 delayed, and until it's voted on, passed,
22 and then the Governor signs it, it
23 doesn't do anybody any good.

24 Third, if we could achieve some
25 sort of a waiver or a deferral of witness

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2 fees that are paid to Licenses and
3 Inspections. We call them as expert
4 witnesses and pay in advance, and since
5 99 percent of Scioli Turco's costs are
6 our legal costs in bringing suit on Act
7 135, it becomes a bit of an impediment.
8 L&I has been a stellar department in
9 working with us in providing witnesses
10 and testimony. We'd like to be able to
11 settle those charges, if they're
12 appropriate, at the out-sale of the
13 property and not in advance.

14 Lastly, I'd like to thank the
15 drafters of the legislation and Judy
16 Berkman and all the organizations that
17 worked to implement it and create
18 handbooks. Scioli Turco is at the tip of
19 the spear. We actually file these cases,
20 take them through court. I have a son
21 and two brothers that are attorneys, and
22 I've spent enough time in court to know
23 it is often a very thankless job.

24 And so we appreciate the
25 opportunity to speak with you today and

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2 to ask for these few things.

3 COUNCILWOMAN TASCO: Thank you.

4 Thank you very much for coming down to

5 testify.

6 Before you leave, Anuj, you

7 talked about the CDCs in the Northwest

8 have been disqualified for CDC funds.

9 Could you give me a little more

10 information on that, please.

11 MR. GUPTA: Thanks, Madam

12 Chair. So many of the remaining funding

13 programs that are available to community

14 development corporations in Philadelphia,

15 largely through the Department of

16 Commerce, rely entirely now on federal

17 Community Development Block Grant funds.

18 There are no City general revenue funds

19 put towards those programs.

20 The Administration's

21 interpretation of the use of those funds

22 and what sections of the City qualify for

23 their use have essentially cut off most

24 of Northwest Philadelphia, including

25 communities served by OARC, Mount Airy

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2 USA, East Falls, Roxborough, Manayunk,
3 and Chestnut Hill, of course. That's not
4 to say there isn't need. There's
5 tremendous need. You certainly know the
6 need in your district. Around our office
7 there are any number of blighted
8 properties on Germantown Avenue, on the
9 residential streets around Germantown
10 Avenue, and the other folks in the other
11 communities need help as well, but right
12 now there is no opportunity to apply for
13 support from the Commerce Department
14 largely.

15 The consequence of that is, any
16 dollar that we have to put towards
17 operations to keep the lights on is a
18 dollar taken away from potential
19 construction capital. We would like to
20 be able to expand our use of this, and
21 right now it is entirely constrained by
22 capital, how much funding we have
23 available and how much we can put towards
24 construction. So that was my -- I don't
25 know if you want to add.

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2 MR. UNGAR: As a result of
3 that, Anuj and I and OARC and other CDCs
4 actually formed a coalition, the
5 Northwest Commercial Corridor Coalition,
6 and we've met with a number of
7 Councilpeople as well as Alan
8 Greenberger, the Department of Commerce,
9 and we have suggested that the Mayor put
10 into this year's budget \$1 million, I
11 believe, to be allocated for all the CDCs
12 that don't meet this eligibility to
13 compete for that on a competitive basis
14 through a grant process. The Commerce
15 Department is in support of it.
16 Basically we have a lot of support, but
17 it all depends on what's going on in
18 other financial constraints. But as you
19 know, in these communities we can
20 leverage the dollars a lot. We can get a
21 lot done with a little bit of money.

22 So the process has been going
23 on for probably about a year now. We
24 came to the table a little too late in
25 last year's budget process. We learned

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2 from that, and we're a little bit ahead
3 of the game now. So hopefully this will
4 change going forward.

5 COUNCILWOMAN TASCO: I'm just
6 going to make this comment and we'll go
7 to the next panel. It's very
8 interesting, when I did my first meeting
9 some years ago with the National League
10 of Cities and when I came to Council, it
11 was very difficult to get money for my
12 district because it was all targeted
13 based on the income levels of residents
14 in the neighborhood. So I go to the
15 National League of Cities and they're
16 talking about the Community Development
17 Block Grant dollars and they talk about
18 Tennessee and they're building boat
19 slips. I said, Boat slips? Golf
20 courses.

21 Okay? So what we're going to
22 do is, we're going to check with HUD on
23 the regulations, because I think they may
24 be regulations that were set up by
25 Philadelphia and not national

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2 regulations. Thank you.

3 (Thank you.)

4 COUNCILWOMAN TASCO: I'll be
5 down there next weekend and I'm going to
6 check that.

7 COUNCILWOMAN SANCHEZ: I have a
8 question.

9 COUNCILWOMAN TASCO:
10 Councilwoman Sanchez.

11 COUNCILWOMAN SANCHEZ: I
12 applaud you for doing that work. One of
13 my challenges every year when we talk
14 about CDBG funding is how we limit the
15 capacity of you guys to leverage it
16 because we're using CDBG dollars as
17 opposed to general operating. So I'm
18 glad to see that hopefully that million
19 dollars will be on the table. I think
20 that all the money that we put out in the
21 street should be general operating, and
22 then that way, we release all those
23 federal regulations until we figure out
24 the federal policy, from the street
25 cleaning to the corridor management.

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2 One of the things that happens
3 is, we set up these good programs. I
4 know the Mixed Commercial Development
5 Fund money, there's a lot of it that's
6 just in the pipeline because of the
7 regulations.

8 So I'm glad that you guys are
9 advocating for that, and I think the
10 Councilwoman and I know other District
11 Council folks -- my district meets all of
12 the eligibility requirements, but I don't
13 think it's a good utilization of staff
14 administrative time to ensure that we're
15 meeting all the federal benchmarks. I
16 just think that it's not good best
17 practices internally. So to the extent
18 that we can free up that money, I think
19 it will help the entire city. And I
20 think the times have changed. We now
21 have a trash fee. We want to be able to
22 tell folks that trash fee is going back
23 into your neighborhoods. This is a
24 perfect example of where we want to see
25 it used.

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2 So I applaud that and I'd be
3 happy to kind of work with you. I know
4 that's an area that I continuously
5 challenge the Administration around
6 thinking about how do we free up the regs
7 so that you guys could do the work that
8 you do. And I think that's a good one to
9 target because it's an easy one. It's a
10 no-brainer. And we'll be happy to do
11 that, because then you're expanding the
12 pie. We're not fighting for the same
13 pie. It's about expanding the pie. So I
14 appreciate that.

15 I just want for my
16 recollection, because all of you have
17 dealt with this, what I'm getting from
18 here is that some of the things that we
19 could do locally -- I mean, obviously the
20 at the state level I think there's some
21 good amendments on the table, but as we
22 try to link this up with some of the
23 stuff that we're doing with Land Bank,
24 the policy for the forgiveness of liens
25 is one that is -- because you guys have

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2 asked us for a bunch of stuff, so you
3 guys got to prioritize it. You got to
4 figure out which one is first, which one
5 is second, and which one is third. I
6 have absolutely no problem in saying --

7 COUNCILWOMAN TASCO: We can
8 multi-task.

9 COUNCILWOMAN SANCHEZ: I know
10 we can, but the Administration is going
11 to tell us -- I don't want to give them
12 the low-hanging fruit. I want to give
13 them the one that's the most complicated.
14 So as we debate this, the policy for
15 forgiveness of loans, obviously we have
16 that now and you guys in the CDC world
17 have helped establish what those rules
18 are around affordable housing. Do you
19 foresee a situation where coming up with
20 a policy and having some limitations
21 around affordability or accessibility
22 would be a problem for any of you that
23 are doing conservatorship projects?

24 MR. GUPTA: That would not be
25 an issue. I mean, we develop our homes

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2 to sell to low- and moderate-income
3 Philadelphians, and these are
4 middle-class people. They're working.
5 They have jobs. They just want a good
6 home at a decent price.

7 I mean, just to give you an
8 example, the Neighborhood Stabilization
9 Program, which was administered by the
10 Redevelopment Authority for many years,
11 we redeveloped 13 vacant properties
12 through that program. Our average time
13 to market from the time we listed it to
14 the time it went under agreement of sale
15 was five days, and that was during the
16 depths of the recession. So that said to
17 me that there is simply not enough
18 reasonably priced decent housing out
19 there. And that's what we're trying to
20 accomplish. So for Mount Airy --

21 COUNCILWOMAN SANCHEZ: My only
22 thing is, it's the easiest to go to
23 because there's a current policy in place
24 for that. So it's about applying it to
25 this definition of conservatorship. But

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2 if we're going to go too far out there,
3 then obviously the Administration is
4 going to have to weigh this in. But
5 asking them to apply their current policy
6 to this category is easy enough, or I
7 would think that's easy enough, because
8 we're being consistent in our policy.
9 Over here we're always trying to be
10 consistent in our policy.

11 So I just want to make sure
12 that that's something -- and it would be
13 great for there to be some sort of formal
14 piece by the CDC world, Beth and the
15 folks to say under a conservatorship
16 policy, the current policy is adequate,
17 and I think that helps us move that
18 along. I think that's important.

19 I think one of the things
20 around aligning of the codes for L&I, I
21 think for us is it would be really
22 important for someone to work with L&I
23 and figure out -- we just did the whole
24 Property Maintenance Code. I know that
25 we have to do some additional stuff, but

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2 to the extent that there's a working
3 group that provides what that language
4 is, I know the Commissioner would be
5 interested in helping to facilitate that.
6 We just need to know what that looks
7 like.

8 MR. VANDERSLICE: Councilwoman,
9 if I may, the Real Property section of
10 the Philadelphia Bar is working with -- I
11 believe we've reached out to -- I'm not
12 sure who our lobbyists are reaching out
13 to, but we're trying to convene a task
14 force to do that, and I think the purpose
15 of bringing that up today was to put that
16 on the radar as one of the ideas while
17 we're doing that.

18 And if I may speak to your
19 question about abating or reducing the
20 municipal liens, I represented quite a
21 few private developers who could also
22 benefit from at least an abatement of the
23 interest and penalties, and these are, at
24 least so far, guys who are working on
25 Hazzard Street and up in Brewerytown to

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2 try and bring around some of those
3 neighborhoods to bring them back to
4 productive use. Right now there's one
5 pending in Brewerytown where it's guys
6 from DC who bought it as an investment
7 property and have been sitting on it for
8 ten years, I mean, while my client has
9 been developing a significant number of
10 the properties in that neighborhood and,
11 you know, these properties are the last
12 ones there that are holding up this
13 neighborhood from being as vibrant as it
14 could be.

15 COUNCILWOMAN SANCHEZ: Well, I
16 think this is one of the times where we
17 got to think outside the box. I'm not
18 going to sit here and subsidize a private
19 developer, but I will subsidize a
20 potential homeowner, affordable
21 homeowner.

22 MR. VANDERSLICE: Or a
23 non-profit.

24 COUNCILWOMAN SANCHEZ: But I
25 think it's how we word that, and that's

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2 why it's important we have the same
3 framework in terms of who do -- we want
4 the deal to work, but I want the deal to
5 work for that person who is going to live
6 in that house. So how we get there, we
7 can kind of talk about it. But I'm open
8 to that as long as we're clear. I mean,
9 I think PRA has been very creative, and
10 I'm sure Brian will speak to this around
11 do you soft lien some of this stuff to
12 assure affordability long term where
13 we're trying to get to in 20 years so
14 that the lien is on the property so that
15 people are not buying it and flipping it
16 on us, so that we can meet the mutual
17 goal, particularly if the City is going
18 to subsidize, because a forgiveness of a
19 lien is a subsidy. We may not have the
20 cash, but if we have the equity, you
21 should be willing to put it on the table.
22 Again, assuming the end user is the
23 person that we want to help and that the
24 subsidy goes to that person, not
25 necessarily the private developer.

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2 And then in terms of offsetting
3 of some of these costs, has anybody had a
4 conversation with our Office of Housing
5 and Community Development about Housing
6 Trust Fund support around this? Because
7 I know they've been redefining that kind
8 of stuff. Has anybody said can we create
9 a pilot, going back to what Councilwoman
10 Tasco -- what does that pilot look like,
11 and do we use Housing Trust Fund money to
12 create that under kind of the ten
13 different names we had in there. Brian
14 will list them all for us when he comes
15 up. So no one has done that yet?

16 MR. UNGAR: I have not.

17 MR. GUPTA: No.

18 COUNCILWOMAN SANCHEZ: Okay.

19 Thank you.

20 COUNCILWOMAN TASCO: Thank you
21 very much. We had a facility in my
22 neighborhood go for Sheriff Sale to a
23 private owner and now it's just sitting
24 there. So we've got to figure out how we
25 deal with that, because, you know, it's

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2 very important. And I think we've done a
3 lot of work in a number of communities in
4 this city to stem the blight, and
5 certainly I have to take pride in the
6 Northwest with the Mount Airy USA and
7 OARC. And certainly if we hadn't had
8 support and subsidy from the City, which
9 I think they have a responsibility to do
10 because the neighborhoods are just as
11 important, we would have still had a
12 blighted Ogontz Avenue. But through a
13 lot of different means and certainly
14 support from the City, we've been able to
15 revitalize that neighborhood. And also
16 we just had this Pew study about the
17 middle class, and certainly those
18 neighborhoods are middle-class
19 neighborhoods. So if we don't maintain
20 them and revitalize them and keep them in
21 a situation where people want to live in
22 that neighborhood, we're going to lose
23 them. So I think we have a
24 responsibility to find a way to stem the
25 blight.

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2 So I thank you all for your
3 hard work and thank you for coming down
4 to testify.

5 Let me recognize Councilwoman
6 Cindy Bass who has joined us, and she has
7 a question or comment.

8 COUNCILWOMAN BASS: Thank you.
9 I just really wanted to weigh in on
10 Councilwoman Tasco's comments and just
11 also echo them, because I know what the
12 Northwest used to look like, particularly
13 from Mount Airy USA and for OARC before
14 the work that you did. I know what it
15 looked like.

16 Anuj, as you know, I worked for
17 Mount Airy USA and have been very
18 involved and have been involved for a
19 long time, and I can see the difference.
20 And it makes such an incredible
21 difference when you have partners and
22 partnerships that we can work with.
23 Certainly we as members of Council can't
24 do this work alone. And so I just really
25 wanted to say on record that I really do

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2 appreciate you and the work that you do
3 and, John, of course with OARC and the
4 work that you all do, and we've been
5 working very closely together. When you
6 drive down Ogontz Avenue, you can see. I
7 mean, it's clear, it's visible. And I
8 think that's what sells, and people get
9 it when they see it.

10 So I just really wanted to
11 weigh in and thank you all for the work
12 that you do in the Northwest.

13 MR. UNGAR: Thank you.

14 MR. GUPTA: Thank you.

15 COUNCILWOMAN TASCO: Thank you
16 all very much for your taking time to
17 come out to testify and provide us with
18 some good information, and we can see
19 where we can help with Representative
20 Taylor on that piece about the code --
21 who was talking about that? The Act,
22 yes. I wrote that down.

23 Our next panel will be Brian
24 Abernathy, our Executive Director of the
25 Redevelopment Authority; Rebecca Swanson,

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2 Policy Director of License and
3 Inspections; and Mark Collazo, District
4 Manager, Office of State Representative
5 John Taylor, who is the -- I was so happy
6 when I heard he did this.

7 (Witnesses approached witness
8 table.)

9 MR. COLLAZO: Thank you,
10 Councilwoman.

11 Thank you. Good afternoon,
12 everyone. I want to thank you -- and I
13 think I'm speaking for everybody here --
14 for convening this hearing and really
15 looking into this issue and how Act 135
16 can be utilized more frequently and more
17 efficiently.

18 I know when Representative
19 Taylor --

20 COUNCILWOMAN TASCO: Of course
21 you have to identify yourself.

22 MR. COLLAZO: I just realized
23 that as I was talking about me. Mark
24 Collazo, Chief of Staff and District
25 Office Manager for State Representative

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2 John Taylor. Thank you, Councilwoman.

3 When Representative Taylor
4 introduced this law back in 2008 and it
5 ultimately passed, the goal was obviously
6 broad. We can take these blighted,
7 vacant eyesores and get them back into
8 productive use, both by people utilizing
9 them as well as getting the tax rolls
10 more fluid and flowing again. And when I
11 was fortunate enough to come aboard with
12 Representative Taylor in 2010 to help run
13 this, what we found is very little people
14 knew about it and ultimately joked that
15 we're sort of like this traveling band
16 that whenever Act 135 comes up, it's all
17 of these people here. So we sort of have
18 our little shtick down, but it is a
19 pleasure.

20 One of the things what we have
21 found -- and I'll kind of talk about the
22 amendment that has passed in House Bill
23 1363. I think you all know just by
24 having here the benefits of what Act 135
25 can do. Since it's been utilized by the

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2 many people in this room -- and certainly
3 I've got to commend my colleagues to my
4 left here. L&I has certainly taken a
5 leading role. There's really been a lot
6 of symmetry with the Administration, with
7 Council, with L&I in targeting those
8 vacant properties, issuing violations so
9 that when we go to file, we can have our
10 proof to show blight, and I really have
11 to commend them. And I know
12 Mr. Abernathy will be speaking on the
13 efforts they're doing and the filing they
14 just made.

15 What we found is like anything
16 with any law, it's trial and error, what
17 works and what doesn't. And what we
18 really wanted to do, one of the things we
19 really found in the filings were, our
20 groups were filing, whether it be CDCs,
21 whatever entities, that once they're
22 being filed upon, the owner or whoever is
23 acting on behalf of the owner rushes to
24 make a deal to sell it. And that is
25 great ultimately, because what the judges

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2 have been doing is you can sell it, but
3 you're going to make the changes or the
4 renovations that were requested by the
5 conservator. So the community benefits.
6 There'll be a new homeowner, because --
7 so that's great. But where does it leave
8 the petitioner? Because, as we know,
9 these things cost money, and they become
10 less cost effective when people are
11 putting money out of their pocket getting
12 someone to -- getting a desired goal and
13 they're not really getting anything.
14 That's really what led to House Bill
15 1363, which was presented on May 8th of
16 2013.

17 As you know, conservatorship is
18 the appointment of a third party to take
19 control of a blighted and abandoned
20 property and to make the repairs
21 necessary to return the property to
22 productive use. The Court of Common
23 Pleas appoints the conservator after a
24 formal petition process and hearing,
25 including notice to the property owner,

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2 all lienholders, and all political
3 subdivisions where the property is
4 located.

5 Representative Taylor is
6 pleased to let you know that this newer
7 law, Act 135 that is, is in use
8 throughout our state. As a result,
9 formerly abandoned and/or blighted
10 properties have new owners and are back
11 on local tax rolls.

12 Specifically, House Bill 1363
13 to amend the Abandoned and Blighted
14 Property Conservatorship Act of 2008 is
15 based on close observation of the law and
16 work in cities such as our own and
17 communities throughout our Commonwealth.
18 One of our key findings is that
19 private-sector developers as well as
20 non-profits like the concept of the law
21 and understand its purpose, but they also
22 express fear about the risk they are
23 taking once they petition the court and
24 obtain conservatorships.

25 For example, we have had

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2 situations where a developer has filed a
3 petition, only to have the absentee owner
4 decide he or she wants to sell the
5 property after years of allowing it to
6 sit unused and in disrepair and after
7 causing the market values of the
8 neighborhood properties to plummet.
9 House Bill 1363 provides guidelines for
10 the court to determine whether such an
11 owner is seriously trying to sell the
12 property or attempting to thwart the
13 proposed conservatorship. By encouraging
14 payment of costs and developer fees,
15 which I'll explain in a minute, by
16 allowing the bundling of properties into
17 one petition in limited and specific
18 circumstances, and by shortening the
19 timeframe for court to hold the initial
20 hearing, Representative Taylor's bill
21 encourages developers, non-profit
22 entities, and real estate professionals
23 to initiate conservatorships on
24 properties that meet the strict
25 requirements set forth in the Act.

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2 So we talk about what the
3 developer's fee is. We have amended in
4 House Bill 1363 those terms actually with
5 input with many of the people in this
6 room. The developer's fee is defined as
7 a fee equal to the greatest of an amount
8 equal to \$2,500 adjusted upward by 2
9 percent each year, a 20 percent markup of
10 costs and expenses of carrying out the
11 approved conservator's plan or -- and,
12 again, this is the "greater of" -- 20
13 percent of the sale price of the
14 property. This ensures that the person
15 who is going to ultimately carry the
16 burden or is proposing to carry this
17 financial burden will have some sort of
18 reward and stake in the property that
19 they're putting so much time into and
20 making commitment to the neighborhood and
21 to the City.

22 One of the things we also
23 wanted to do was expand the geographic
24 proximity in which the conservator would
25 have to have done work. Currently under

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2 the Act, a proposed conservator would
3 have to have done a project within one
4 mile of the place where they are
5 petitioning. Now we're proposing that it
6 gets moved to five miles.

7 Also, we amended the definition
8 of "party-in-interest" with regard to a
9 resident or business from 500 feet of a
10 property in question to 2,000 feet of a
11 property in question. More importantly,
12 what we wanted to do is get these cases
13 moving. And right now the Act allows for
14 120 days from the date of filing that
15 there would be a hearing. Our bill or
16 our amendment, I should say, moves that
17 up to 60 days.

18 These owners, most often than
19 not -- and we're really trying to stress
20 this; I know you all know this -- these
21 are abandoned, vacant homes. We're not
22 looking to kick out Aunt Matilda or
23 grand-mom who can't pay the mortgage or
24 her taxes. City Council has already put
25 some plans in place to help those people.

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2 These are people who have left it, left
3 it to decay, and has really caused an
4 eyesore to the community.

5 We look no further -- we had
6 one next to our district office in
7 Bridesburg, big, beautiful property. The
8 owner died. Her daughter was the
9 executrix, just ignored it, ignored us as
10 we wrote to help them. We'll help you
11 get rid of this.

12 I got to know a homeless person
13 by first name who used to sleep in the
14 backyard. It's laughable if it wasn't so
15 sad. It was over \$10,000 tax delinquent.
16 We worked with the local CDC and Scioli
17 Turco, filed on that property. This was
18 a property where the owner unbeknownst --
19 or the executrix sold it. However, we
20 made sure, through court intervention,
21 that the property was fixed as we would
22 have proposed to have done it. We're
23 proud to say that the house was renovated
24 and sold to a local family for \$260,000,
25 and it is gorgeous.

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2 And one of the things that
3 we're really looking, I guess, for
4 Council to look at -- I know you've heard
5 this already, so I know I'm preaching to
6 the choir. We have met with several
7 different departmental agencies, Revenue,
8 et cetera, on how to make this huge
9 backlog of properties that the City has,
10 over 40,000, a way to move them, and part
11 of our biggest problem is, there are ripe
12 properties everywhere in the City, as you
13 all know, for Act 135. Many of them have
14 more taxes and liens on them than the
15 worth of the property. We can't do
16 anything with them. Our hope is if we
17 can find a cohesive plan through
18 discussions with you all on how to reduce
19 those liens and taxes so that we can or
20 other interested groups can file, it's
21 really a win-win, because right now the
22 City is getting nothing from those
23 properties that it's holding, except
24 paying to try to maintain them. Now all
25 of the sudden the City gets something in

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2 the way of liens, bulk payment. A family
3 gets a new house. I don't care where you
4 go, someone can use that. There is a
5 developer, a contractor who now gets to
6 go to work and get paid for it as a
7 result of that, and the City gets a
8 continuing revenue stream of utilities
9 and taxes because someone is living there
10 and utilizing it. And I think that's
11 really one of the ways I think we can
12 really work to start using Act 135. And
13 I know Mr. Abernathy will talk about the
14 model that the PRPA is using, and I think
15 it's a good one. Ultimately I think with
16 all of those things, we can really start
17 to see some productive change.

18 Just by way of clarification
19 for the record, House Bill 1363, as been
20 stated earlier, is sitting in Senate
21 Appropriations after passing the House
22 unanimously. We've spoken to Senator
23 Pileggi and we expect it to be passed and
24 ultimately signed into law by the end of
25 this session in June, hopefully sooner

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2 than June than later. So we expect to
3 really be able to go to work in the fall,
4 and I think that will encourage a much
5 bigger umbrella for you.

6 So I thank you all for your
7 time and look forward to working with all
8 of you.

9 COUNCILWOMAN TASCO: Thank you
10 very much.

11 Ms. Swanson.

12 MS. SWANSON: Good afternoon,
13 Councilwoman Tasco and members of the
14 Committee. My name is Rebecca Swanson.
15 I'm the Policy and Communications
16 Director for the Department of Licenses
17 and Inspections. I'm pleased to have the
18 opportunity to testify before you on the
19 important issue of conservatorship and
20 the impact it will have and currently has
21 on blighted, vacant properties throughout
22 the City.

23 I am the Director of L&I's
24 Vacant Property Strategy, so I see
25 firsthand every day the negative impact

1 3/4/14 - PUBLIC HEALTH - RES. 140025
2 blighted, vacant properties have on our
3 neighborhoods and the positive change
4 that can be brought about by returning
5 these properties to productive use.

6 The Vacant Property Strategy is
7 one of our most successful initiatives.
8 We have cited more than 13,000 vacant
9 properties for property maintenance
10 violations, including violations of
11 Council's extremely effective "doors and
12 windows" ordinance. We have dedicated
13 court time called Blight Court, and we
14 work with the Law Department to find
15 owners of these blighted properties and
16 ensure that they repair or sell the
17 properties or face fines. We have about
18 a 50 percent compliance rate overall.

19 However, not all property
20 owners comply with our citations or show
21 up in court. Many of the City's
22 blighted, vacant properties are owned by
23 individuals who are deceased, speculators
24 who purchased at Sheriff Sale and then
25 abandoned the property or by blightlords

1 3/4/14 - PUBLIC HEALTH - RES. 140025
2 who purchased dozens or hundreds of
3 properties at a time and then let them
4 rot while they hid behind shell
5 corporations. These are our trickiest
6 cases because we do not have a viable
7 owner that we can cite and take to court.
8 Our enforcement literally cannot continue
9 because there's no one who will be able
10 to take responsibility for the property.
11 Instead, the buildings will continue to
12 deteriorate, and that will often force
13 L&I to use taxpayer money to abate the
14 property in order to protect public
15 safety.

16 It is for nuisance properties
17 like these where our enforcement has
18 reached a dead end that creative
19 solutions are needed. It is in the
20 City's best interest to get these
21 properties into the hands of responsible
22 owners and return them to productive use
23 as quickly as possible. Through our work
24 on the vacancy issue and our work with
25 everyone in this room today, we have

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2 found that conservatorship is one of the
3 most impactful ways to do this. Other
4 solutions such as Sheriff Sale are
5 available, but we believe that
6 conservatorship is the most effective and
7 efficient tool. We believe that the City
8 can support conservatorship in a way and
9 make it be part of the City's overall
10 blight reduction and neighborhood
11 development strategy.

12 Just quickly about L&I's role
13 and how we've been involved in
14 conservatorship, our work has been
15 focused two ways: on outreach and
16 education for groups that can use
17 conservatorship and also on litigation
18 support for conservatorship petitioners.
19 In conjunction with many of the panel
20 members today as well as with the City's
21 Commerce Department, we've provided
22 training and education to community
23 development corporations and community
24 groups. We've also used our extensive
25 collection of data on vacant properties

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2 to assist potential conservators. We use
3 this data in a number of ways. We can
4 help them identify properties in their
5 neighborhoods that are vacant and would
6 have the property violations that would
7 make them a good candidate. We can
8 provide them with ownership information
9 to let them know if we believe the owner
10 is a dead or defunct corporation, which
11 would make that a more attractive
12 candidate for conservatorship than a
13 property with an active owner. And we
14 can also give them our complete violation
15 history so they can get a picture of
16 what's going on with the property,
17 whether it has a doors and windows
18 violation or it might have some more
19 serious violations that would make it a
20 more expensive proposition to
21 rehabilitate. So we can kind of give
22 them a picture of what they'd be getting
23 into before they can file the petition.
24 Once a group chooses to file a
25 petition, we kind of serve as a partner

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2 going forward through the litigation
3 process. We provide our notices of
4 violation from our property maintenance
5 citations so they can use them as
6 evidence in the filing. We also can
7 provide updates on the property's current
8 condition, and we send an inspector to
9 testify at the hearings as to the history
10 of blight at the property. In this role,
11 we've participated in a number of
12 successful petitions and we've seen some
13 of our most problem properties,
14 properties that we've taken to court and
15 gotten judgments against the owner but
16 have seen no resolution and no
17 compliance, we've seen them get returned
18 to productive use in responsible hands of
19 owners.

20 We just see conservatorships as
21 a way that the City can partner with
22 community groups to effect real change in
23 neighborhoods, and the practical effect
24 has been that neighborhoods that have
25 been ravaged by blight and are really

1 3/4/14 - PUBLIC HEALTH - RES. 140025
2 struggling with vacant properties are
3 starting to see stabilization and
4 revitalization.

5 So thank you for the
6 opportunity to provide testimony. I'm
7 happy to answer any questions.

8 COUNCILWOMAN TASC0: Thank you
9 very much. Did I understand that you
10 were saying that owners of these blighted
11 properties pay their taxes, but they just
12 sit on the vacant property and don't do
13 anything about it?

14 MS. SWANSON: For some of them,
15 yes. There's some where the owners are
16 long gone and they haven't paid taxes
17 either, but there are others who someone
18 is paying taxes, but they've continued to
19 just neglect the property for years and
20 years.

21 COUNCILWOMAN TASC0: Okay. And
22 so once you go after them, once someone
23 files a conservatorship, then they show
24 up or they take action?

25 MS. SWANSON: They may show up

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2 in court for the conservatorship hearing,
3 but they haven't shown up in response to
4 L&I citations. We have taken someone to
5 court to our Blight Court, gotten a large
6 judgment against them, they never showed
7 up to -- they were served, they never
8 came to court. They never responded to
9 any of our violations, but then as soon
10 as the conservatorship petition was
11 filed, they magically appeared and showed
12 up in court there.

13 So once we take someone to
14 court and get a judgment and they still
15 refuse to comply, there's literally
16 nothing else we can do, except wait for
17 it to deteriorate to the point where we
18 have to demolish it. So this
19 conservatorship can kind of fill that gap
20 after the property owner has just ignored
21 us or might not be around to even get our
22 citation.

23 COUNCILWOMAN TASCO: Thank you.

24 Any other questions?

25 (No response.)

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2 COUNCILWOMAN TASCO: Brian.

3 MR. ABERNATHY: Good afternoon,
4 Councilwoman Tasco and members of the
5 Committee. I am Brian Abernathy,
6 Executive Director of the Philadelphia
7 Redevelopment Authority. I'm here to
8 testify on Resolution No. 140025 on the
9 Abandoned and Blighted Property
10 Conservatorship Act.

11 Before I start, I want to thank
12 Representative Taylor and Ross and their
13 staffs for their leadership and
14 innovation on this issue. They have
15 given us some sharp tools to deal with
16 the abandoned properties,
17 conservatorship, land bank, estate
18 transfers. I look forward to continuing
19 to work with Representative Ross, and I'm
20 sorry to see Representative Ross leave
21 the Assembly. We're going to miss his
22 leadership.

23 A number of witnesses have
24 testified on how conservatorship works on
25 proposed amendments that are pending in

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2 Harrisburg, and rather than reiterate any
3 of those comments, I wanted to touch on
4 how the Redevelopment Authority -- what
5 our interest is in conservatorship and
6 what our hopes are for the coming fiscal
7 year.

8 Conservatorship can be a fairly
9 complex process for the average community
10 organization. The legal requirements,
11 the amount of information needed for the
12 petition, the capital required to
13 renovate one of these properties, the
14 ability to sell the property, and the
15 detailed understanding of the
16 neighborhood's market to ensure that the
17 conservator doesn't lose money are all
18 important aspects. Fortunately, the PRA
19 is ideally situated to handle this type
20 of work.

21 As some of you know, the PRA
22 has filed its first conservatorship
23 petition a few weeks ago for a long-term
24 blighted property in Councilman O'Neill's
25 district. This petition --

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2 COUNCILWOMAN TASCO: Could you
3 speak in the mic.

4 MR. ABERNATHY: I'm sorry.

5 COUNCILWOMAN TASCO: Speak a
6 little slower.

7 MR. ABERNATHY: Yes, ma'am. I
8 sometimes rush through things.

9 COUNCILWOMAN TASCO: I can't
10 hear that fast.

11 MR. ABERNATHY: As some of you
12 know, the PRA filed its first
13 conservatorship petition a few weeks ago
14 for a long-term blighted property in
15 Councilman O'Neill's district. This
16 petition is a test for us to better
17 understand the process as well as to
18 better understand how our tradesmen work
19 through a renovation. We hope it's the
20 first of many, but recognize that the
21 current Conservatorship Law, which does
22 not allow for a developer's fee, makes
23 conservatorship at any scale difficult.
24 Should the law change and should the PRA
25 identify funding, I hope this program

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2 would expand rapidly to stabilize
3 neighborhoods in transition.

4 At the same time, the PRA wants
5 to support community organizations that
6 want to engage in this type of work by
7 themselves. This support may be services
8 that are provided for a fee or, again, if
9 we can identify appropriate funding, this
10 may be a loan product that provides
11 up-front cash that the project needs.

12 Whatever the case, the need for
13 a broader use of conservatorship is
14 undeniable and City support needed.
15 Since I've been at the PRA, I've been
16 approached by Councilmembers, CDCs,
17 community organizations about how they
18 might be able to deal with individual
19 vacant structures. This is one tool that
20 may provide some relief.

21 As I close, I want to reiterate
22 that this is one tool, just like the Land
23 Bank is one tool. This isn't a silver
24 bullet for all vacant parcels, and
25 conservatorship isn't appropriate for all

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2 vacant parcels, but it's an important
3 tool in neighborhoods that are either
4 transitioning up or transitioning down to
5 stabilize communities as we move forward.

6 Thank you for the opportunity
7 to testify today, and I'm happy to answer
8 any questions.

9 COUNCILWOMAN TASCO: Thank you
10 very much for taking time to come over.

11 MR. ABERNATHY: Of course.

12 COUNCILWOMAN TASCO: Glad
13 you're working with us.

14 MR. ABERNATHY: It's nice to be
15 back.

16 COUNCILWOMAN TASCO:
17 Councilwoman Sanchez.

18 COUNCILWOMAN SANCHEZ: Yeah.
19 Rebecca, if you could have and forward to
20 the Chair the cost for the services. It
21 was mentioned earlier that L&I does
22 charge for this testimony and stuff. Do
23 you have a scale for that, what the
24 average cost is?

25 MS. SWANSON: It's just a

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2 subpoena fee, and then I can forward that
3 along.

4 COUNCILWOMAN SANCHEZ: What is
5 that?

6 MS. SWANSON: I don't know it
7 off the top of my head. And then the
8 inspector does take a few hours out of
9 their day to come into court and testify.

10 COUNCILWOMAN SANCHEZ: So one
11 of the issues that was brought up, if
12 those fees could be paid after, at
13 settlement versus up front. So if you
14 could respond to that, you can send that
15 to the Chair, because it was an issue
16 that was brought up. For the record I
17 think it's important that we have that.

18 MS. SWANSON: Absolutely.

19 COUNCILWOMAN SANCHEZ: And then
20 I had for Brian a couple of questions,
21 because I think it's important. I'm glad
22 that the PRA is looking at this potential
23 toolbox to do this work. Are you using
24 kind of your NSP protocols? How do you
25 foresee -- when we talked a little bit

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2 around this, you foresee us being able to
3 use some of the NSP stuff and be able to
4 apply it?

5 MR. ABERNATHY: We're currently
6 looking at various funding sources,
7 whether that's NSP, I think HTF, Housing
8 Trust Fund --

9 COUNCILWOMAN SANCHEZ: I'm
10 looking at policy first and then we can
11 talk about --

12 MR. ABERNATHY: Sure. So
13 policy first. We actually are targeting
14 specific neighborhoods or we would be
15 targeting specific neighborhoods. And,
16 again, those would be neighborhoods that
17 would generally be on the cusp, taking a
18 look at using NSP as the model of how we
19 chose those. I would probably be a
20 little bit more expansive as we look at
21 the data than NSP was, because they were
22 limited by federal funds and census
23 tracts. But I think the idea of NSP, the
24 idea of block stabilization is certainly
25 what I want to continue to push forward.

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2 COUNCILWOMAN SANCHEZ: And you
3 talked about helping CDCs and others. Do
4 you foresee yourself being able to create
5 a process whereby it would help us kind
6 of set the Administration in a place
7 where they would feel okay dealing with
8 some of these liens? Do you foresee
9 yourself playing that role in helping us
10 determine what would be kind of eligible
11 if we applied the current policy?

12 MR. ABERNATHY: I'd like to be,
13 and I have engaged the Administration on
14 some of those concerns as we look at
15 conservatorship, and I think we can
16 certainly be a bridge to the
17 Administration to really plow through
18 some of the conversations.

19 COUNCILWOMAN SANCHEZ: To do
20 some of that? And, again, let's talk a
21 little bit about funding, because I don't
22 know if you've had conversations about
23 potentially using the Housing Trust Fund
24 to fund some of this.

25 MR. ABERNATHY: We have not

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2 actually specifically engaged OHCD on
3 Housing Trust Fund. We have been looking
4 at potential funding sources for quite
5 some time and I actually, to be very
6 forthright, thought we had a funding
7 source that would work. Unfortunately,
8 it doesn't look like that funding source
9 is going to be viable after all. And so
10 we're beginning the process to reexplore
11 what other sources, whether that's,
12 again, Neighborhood Stabilization,
13 Housing Trust Fund. In certain cases the
14 remaining NTI funds might be available,
15 but, again, that's a conversation with
16 Law and Council.

17 COUNCILWOMAN SANCHEZ: The
18 recycled NTI money?

19 MR. ABERNATHY: Certainly using
20 the sales and liens money would be
21 easier.

22 COUNCILWOMAN SANCHEZ: Because
23 it's clean?

24 MR. ABERNATHY: Because it's
25 sort of clean.

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2 COUNCILWOMAN SANCHEZ: You can
3 use that term. Let's just say it's
4 unencumbered.

5 MR. ABERNATHY: Right. I think
6 anything with NTI -- and I will be
7 speaking with each of you individually,
8 but the ability to acquire new parcels is
9 going to be very difficult with the new
10 eminent domain code, and so really
11 thinking through how we use those funds
12 going forward is going to be key, and
13 this is one potential use.

14 COUNCILWOMAN SANCHEZ: Outside
15 of those, have we looked at potentially
16 getting either foundation or maybe
17 engaging some of the banks who have been
18 unwilling up to now in a more secured
19 way? Let's say if they see PRA involved,
20 do you think we can move them?

21 MR. ABERNATHY: So I think one
22 of the things that Mr. Vanderslice said
23 that I had not been thinking of was a
24 secured loan product. We've looked at
25 that for other mechanisms or for other

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2 projects, but not for conservatorship
3 specifically. It's something I would be
4 interested in exploring.

5 We've also spoken to some
6 financial institutions about how could we
7 provide -- could we provide the cash for
8 their -- in order for them to lower their
9 interest rates, a partnership similar to
10 PIDC's Small Business Loan program. That
11 would have to be done through an RFP
12 process, and, again, I would need to
13 identify the funds in order to make that
14 project to work through.

15 But, yes, I think all of those
16 are strong options. I actually as far as
17 support to not-for-profits and CDCs,
18 we're hoping to have a business plan and
19 more information in place for the
20 beginning of this next fiscal year. So
21 it is something that's very high on my
22 priority list to move forward.

23 COUNCILWOMAN SANCHEZ: So it
24 will be part of the Con Plan discussion?

25 MR. ABERNATHY: It may not be

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2 part of the Con Plan because it may not
3 be federal funding that funds it. So
4 that would be why, but that's part of the
5 conversation. And, again, I think this
6 goes back to the idea of the PRA
7 repositioning itself. It's in definitely
8 a state of transition, and finding our
9 role going forward is key.

10 COUNCILWOMAN SANCHEZ: Okay.
11 Well, I look forward to seeing that,
12 particularly with the Housing Trust Fund
13 opportunity that may exist there and the
14 NTI. Wherever I could be helpful in kind
15 of moving that along, I'd like to move it
16 along. I think you're right, if you can
17 come up with a system -- and clearly
18 there's some lawyers who have already
19 developed a system -- that we could help
20 the CDCs and smaller groups, we should
21 definitely strengthen that toolbox. So I
22 look forward to working with you on that.

23 MR. ABERNATHY: Absolutely.

24 COUNCILWOMAN SANCHEZ: Thank
25 you.

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2 COUNCILWOMAN TASCO: Thank you.

3 Questions anybody else?

4 (No response.)

5 COUNCILWOMAN TASCO: Thank you

6 very much. You've come here to educate

7 us so much and give us information, and

8 surely the other Councilmembers listen on

9 their boxes in the office and also watch

10 on television. So if they're not here.

11 But I want to thank my Councilmembers for

12 coming.

13 Is there anyone else here to

14 testify on this bill? Oh, Laura -- Amy

15 Laura Cahn. I'm sorry. Come on up.

16 (Witness approached witness

17 table.)

18 COUNCILWOMAN TASCO: Good

19 afternoon.

20 MS. CAHN: Good afternoon.

21 Thank you, Chairwoman Tasco, for the

22 opportunity to testify and to all the

23 Committee for addressing these issues.

24 COUNCILWOMAN TASCO: Speak into

25 the mic.

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2 MS. CAHN: Oh, sure, and more
3 slowly, I imagine.

4 COUNCILWOMAN TASCO: And speak
5 slowly.

6 MS. CAHN: Thank you. And
7 Happy Mardi Gras to all of you.

8 COUNCILWOMAN TASCO: Thank you.

9 MS. CAHN: I can't resist.
10 I am offering creative
11 conservatorship concepts today, so I hope
12 to live up to that.

13 My name is Amy Laura Cahn. I
14 am testifying in my capacity as the Staff
15 Attorney with Public Interest Law Center
16 of Philadelphia. Through our Garden
17 Justice Legal Initiative, I provide pro
18 bono legal and policy support to
19 Philadelphia's gardens and farms. I am
20 also the Chair of the Vacant Land
21 Subcommittee of the Mayor's Food Policy
22 Advisory Council.

23 The City for years has tacitly
24 accepted gardening and farming as a core
25 strategy in revitalizing and repurposing

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2 vacant parcels. Yet community groups
3 have no clear path to legal access, much
4 less permanence, even when garden spaces
5 have become undeniably sewn into the
6 fabric of a community.

7 Our biggest set of land
8 transfer quagmires are privately owned
9 parcels tax delinquent and abandoned.
10 The Lank Bank will be a transformative
11 tool, but we need all the tools we can
12 use.

13 I have two quick stories for
14 you, the first in which conservatorship
15 would have made the difference and the
16 second one in which we hope it will.

17 The first was my first client
18 at the Law Center, a Grays Ferry
19 institution, Central Club for Boys and
20 Girls. Incorporated in 1947, the group
21 began cleaning, greening, gardening, and
22 stewarding vacant lots back in the 1930s.
23 These lots were the sites of demolished
24 homes, some of which last changed hands
25 as long ago as 1911. There have been no

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2 owners in evidence for many decades. The
3 organization revitalized these spaces,
4 teaching youth gardening and other skills
5 for over 70 years. In 2005, certain
6 parcels came up for Sheriff Sale,
7 purchased by speculators, who have taken
8 no action since that time.

9 Eager to keep community spaces
10 in the community, the organization
11 obtained title to some of the remaining
12 parcels through a lengthy quiet title
13 action. However, when it gained title,
14 Central Club was saddled with someone
15 else's tax burden, putting it at risk of
16 losing the properties, which is when the
17 Law Center became involved.

18 More recently, about a year and
19 a half ago, I was contacted by a
20 community development corporation, New
21 Kensington CDC, about two parcels on Ann
22 Street. A church group had begun
23 gardening on them primarily to combat
24 drug activity in the area. The church
25 and the families involved wanted an

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2 opportunity to legalize and make
3 permanent that solution. The problem,
4 which is a familiar story, is that the
5 two parcels are owned by an LLC that is
6 unreachable and has no obvious intent to
7 take responsibility, with \$20,000 worth
8 of tax and municipal liens, particularly
9 demolition liens, between the two lots
10 and no market for development in the
11 area. There's no timely or affordable
12 mechanism to put these parcels in the
13 hands of the community groups. Sheriff
14 Sales are not always the best option when
15 the debt is significant, proportional to
16 the market value. Further, Sheriff Sale
17 pits community-based groups against
18 speculators who purchase land, only to
19 leave it abandoned and neglected once
20 again. Conservatorship actions combat
21 these scenarios because they require the
22 implementation of a court-monitored plan.
23 That plan and the court's involvement
24 serve as an accountability mechanism for
25 type of petitioner, community group,

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2 for-profit developer, individual.

3 Conservatorships would have
4 made all the difference for Central Club
5 to take action and continue their
6 important work. On Ann Street with the
7 support of the CDC and the Department of
8 Licensing and Inspections' Vacant
9 Property Strategy, the church group is
10 poised to pursue a conservatorship action
11 when the time is right.

12 Yet my clients do face barriers
13 in utilizing this tool. First, we are
14 waiting to see the Act amended to include
15 vacant lots on which a building has been
16 demolished. That amendment will open up
17 another set of opportunities to put
18 conservatorship to work in Philadelphia.

19 Second, as the Best Practices
20 Manual created by Regional Housing Legal
21 Services makes clear, there is more
22 guidance needed about the process for
23 public and private sales of these
24 properties at the end of the
25 conservatorship, particularly for

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2 conservators or petitioners who actually
3 want to purchase at the end, who want to
4 be the end user.

5 Third, we need a mechanism to
6 clear the debt where appropriate. As
7 everyone has said over and over again,
8 the municipal liens are the barrier.
9 Even a garden or green space takes
10 capital investment; for example, to take
11 property precautions to remediate lead
12 dust or other environmental contaminants.
13 We should provide incentives for
14 potential conservators not just to take
15 action but to be fully resourced when
16 they do.

17 I would also like to echo the
18 testimony of Beth McConnell from PACDC
19 that pro bono legal resources are also an
20 issue.

21 Finally, as a public health
22 issue, Philadelphia's brown fields are
23 some of the most abandoned spaces -- some
24 of the abandoned spaces most in need of
25 attention, resources, and a plan.

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2 Conservatorship could provide the
3 structure to remediate and repurpose
4 brown fields, but organizations and
5 developers will appropriately shy away
6 from these spaces without support. We
7 need a policy and programmatic framework
8 in which to support petitioners who want
9 to take that step.

10 I appreciate the efforts of
11 City Council to take leadership on these
12 issues, and thanks for the opportunity to
13 speak.

14 COUNCILWOMAN TASCO: Thank you
15 very much.

16 Any questions or comments?

17 COUNCILWOMAN SANCHEZ: Do you
18 know about the vacant lot amendment? Was
19 that part of --

20 MS. CAHN: That's what we're
21 waiting on, yes. Thank you.

22 COUNCILWOMAN TASCO: Okay. So
23 we will certainly be moving, working with
24 the various organizations to see and
25 we'll wait for Representative Taylor's

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2 amendment, and then we'll see what we can
3 do to move to incorporate -- try and
4 incorporate some of the suggestions made
5 here today and certainly improve this
6 program on the local level, because it
7 seems to be effective, but it still costs
8 dollars.

9 So thank you. Anyone else here
10 to testify on this bill?

11 (No response.)

12 COUNCILWOMAN TASCO: I mean
13 this resolution.

14 (No response.)

15 COUNCILWOMAN TASCO: Okay.

16 There being no further witnesses, this
17 meeting will be adjourned to the call of
18 the Chair, which leaves it open that we
19 do not have to really advertise again.
20 We can just call you.

21 Thank you so much for coming.

22 (Committee on Public Health and
23 Human Services concluded at 3:05 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
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MICHELE L. MURPHY
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