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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON STREETS AND SERVICES

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Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, December 1, 2009
11:20 a.m.

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PRESENT:

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COUNCILMAN FRANK DiCICCO, CHAIR

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COUNCILMAN BILL GREEN

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COUNCILMAN WILLIAM GREENLEE

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COUNCILWOMAN MARIA QUINONES-SANCHEZ

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COUNCILMAN DiCICCO: Good

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morning. The Committee on Streets and

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Services is now in session.

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We have a quorum. To my

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extreme left is Councilman Green. Next

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to Councilman Green is Councilwoman Maria

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Quinones-Sanchez, and to my immediate

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left is Councilman Greenlee.

10

(Witnesses approached witness

11

table.)

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COUNCILMAN DiCICCO: I know you

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rushed in, Commissioner. Whenever you're

14

ready. And in the meantime, I'll ask

15

Mr. Abernathy to read the title of the

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bill.

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THE CLERK: Bill No. 090780, an

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ordinance amending Chapter 10-700 of The

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Philadelphia Code, entitled "Refuse and

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Littering," to require certain property

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owners either to pay a fee for City waste

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hauling or to demonstrate that the

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business or property owner has a private

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provider of waste and recycling disposal

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services; all under certain terms and

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2 conditions.

3 (Witnesses approached witness
4 table.)

5 COUNCILMAN DiCICCO: Good
6 morning again, Commissioner.

7 COMMISSIONER TOLSON: Good
8 morning.

9 COUNCILMAN DiCICCO: When
10 you're ready, proceed with your
11 testimony. We have a copy. If you'd
12 like to shorten the testimony, that's
13 your call.

14 COMMISSIONER TOLSON: Okay.
15 Thank you very much.

16 COUNCILMAN DiCICCO: But we
17 don't have but one witness, so we have
18 some time. It's up to you.

19 COMMISSIONER TOLSON: Okay.

20 Good morning, Councilman
21 DiCicco, Chairman of the Committee, and
22 members of the Committee. I am Clarena
23 Tolson, Commissioner of the Streets
24 Department. I am here with Deputy
25 Commissioner Carlton Williams to present

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2 testimony on behalf of the Department's
3 support of Bill No. 090780. This bill is
4 an ordinance amending Chapter 10-700 of
5 The Philadelphia Code, entitled "Refuse
6 and Littering."

7 The bill would authorize the
8 City to assess a fee for City refuse
9 collection from all properties eligible
10 for City refuse and recycling collection
11 under the regs for collection services,
12 but not including single-family
13 residences or condominiums or
14 cooperatives, which would not be charged.

15 The Streets Department
16 currently provides curbside collection of
17 rubbish and recycling to approximately
18 550,000 households on a weekly basis.
19 The Department also collects refuse from
20 commercial properties and multi-family
21 properties up to six units. While the
22 fee is a departure from a longstanding
23 policy of providing curbside collection
24 services at no charge, we believe that
25 the proposed fee represents only a modest

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2 change that still offers a less expensive
3 alternative to private collection
4 services that most businesses in the City
5 must secure.

6 The proposed bill would assess
7 an annual fee of \$150 to the owners of
8 single-unit commercial properties and
9 multi-unit properties housing small
10 commercial establishments or residential
11 units that qualify for City collection,
12 which generally means properties with six
13 or fewer units. Property owners that
14 demonstrate to the Department that they
15 receive private collections will not be
16 charged for services.

17 The proposed fee approximates
18 the unit cost to the City for providing
19 these services. The Department, with the
20 assistance of other agencies, has
21 identified approximately 50,000
22 properties that contain either one
23 commercial establishment or two to six
24 units with commercial or residential
25 usage that also meets the Department's

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2 standards for eligibility for collection
3 of curbside materials.

4 The total revenue generated
5 from the service fee is approximately \$7
6 to \$7.5 million annually. The Department
7 has been incurring these costs while
8 providing collection services to all
9 properties throughout the City. While
10 the Streets Department, like every other
11 City agency, has made significant cuts to
12 many of its services through these
13 difficult times, this is one service that
14 can be sustained by assessing the fee,
15 thus avoiding a major degradation of
16 services.

17 We recognize that the previous
18 revenue structure presented by the
19 Department met with some opposition from
20 certain constituencies because it placed
21 the burden of fees in this area primarily
22 on small commercial businesses. We have
23 worked hard, in tandem with Councilman
24 DiCicco, to come up with a solution that
25 will spread the fee structure to a much

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2 broader segment of property owners.

3 Consequently, the fees for individual
4 properties have dropped significantly.

5 Given the budget problems that
6 continue to challenge the City, we will
7 have to continue to examine our ability
8 to provide services as we currently
9 provide them. If we are unable to
10 collect fees for service, we will be
11 faced with substantial budget -- with a
12 substantial budget gap that will require
13 a far more serious examination of
14 services we are able to provide. As you
15 are aware, the revenue anticipated for
16 the service has already been incorporated
17 into the City budget and going forward
18 into the future for the Five-Year Plan.

19 We thank you for the
20 opportunity to collaborate with City
21 Council and are here to answer any
22 questions that you may have.

23 COUNCILMAN DiCICCO: Councilman
24 Green.

25 COUNCILMAN GREEN: Thank you.

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2 I'm just curious, what is the
3 total cost of trash collection, just
4 trash collection in the Streets
5 Department budget, taking into account
6 savings from recycling in terms of
7 dumping fees, just net cost?

8 DEPUTY COMMISSIONER WILLIAMS:

9 The total net cost, that's collection and
10 tonnage? I'm sorry. My name is Carlton
11 Williams, Deputy Streets Commissioner.

12 Right now we are looking
13 at -- our budget is about \$90 million.

14 COUNCILMAN GREEN: Ninety
15 million dollars?

16 DEPUTY COMMISSIONER WILLIAMS:

17 That's correct.

18 COUNCILMAN GREEN: And that's
19 just trash collection, that's not plowing
20 the streets, that's not --

21 DEPUTY COMMISSIONER WILLIAMS:

22 That's all trash and sanitation services,
23 yes, that's correct.

24 COUNCILMAN GREEN: I'm asking
25 about home trash collection.

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2 DEPUTY COMMISSIONER WILLIAMS:

3 Just home trash collection? The
4 collection fees are \$27 million to
5 collect and about \$38 million for the
6 tonnage disposal fees. So the combined
7 just for trash collection alone is about
8 \$65 million. That's correct.

9 COUNCILMAN GREEN: Okay.

10 DEPUTY COMMISSIONER WILLIAMS:

11 That's not including those ancillary
12 services that we also do with enforcement
13 and PMBC and those things.

14 COUNCILMAN GREEN: Right. So
15 really if we charged every homeowner in
16 the City a hundred bucks, we'd pay for
17 trash collection.

18 DEPUTY COMMISSIONER WILLIAMS:

19 Yes. We would be --

20 COMMISSIONER TOLSON: Close.

21 DEPUTY COMMISSIONER WILLIAMS:

22 -- close to it, yes, because there are
23 about 550,000 households.

24 COUNCILMAN GREEN: A hundred
25 bucks a year just added --

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2 COUNCILMAN DiCICCO: It
3 wouldn't be a hundred. A hundred would
4 bring you a lot more --

5 COUNCILMAN GREEN: It would be
6 55 million, roughly, wouldn't it?

7 COUNCILMAN DiCICCO: Five
8 hundred fifty thousand times a hundred.

9 DEPUTY COMMISSIONER WILLIAMS:
10 Those costs just include sanitation
11 services. It doesn't include the cost
12 for Fleet Management and all those other
13 services that follow as well.

14 COUNCILMAN GREEN: Right.
15 Fleet Management is not in the Streets
16 Department.

17 DEPUTY COMMISSIONER WILLIAMS:
18 Right. That's correct. Yes, sir.

19 COUNCILMAN GREEN: So is there
20 a reason we didn't consider that? Was
21 that one of the things considered?

22 COMMISSIONER TOLSON: I think
23 certainly there had been discussions when
24 we first entered these very difficult
25 times about having fees for all

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2 households, and other alternatives were
3 looked at instead.

4 COUNCILMAN GREEN: Okay. When
5 we met on the hearing where we were
6 talking about repealing the bill that we
7 passed that allowed you to pass
8 regulations that resulted in the \$500
9 fee, I asked whoever testified at that
10 hearing -- I can't remember -- to come
11 back and let me know how much the City
12 estimates, the Administration estimates
13 that the dumpster new fee for licenses
14 and permits and fine structure would
15 result in, because that's not currently
16 in the City budget. Do you have an
17 estimate for me today of that amount?

18 COMMISSIONER TOLSON:
19 Councilman, though I do not have an
20 estimate, I do know that any funds that
21 are collected on behalf of the dumpsters
22 would be used to further improve the
23 dumpster situation. It does not come to
24 our department. It goes to another
25 department. But I would understand that

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2 if funds are collected to support better
3 enforcement within our dumpster community
4 or dumpster efforts, that if we don't
5 support that, then we will not have
6 improved dumpster conditions.

7 COUNCILMAN GREEN: So it's your
8 testimony that the Administration intends
9 to use all dumpster revenue and fees to
10 improve enforcement of dumpsters and that
11 money will not be used for another
12 purpose?

13 COMMISSIONER TOLSON: The
14 monies that are raised for fees for
15 certain services that then apply to those
16 services, yes.

17 COUNCILMAN GREEN: So you're
18 going to spend \$5 million on cleaning up
19 dumpsters in the City?

20 COMMISSIONER TOLSON: Whatever
21 the revenues are from dumpsters for those
22 fees, that is then used to support the
23 dumpster process, everything that's
24 involved in the administration and
25 enforcement of dumpsters.

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2 COUNCILMAN GREEN: Okay. Thank
3 you.

4 COUNCILMAN DiCICCO: Thank you.
5 Councilwoman.

6 COUNCILWOMAN SANCHEZ: Thank
7 you, Councilman and Commissioners, for
8 testifying today. I just wanted to put
9 on for the record, I know that one of the
10 concerns that I had expressed -- and I
11 wanted you guys to put it on the record
12 for us -- was multi-family units owner
13 occupied. Can you for the record state
14 how we're going to regulate those?

15 COMMISSIONER TOLSON: The
16 multi-family units that are owner
17 occupied that do not rent another
18 property will not be assessed the fee.

19 COUNCILWOMAN SANCHEZ: Do you
20 have an estimate of what that number is?
21 I know we talked about at some point
22 getting what we thought that --

23 DEPUTY COMMISSIONER WILLIAMS:
24 We did receive some -- Councilwoman, we
25 received some data from L&I about active

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2 licenses for -- I can give you for
3 example. Out of the 35,000 properties
4 that we've identified, 31,000 have active
5 licenses, which we're still under the
6 assumption that people are going through
7 the licensing procedure and process and
8 that they are getting a license to
9 legally rent to consumers. That number
10 seems to be somewhere between 4,000 and
11 5,000 from units. So those are the ones
12 that we identified and included in our
13 projections.

14 COUNCILWOMAN SANCHEZ: Who will
15 be able to submit verification and then
16 this fee would be waived?

17 DEPUTY COMMISSIONER WILLIAMS:
18 Yes. Our plan is to send notices and
19 bills to all units and also attach an
20 exemption request form stating that the
21 person does not -- lives in the property,
22 it's owner-occupied property, it's
23 occupied by a private resident and they
24 do not rent any other unit out for
25 profit. We would then take that

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2 information and go to L&I and verify
3 whether they have the data or a license,
4 and once it's verified, then they will be
5 exempted from paying a fee.

6 COUNCILWOMAN SANCHEZ: Thank
7 you.

8 COUNCILMAN DiCICCO: Councilman
9 Greenlee.

10 COUNCILMAN GREENLEE: Thank
11 you, Mr. Chairman.

12 Good morning. Just so I'm
13 clear, so every homeowner is going to get
14 a notice; is that what I'm hearing?

15 COMMISSIONER TOLSON: No.

16 COUNCILMAN GREENLEE: Every
17 multi-family. So you're going by the
18 zoning? You're going to cross-check with
19 the zoning file?

20 DEPUTY COMMISSIONER WILLIAMS:
21 That's correct.

22 COMMISSIONER TOLSON: Yes.

23 COUNCILMAN GREENLEE: So it's
24 not just people who have a rental license
25 that will be getting notices; it will be

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2 anybody that's more than one family?

3 DEPUTY COMMISSIONER WILLIAMS:

4 That's correct. Yes.

5 COUNCILMAN GREENLEE: And then

6 they, if they're not renting, they would

7 have to apply for the exemption?

8 DEPUTY COMMISSIONER WILLIAMS:

9 That's correct.

10 COUNCILMAN GREENLEE: Just so

11 I'm clear.

12 DEPUTY COMMISSIONER WILLIAMS:

13 Yes, sir.

14 COUNCILMAN GREENLEE: Thank

15 you.

16 COUNCILMAN DiCICCO: Any other

17 questions?

18 Would you mind waiting -- I'm

19 sorry. Councilman Green.

20 COUNCILMAN GREEN: Thanks.

21 I am very pleased with what you

22 guys just said about what you're going to

23 do with the dumpster revenue, but it

24 seems to me that my estimate is about \$5

25 to \$7 million. At current dumpster

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2 population that we have in the records,
3 it's about two and a half million
4 dollars. I'd be very interested in your
5 providing the Chair with a business plan
6 essentially. Tell us where you're going
7 to hire SWEEPs officers and what
8 neighborhoods you're going to put them
9 in, because essentially there'll be a lot
10 of money around for either CLIPs or
11 SWEEPs in neighborhoods around the City
12 to do the enforcement with this extra
13 revenue and I'd like to see a plan for
14 that come up in the next budget cycle.
15 That's something that I'm going to be
16 looking for.

17 Thank you.

18 COMMISSIONER TOLSON: Thank
19 you, Councilman.

20 COUNCILMAN DiCICCO: Thank you.

21 Any other questions from this
22 Committee?

23 (No response.)

24 COUNCILMAN DiCICCO: Thank you
25 both for your testimony.

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2 COMMISSIONER TOLSON: Thank
3 you.

4 COUNCILMAN DiCICCO:
5 Mr. Zaslow.

6 (Witness approached witness
7 table.)

8 MR. ZASLOW: Good morning, Mr.
9 Chairman, members of the Committee.
10 Thank you for the opportunity to appear
11 before you this morning. My name is
12 Darrell Zaslow, Z-A-S-L-O-W. I am legal
13 counsel to HAPCO. HAPCO is the
14 Homeowners Association of Philadelphia.
15 I apologize for not having written
16 testimony, but we did not find out about
17 a potential change and what is occurring
18 here until my conversation with
19 Mr. Abernathy late yesterday.

20 Members, Mr. Chairman, as
21 Councilman DiCicco knows, we had the
22 great privilege of having the Councilman
23 appear at our HAPCO meeting just about a
24 week and a half ago. I had the honor of
25 sitting next to the Councilman and the

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2 greater honor of protecting him from my
3 members who wanted to accost him on the
4 way out of the meeting with all kinds of
5 inane questions about City government.

6 The Councilman appeared before
7 us, as he always does, in good faith, and
8 our members were there, several hundred
9 of our several thousand members were
10 there that night just to hear the
11 Councilman -- primarily to hear the
12 Councilman talk primarily about this
13 issue of this fee for trash.

14 We represent the mom-and-pop
15 owners of small properties. My members
16 do not own apartment buildings. They own
17 single-family rental units, duplexes,
18 triplexes, maybe a four-unit or a
19 five-unit. Some of them own a number of
20 units, but the majority of our several
21 thousand members own just a single
22 property or perhaps two. Perhaps they
23 inherited a property. Perhaps they
24 bought it. They're small owners.

25 When the fee was \$500 for

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2 commercial units, it was not a happy time
3 for the owners of those units, obviously.
4 Some of our members actually do own
5 properties which had a commercial unit in
6 the building, and they weren't happy
7 about it.

8 The concept now, which is, to
9 use Councilman DiCicco's correct words,
10 to spread the pain -- I think that's what
11 he stated directly to us -- we understand
12 that, but the pain is being spread to the
13 people that I represent. We are the
14 individuals in the City who are bearing
15 the entire burden of this new concept to
16 have a lot of people pay something as
17 opposed to just the commercial owners pay
18 \$500.

19 I'd like to let the Committee
20 know that as a result of the Councilman's
21 appearance at our meeting the other
22 night -- and, again, his good faith
23 presentation to us, which was well
24 received and witty and informative, but
25 he was very clear in stating his

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2 intention to introduce an amendment to
3 the bill today which would eliminate
4 duplexes from the bill. And by virtue of
5 his statement that he had this intention
6 to eliminate duplexes from the bill, I
7 sit here in an empty Chamber instead of
8 being surrounded by 1,000 of my closest
9 members of my organization, who would
10 want to rant and rave and clap while I'm
11 telling you what I'm telling you. So I'm
12 here alone because it wasn't until
13 yesterday afternoon that Mr. Abernathy,
14 much appreciated, called me and e-mailed
15 me saying that, no, Councilman DiCicco
16 was not going to be introducing an
17 amendment to the bill because the
18 numbers, as I understand it, had changed
19 and that the budget hole that this
20 Council seeks to fill couldn't be filled
21 if he removed duplexes from the bill.

22 If duplexes were removed, the
23 small mop-and-pops who own a small number
24 of rental units would not feel as grossly
25 impacted by this bill. If duplexes were

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2 removed, as had been our thought until
3 yesterday, we would be here saying nobody
4 likes to pay more money, but, quite
5 frankly, our members -- and the
6 Councilman can vouch for it, because he
7 stood there and took an hour's worth of
8 questions. Our members understand your
9 job, your problems, your difficulties,
10 what you face as our representatives.
11 We're not looking in any way to minimize
12 it.

13 In coming before you today, I'm
14 not sure what I hope to accomplish. I
15 would like to ask the members of the
16 Streets Department to provide some hard
17 numbers on these duplexes. The census
18 figures that we used to find the \$7
19 million that you're looking for were
20 vastly different than the numbers which
21 the Streets Department is presenting
22 based upon their information. I don't
23 know whose information is accurate, but
24 the census figures, which are available
25 of course publicly, shows that there's

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2 some 111,000 units consisting of
3 duplexes, businesses and three- to
4 six-unit buildings, and if you took out
5 just the duplexes, which we understand to
6 be about 50,000, it still leaves an ample
7 number of real multi-family units, three,
8 four, five, six and businesses, to share
9 this \$150 pain.

10 So I don't know. Perhaps it
11 was in the testimony they presented to
12 you, but we don't see the math as they
13 are presenting it. We're using the
14 census figures, which should be accurate.
15 If the federal government census of the
16 number of properties in this city is not
17 accurate, then I don't know what would be
18 accurate.

19 So the first thing I would
20 request of you is that you truly confirm
21 and ask the Streets Department to compare
22 the census numbers of the number of
23 properties in our city to whatever source
24 material they are using to ascertain the
25 number of units. That would be my first

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2 request.

3 My second request would be on a
4 very minor item, and Councilman --
5 Mr. Abernathy permitted me to e-mail him
6 yesterday on this issue regarding vacant
7 units. As, of course, the Council well
8 knows, there is a requirement that if you
9 have a property which is vacant, that you
10 obtain a vacancy license. I'm not sure
11 if that requirement is honored in the
12 breach or if people really do it to a
13 large extent. It is a requirement of the
14 City Code, and I would ask that you amend
15 the bill to provide that if a person has
16 in fact fulfilled that responsibility to
17 obtain a vacancy license and paid the fee
18 for that license, that they should
19 likewise be exempted from payment of
20 whatever trash fee you may be imposing as
21 a result of this bill.

22 The third point of my being
23 here is to urge upon you a sense of the
24 value to Philadelphia of private property
25 owners. Our members are struggling in

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2 the current climate of finances. Our
3 members are struggling with an
4 overwhelming increase in fees and permit
5 fees and license fees all over the board.
6 And, of course, it's not just us, and we
7 know that. You're doing a job to find
8 money. But we ask you to recognize that
9 providing private rental properties is
10 very important to the City. If our
11 members disappear -- and some of them are
12 disappearing, because the vacancy rate in
13 the City is very high. People are not
14 buying houses, and when you're in the
15 lower to middle-class property rental
16 business, which is what my organization
17 is, people also don't have the money to
18 start moving, finding a new apartment,
19 putting up security deposits. The
20 vacancy rate is becoming very burdensome.
21 And you couple with that the grossly
22 increasing costs of every maintenance
23 responsibility, the taxes are starting to
24 go up with the BRT issues, it's becoming
25 difficult to survive as a private

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2 property owner, and the result will be
3 that you'll be burdened with providing
4 public housing for all of the tens of
5 thousands of residents that we now
6 service.

7 When you have good property
8 owners -- and our members try -- we
9 insist that they be good, and I think
10 most of them are -- get licenses, make
11 repairs, be available to tenants, be
12 available to the City, when those good
13 people are trying to make a modest living
14 out of a small property and this fee is
15 \$150 and the license fee goes up and you
16 have a SWEEPs person walk by three, four
17 times a year and hurl fees for trash
18 bags, which is another issue, which is a
19 very difficult one to deal with, but
20 everything goes up and the rentals are
21 low and you have a tenant that doesn't
22 pay the rent for two months of the year
23 and you're not making the profit anymore
24 and you have vacancy and you have
25 abandonment of properties and you have

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2 worse problems than we have now.

3 It's kind of a generic request
4 of you. It's not impacting upon this
5 bill, but I ask you, in all of your
6 dealings with our industry, the private
7 property rental industry, that you have
8 some sense that we are a value to the
9 City. We are a value to the clients that
10 we service, the tenants. We are a value
11 to the City because of the taxes that we
12 pay. We're a value because we provide a
13 service that government, the federal
14 government, the state government, the
15 city government, cannot do, and, trust
16 me, cannot do at the cost that we do it.
17 Every bit of public housing costs two,
18 three times the amount of money that it
19 costs us to provide a unit.

20 Now, my members, when I asked
21 them, well, what would you want me to
22 tell the honorable committee when I'm in
23 front of them, and they have all great
24 ideas. Well, tell them to stop spending
25 so much. They e-mail me, well, tell them

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2 they're spending too much money and
3 they're paying everybody too much money
4 and this and that. I'm not going to
5 burden you with platitudes on how to run
6 the City. You know it and you're doing
7 it. But if you're hearing from my
8 members today, that is what they're
9 asking for, that you not turn to private
10 property owners to kind of be the ones to
11 have to pay. Every time you're looking
12 for an extra several hundred thousand
13 dollars, a million here, a million there,
14 it seems that we are the ones that get
15 burdened with it. The regulations is
16 burdensome. Dealing with the City is so
17 difficult. You probably know in your own
18 affairs, you don't just walk in and get
19 licenses and permits. It's very
20 difficult.

21 So I would ask of you in
22 conclusion -- again, I thank you for the
23 opportunity to appear. I thank
24 Councilman DiCicco again for your
25 appearance before our group, and I ask

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2 you, number one, to consider exempting
3 truly vacant properties which are so
4 licensed. I urge upon you recognition of
5 lessening the burden on the private
6 rental market and not seeking to increase
7 it when you have the opportunity.

8 COUNCILMAN DiCICCO: Thank you,
9 Mr. Zaslow, for your testimony. Let me
10 first start out by saying that if I can
11 take back that statement I made at your
12 membership meeting about my offering the
13 amendment, I certainly would. I wish I
14 had never said that. But when I spoke, I
15 spoke with all honesty and my intentions
16 were to do such an amendment based on the
17 numbers that I had available at that
18 time. Subsequent to that general
19 membership meeting, I was given a
20 different set of numbers. I'm not
21 faulting anyone, but the numbers that I
22 have now lead me to believe that it's
23 necessary to include duplexes. Because I
24 did say that night that I didn't think
25 duplexes should be in, because I had a

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2 different set of numbers. I think those
3 numbers I believe I mentioned that night
4 were coming from the BRT, and we could
5 all understand we shouldn't accept
6 numbers from the BRT, but that's the only
7 thing I believe at the time that I had
8 available. And I didn't tell you those
9 things and your membership what you
10 wanted to hear to sugarcoat my comments,
11 because I knew I was walking into a very
12 unpopular audience when I first got
13 there. Subsequently it turned out to be
14 a good meeting after all, and I
15 appreciate your moderating the meeting
16 and, at the end of the night, saving me
17 from the issue of the tickets for trash
18 on everybody's sidewalk and all the other
19 issues.

20 So I just -- you can bring that
21 back to your members. If there's fault
22 in what was said, I take responsibility
23 for that. I accept that responsibility.

24 I don't know how else to get to
25 this number. You heard Councilman Green

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2 talk about the dumpster fee. You heard
3 the City say that those monies they
4 expect to be used for the regulation of
5 the dumpster bill. When I break it
6 down -- and I know there are a lot of
7 fees and licenses that you have to pay
8 for, but when you break it down and you
9 use a duplex as an example -- my numbers
10 I believe are accurate -- on a daily
11 basis, it comes to 20 cents a day per
12 unit. Seven days a week is \$1.40 a week.
13 It gets you to \$75 a year per unit if you
14 got a duplex. The more units you have
15 that you work your way up to six units,
16 that 20 cents a day gets reduced
17 significantly. Does it make the case for
18 you to say, Well, we're already paying a
19 licensing fee, another 150 is going to be
20 a lot, for some of us, you're probably
21 right, but I don't know where else to go.
22 We have a 7-plus million dollar hole in
23 our budget. We need to provide those
24 basic city services. And as one of your
25 members who stood up and acknowledged

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2 that he lives in my district said, I
3 understand the dilemma you're all in, we
4 need to pull together, and he didn't
5 think it was such a bad idea. He didn't
6 think that was that exorbitant a price to
7 pay. And maybe some day we can figure
8 out a better way, but at the moment, I
9 don't know how else to do that. And
10 that's why I am, I'll say, reneging on my
11 original statement.

12 MR. ZASLOW: Well, you
13 qualified it adequately. I mean, you
14 didn't shake anybody's hand per se. We
15 understand that. We are concerned when
16 numbers change in the course of a week --

17 COUNCILMAN DiCICCO: Well, it
18 actually was longer than the week and a
19 half ago I was there, but that's
20 insignificant. It doesn't matter if it
21 was three weeks ago or last week. It is
22 what it is. And I knew that we would
23 have a public hearing, so any change or
24 deviation in what I had presented could
25 be challenged at the public hearing. So

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2 I didn't do it with the intention of
3 figuring everybody would go away.

4 MR. ZASLOW: Are we sure that
5 the Streets Department is right and the
6 BRT is wrong? Is that like -- are we
7 sure about that?

8 COUNCILMAN DiCICCO: Well, if I
9 was betting, I'd say the BRT was wrong,
10 but that's just a personal opinion of
11 mine. They haven't been right on too
12 many things in the last 40 years, but
13 that's my opinion. And I can only go by
14 the numbers, again, that are being
15 submitted to us, to me as the Chair of
16 the Committee and share with my
17 colleagues on this Committee, by the
18 Streets Department. And they tell me
19 that the majority of the multi-family
20 units are duplexes. That makes up the
21 largest population of the multi-family
22 dwellings in the City of Philadelphia. I
23 didn't think it was that. I had it as
24 triplexes or above triplexes.

25 Councilman Green.

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2 COUNCILMAN GREEN: I'd actually
3 like to hear from the Streets Department
4 as to exactly where they got their
5 numbers and how they think it breaks down
6 and what data-sets they used, what was
7 the source of the data.

8 COUNCILMAN DiCICCO: Before
9 they come up, are there any questions
10 from this Committee for Mr. Zaslow?

11 COUNCILWOMAN SANCHEZ: We may
12 after.

13 COUNCILMAN GREEN: I may after.

14 COUNCILMAN DiCICCO: If you
15 would wait after the --

16 MR. ZASLOW: Yes.

17 COUNCILMAN DiCICCO: Okay.
18 Thank you.

19 (Witness approached witness
20 table.)

21 COMMISSIONER TOLSON: Council,
22 thank you. Clarena Tolson, Streets
23 Department.

24 I think that we have an
25 agreement with Mr. Zaslow about the

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2 number of units. He mentioned that his
3 source was the U.S. Department of Census,
4 and we are using the Department of
5 License and Inspection licenses and also
6 the BRT data. But I think we have a
7 semantics difference that is causing a
8 little bit of confusion.

9 Mr. Zaslow mentioned 111,000
10 units. We were talking about properties.
11 So when we say 47,000, 50,000 properties,
12 22,000 of those properties are duplexes.
13 That would be 44,000 units. When we add
14 up the units the way that we counted
15 them, our number is -- I got to stretch
16 my arm here. I can't see without my
17 glasses -- 109,000 units. So we're not
18 very far off. A little over a one
19 percent difference, which is, I think,
20 very close when you consider anybody
21 counting numbers these days.

22 COUNCILMAN GREEN: Thank you.
23 I'd just like to hear back from
24 Mr. Zaslow.

25 COUNCILMAN DiCICCO:

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2 Mr. Zaslow, please come back up.

3 Commissioner, just in case
4 there are any questions.

5 (Witness approached witness
6 table.)

7 MR. ZASLOW: I think that makes
8 sense, what she just said about the units
9 and the properties. That may in fact be
10 the mathematical issue.

11 Just one parting comment, if I
12 may. The other concept I'd like to leave
13 you with is that the property owners are
14 not the only ones impacted. The other
15 people impacted are the tenants. When
16 you have a property owner who suddenly he
17 has another \$10 -- it is not a lot,
18 Councilman. I understand that.

19 COUNCILMAN DiCICCO: Well, in
20 all honesty, to some people \$10 a month
21 is a lot of money. I understand that.

22 MR. ZASLOW: You have a tenant
23 who is paying \$450 a month rent and --

24 COUNCILMAN DiCICCO: So it goes
25 to 460.

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2 MR. ZASLOW: -- and it goes to
3 460, well, that means something to the
4 tenants. I'm in contact with my good
5 friends at TURN. I deal with them all
6 the time, the Tenants Union. I went to
7 law school with Phil Lord and I know him,
8 he's my friend, and he is on board with
9 us to try to do something here as well,
10 although he's not here because we didn't
11 enlist him to come with his constituency
12 to complain about the \$10. Because
13 you're right, Councilman, our group and
14 our Board of Directors especially --
15 which you didn't see. You saw the rabble
16 of our members, not the dignified Board
17 of Directors that we hope that we are.
18 Our members, a few say, How dare they
19 charge us for anything, but the majority
20 vocalized what you heard one of our Board
21 members say to you specifically, and,
22 that is, We want to help, we want to do
23 our part in the City. We have a
24 responsibility, we're going to meet it,
25 and it's not a million dollars. It's

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2 \$150.

3 So we are with you on that, but
4 if you take into consideration,
5 especially in the lower-income housing
6 market, this \$10, \$11 a month, which
7 property owners eventually will shift to
8 a tenant, means something.

9 COUNCILMAN DiCICCO: I'm not
10 going to debate you on all the numbers,
11 but just again, if we use the duplex at
12 the 20 cents a day, it's \$5.60 a month
13 per unit.

14 MR. ZASLOW: That's per unit.

15 COUNCILMAN DiCICCO: Which gets
16 you to about \$75 a year for the unit.
17 It's 5.60. It's not 10, but it is 5.60
18 more than they're paying today, I'll
19 grant you that.

20 MR. ZASLOW: Thank you.

21 COUNCILMAN DiCICCO: Thank you.

22 Councilwoman Sanchez.

23 COUNCILWOMAN SANCHEZ: You
24 mentioned the other issue around the
25 exemption with folks who are paying or

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2 have a vacant property license fee, and I
3 wanted the Commissioner to comment on
4 that.

5 COMMISSIONER TOLSON: Those
6 properties that are vacant and not active
7 are not receiving service. So they too
8 would not pay a fee if there was a vacant
9 property not receiving service. Those
10 that don't receive our service do not pay
11 a fee.

12 COUNCILWOMAN SANCHEZ: Do you
13 get that, Mr. Zaslow? What she's saying
14 is, so when you get your bill, if you
15 have a vacant property license and they
16 submit that, then you will be exempt.

17 MR. ZASLOW: That's good to
18 hear. Any way of having it in black and
19 white in the bill?

20 COUNCILMAN DiCICCO: Well, it
21 will be part of --

22 COUNCILWOMAN SANCHEZ: It's
23 part of the regulation. We're putting it
24 on the record here for you now.

25 MR. ZASLOW: Okay.

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2 COUNCILMAN DiCICCO: And one
3 other point I want to make, Mr. Zaslow,
4 again getting back to the increase. You
5 can pass it on to the tenant or the owner
6 could absorb it him or herself. I'm not
7 an accountant, but I believe you get the
8 deduction, because it's an expense.

9 MR. ZASLOW: Twenty cents is
10 now 16. You're right. I hear you.

11 COUNCILMAN DiCICCO: Thank you.

12 MR. ZASLOW: Will there be a
13 published regulation, may I ask, which is
14 going to specifically say that if the
15 unit is -- because we're all going to get
16 the bills. If you have a vacant
17 property, you're going to get a bill,
18 from what I understand.

19 COMMISSIONER TOLSON: If it's
20 vacant and not receiving service.

21 MR. ZASLOW: How do you know,
22 if I may ask, if it's vacant or not?
23 When the trash people drive down the
24 street, how do you ascertain if it's --

25 COMMISSIONER TOLSON: There

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2 will be no trash outside.

3 MR. ZASLOW: And then the trash
4 man is going to tell somebody to take it
5 off the charge?

6 COUNCILWOMAN SANCHEZ: No, no,
7 no. You will have to submit that when
8 you get the bill, that you got a vacant
9 property license fee, which, by the way,
10 in another hearing, we will be increasing
11 that fee, so that you know, which is why
12 I am pushing this issue.

13 COUNCILMAN DiCICCO: We're back
14 up to 20 cents a unit. There goes that
15 48 cents I just saved you.

16 COUNCILWOMAN SANCHEZ: That's
17 why I want to go on the record, because
18 obviously this is important, but it kind
19 of balances itself out, that the fact is
20 if people are submitting their vacant
21 property license fee, which I believe is
22 going up to \$300 a year, if you pay that
23 fee, then you will be able to submit that
24 over to them and will get exempt.

25 MR. ZASLOW: Councilwoman, my

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2 legal antenna has to go up and suggest to
3 you that the increases in these fees, not
4 to put too hard a spin on it, are not
5 legal. As you well know -- not you,
6 Councilwoman, but as Council knows, you
7 cannot charge a fee for a license more
8 than it costs for you to process that
9 license. That's the law. You can tax to
10 the sky, you can fine to the sky, but
11 with a license, you have to show that
12 there's a correlation between the license
13 fee and what it's costing our city to
14 process that piece of paper.

15 COUNCILWOMAN SANCHEZ: We will
16 make sure to invite you to the hearing
17 and you can testify, and I'm sure L&I
18 will be happy to respond to that. I just
19 wanted to just for the record so that you
20 know -- and obviously your members are
21 looking at this. I believe we had
22 several briefings and we asked all the
23 membership organizations to be present to
24 be able to have this dialogue. But just
25 so that you know, because it was one of

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2 the three items that you mentioned, that
3 there is -- you will be able to get an
4 exemption.

5 MR. ZASLOW: I appreciate the
6 notice, but, again, just to make my
7 appearance here worthwhile, my members
8 say to me all the time, Sue them, sue the
9 City. Now, on the rental suitability
10 license, I did just that, I sued the
11 City. I had no choice. It went to
12 Commonwealth Court, and we won the case.
13 That's what happened with the rental
14 suitability license. And I don't want to
15 be the lawsuit guy suing my fair city. I
16 don't want to do it and my members don't
17 want to do it, but when they come to me
18 and say, Can they charge \$300 to process
19 a piece of paper that says your property
20 is vacant, they can't. You can't just
21 raise the fee to \$300 as a revenue source
22 for a license fee.

23 COUNCILMAN DiCICCO: Let's hope
24 it doesn't cost more than 300.

25 MR. ZASLOW: Thank you very

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2 much.

3 COUNCILWOMAN SANCHEZ: Thank

4 you.

5 COUNCILMAN DiCICCO: Councilman

6 Green.

7 COUNCILMAN GREEN: Thank you.

8 I just wanted to do some quick
9 math and then make one point, and, that
10 is, with respect to dumpster license fees
11 as opposed to permits or fines and
12 penalties, the fees themselves, of
13 course, have to be spent enforcing the
14 law, as was just pointed out, and we can
15 do that with more SWEEPs officers, more
16 whatever. Of course, what will be
17 available to the City for any purpose are
18 the penalties from people writing
19 tickets, things like that.

20 So there is going to be
21 significant revenue from the dumpster
22 bill that will be available in the
23 General Fund to any specific purpose. If
24 we're not going to use it for this
25 because that's not what you want to do,

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2 I'll accept that, but I'm going to find a
3 place to spend that money.

4 So I'm just putting people on
5 notice that maybe we ought to get
6 together and figure out what you think
7 it's going to be and come up with a plan
8 for it together, because otherwise my
9 staff and I will come up with our own set
10 of priorities, in consultation with my
11 colleagues.

12 The other thing is, did you say
13 there were 44,000 properties?

14 COMMISSIONER TOLSON: Duplex
15 units.

16 COUNCILMAN DiCICCO: Duplex
17 units.

18 COUNCILMAN GREEN: So how many
19 total properties were there?

20 COMMISSIONER TOLSON: We were
21 saying that with duplexes --

22 COUNCILMAN GREEN: No; total
23 properties.

24 COMMISSIONER TOLSON: Total
25 properties is 49,727.

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2 COUNCILMAN GREEN: So we're
3 really talking about 27,000 non-duplex
4 properties. So to raise seven and a half
5 million bucks, it would have to be \$300 a
6 property.

7 COMMISSIONER TOLSON: Correct.
8 Close, very close.

9 COUNCILMAN GREEN: So I just
10 wanted to ask you a question. Would your
11 members prefer that? I'm not saying that
12 we'd do it. I'm just curious. It's 300
13 bucks.

14 COUNCILMAN DiCICCO:
15 Councilman, no matter how you cut it,
16 something is -- I mean, if you have a
17 two-unit property, one is residential and
18 the other is commercial, doing it the
19 other way, that commercial property is
20 going to now pay 500, because it's
21 commercial.

22 COUNCILMAN GREEN: Right.

23 COUNCILMAN DiCICCO: So, again,
24 spreading the pain, we came up with this
25 \$150.

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2 MR. ZASLOW: My members
3 personally would probably rather pay more
4 for triplexes and up, because we don't
5 own triplexes and up. I wouldn't want to
6 be sitting there when the business owners
7 hear back from you that you're up to \$300
8 for them, but my members, singles and
9 duplexes are what they own, so they would
10 prefer no fee on that.

11 COUNCILMAN DiCICCO: But if
12 they own a duplex and one unit happens to
13 be commercial --

14 MR. ZASLOW: They're still
15 going to pay.

16 COUNCILMAN DiCICCO: -- they're
17 going to pay the 500 under the original
18 proposal.

19 MR. ZASLOW: Yes, they are, and
20 we weren't happy with that either.

21 COUNCILMAN GREEN: That is a
22 question I have, Commissioner. A
23 commercial property, even if it has no
24 other units, is still going to pay this
25 or is this only --

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2 COMMISSIONER TOLSON: Correct.

3 COUNCILMAN GREEN: So what do
4 you do if there is, like in many
5 commercial corridors throughout the City,
6 there's a first floor store and three
7 apartments upstairs?

8 COMMISSIONER TOLSON: They
9 would still pay the fee.

10 COUNCILMAN GREEN: But it would
11 only be 150?

12 COMMISSIONER TOLSON: One
13 fifty. This is per property.

14 COUNCILMAN GREEN: So how many
15 commercial properties are there that are
16 not multi-family at all?

17 COUNCILMAN DiCICCO: Fifteen
18 thousand.

19 COMMISSIONER TOLSON:
20 Commercial, right, that are not
21 multi-family?

22 COUNCILMAN DiCICCO: Wasn't
23 that the 15? I'm sorry to interrupt, but
24 wasn't that the 15,000?

25 COMMISSIONER TOLSON: But he

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2 said not having the residential piece too
3 as well.

4 COUNCILMAN GREEN: Right. No
5 residential piece. Commercial
6 properties.

7 COUNCILMAN DiCICCO: Oh, just
8 straight out commercial.

9 COUNCILMAN GREEN: Because
10 we're taxing them.

11 COMMISSIONER TOLSON: We'd have
12 to find that number to find out exactly
13 no residential. The 15,000 may have had
14 some residential with it, but to find
15 with no residential, I'd have to go back
16 and confirm that number.

17 COUNCILMAN GREEN: I will bet
18 that's a much bigger number than 15,000.

19 COMMISSIONER TOLSON: That we
20 collect?

21 COUNCILMAN GREEN: No; purely
22 commercial properties.

23 COMMISSIONER TOLSON: Right.
24 It's either all up or a subset of the
25 15,000. It is not more.

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2 COUNCILMAN DiCICCO: Point of
3 order.

4 There are different types of
5 commercial. You have the small
6 commercial and then you have the larger
7 commercial.

8 COUNCILMAN GREEN: Right.

9 COUNCILMAN DiCICCO: So you got
10 to back out the small commercial, where
11 we started this discussion in the first
12 place.

13 COUNCILWOMAN SANCHEZ: Most
14 commercial have private haulers. This is
15 only the commercials where we're
16 providing curbside.

17 COUNCILMAN DiCICCO:
18 Mop-and-pop.

19 COUNCILMAN GREEN: Well, we're
20 taxing everybody whether or not they have
21 a private hauler.

22 COMMISSIONER TOLSON: No. No.
23 This is only for those that we provide
24 the service.

25 COUNCILMAN GREEN: So you can

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2 choose not to pay the fee if you're a
3 small --

4 COMMISSIONER TOLSON: That's
5 correct.

6 COUNCILWOMAN SANCHEZ: If you
7 can prove that you have a private hauler,
8 you're exempt.

9 COUNCILMAN GREEN: Oh, okay.

10 COUNCILMAN DiCICCO: But in
11 reality, it's going to cost you a lot
12 more than \$5.60 a month to get a private
13 hauler. This is actually -- it turns out
14 to be a bargain.

15 COUNCILMAN GREEN: The \$500,
16 though, was going to be charged
17 regardless of whether or not you had --

18 COUNCILWOMAN SANCHEZ: No, no,
19 no.

20 COUNCILMAN DiCICCO: No. Five
21 hundred dollars was for commercial
22 properties -- and correct me if I'm
23 wrong, Commissioner -- who did not have a
24 commercial pick-up.

25 COMMISSIONER TOLSON: That's

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2 correct, that the City collected it.

3 COUNCILMAN GREEN: So with
4 respect to how -- are you going to write
5 regulations on this after we --

6 COMMISSIONER TOLSON: Yes.

7 COUNCILMAN GREEN: With respect
8 to the regulations you're going to write,
9 it's your testimony that if someone has
10 commercial pick-up and provides you
11 evidence of that, that they will be
12 exempt?

13 COMMISSIONER TOLSON: Correct.

14 COUNCILMAN GREEN: And it's
15 your testimony that if someone has a
16 vacancy license, that you will write into
17 the regulations that they will be exempt?

18 COMMISSIONER TOLSON: I'm not
19 sure about -- when you're saying vacancy
20 license, just let me explain what I mean.
21 A vacant property that's not receiving
22 any service, not putting out any trash.
23 So if that means that you get a vacancy
24 license -- I'm just personally not
25 familiar, so I don't want to testify to

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2 that --

3 COUNCILMAN GREEN: Well,
4 they're required to have a vacancy
5 license. So if they don't have that
6 license, they shouldn't be exempt.

7 COMMISSIONER TOLSON: They
8 shouldn't be. Then with that condition,
9 I will say yes then. Correct.

10 COUNCILMAN GREEN: Okay. Thank
11 you.

12 COMMISSIONER TOLSON: And,
13 Councilman, just for clarification for
14 you, Councilman DiCicco, the reason why I
15 said -- I was hesitant to say just
16 commercial was 15,000, because if they
17 had one unit above, they would have been
18 included in that 15,000, not the duplex.
19 So to say just commercial --

20 COUNCILMAN DiCICCO: It was the
21 Johnny the barber, right?

22 COMMISSIONER TOLSON: That's
23 correct.

24 COUNCILMAN DiCICCO: Barber
25 shop first floor, he lives upstairs.

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2 COMMISSIONER TOLSON: That's
3 correct.

4 COUNCILMAN DiCICCO: Councilman
5 Greenlee.

6 COUNCILMAN GREENLEE: Thank
7 you, Mr. Chairman.

8 Real quick on the commercial
9 piece that Councilman Green was talking
10 about. You've already sent out notices
11 to people, to commercial properties,
12 right?

13 COMMISSIONER TOLSON: We sent
14 out notices --

15 COUNCILMAN GREENLEE: Based on
16 the \$500 issue, right?

17 COMMISSIONER TOLSON: Correct.
18 Yes.

19 COUNCILMAN GREENLEE: Now, are
20 you keeping that information or are
21 you -- because you asked for that
22 information, for people to provide the
23 private hauler. That's why they wouldn't
24 have to pay the \$500, right? The name of
25 the private hauler, right?

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2 COMMISSIONER TOLSON: There was
3 two parts of what we had done. One, we
4 certainly asked the ancillary part, the
5 smaller piece, to say that there was a
6 future fee that was coming into play, but
7 what was the focus of our mailing and
8 notice was to tell people they need to
9 file their recycling plan or their solid
10 waste plan so we'd know what they were
11 doing with their recycling, and then we
12 were asking them about how they were
13 taking care of their materials.

14 COUNCILMAN GREENLEE: And if
15 this bill passes, would you be sending
16 another notice to those same people
17 again?

18 COMMISSIONER TOLSON: Yes.

19 COUNCILMAN GREENLEE: With the
20 same question?

21 COMMISSIONER TOLSON: Yes, to
22 some of the same. Some of them are
23 purely businesses, because we sent out
24 notices to all business, all sizes
25 regarding the recycling plan. But there

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2 is a subset of that that is the small
3 commercial that we collect where they
4 would list "who is your hauler," and they
5 would say "the City of Philadelphia."

6 COUNCILMAN GREENLEE: But if
7 they've already responded to that, are
8 you sending them another notice?

9 COMMISSIONER TOLSON: With
10 regard to the small commercials that we
11 collect from, we'll now have to send them
12 a notice with regard to this new fee and
13 how that will work.

14 COUNCILMAN GREENLEE: Okay.

15 COMMISSIONER TOLSON: Because
16 we have not given out any notice
17 regarding the new fee.

18 COUNCILMAN GREENLEE: Got you.
19 Thank you.

20 COUNCILWOMAN SANCHEZ: Just
21 from our last experience, obviously
22 you're going to be now mailing out 49,000
23 notices, right --

24 COMMISSIONER TOLSON: Correct.

25 COUNCILWOMAN SANCHEZ: -- to

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2 folks?

3 One of the issues last time was
4 payment schedules and so forth. In light
5 of the fact that now we are spreading the
6 pain, I'm a multi-family unit, what are
7 you going to be proposing in terms of
8 payment arrangements? Only because these
9 notices are going to be going out when
10 their property taxes are due now in the
11 beginning of the year.

12 COMMISSIONER TOLSON: We will
13 be looking for payment, I think,
14 within -- payment will be within 30 days.
15 We're not looking to doing bills
16 obviously until after we have our
17 regulations posted, which is another --
18 which is 30 days and then a mailing.

19 COUNCILWOMAN SANCHEZ: Thirty
20 days is -- and I'm going to say that for
21 the record -- is not sufficient time.

22 Penalties, are we going to be
23 putting penalties along with this? I
24 need to know that now.

25 COUNCILMAN DiCICCO: Let me get

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2 clarification. Is that 30 days after
3 they receive the 30-day period you said
4 for the regulations to be drafted?

5 COMMISSIONER TOLSON: We have
6 to have the regulations set for 30 days,
7 and we'll do public notice then, and then
8 we'll do billing, and then after the
9 billing, another 30 days. So you're
10 looking at 60 days easily --

11 COUNCILMAN DiCICCO: Minimum.

12 COMMISSIONER TOLSON: -- that
13 people would have notice. Easily 60
14 days.

15 COUNCILWOMAN SANCHEZ: He has
16 30 days after the bill. So in your
17 timeline, your notification is going out
18 when?

19 COMMISSIONER TOLSON: Our
20 notification will go out with the
21 regulations being posted. We're going to
22 give people notice that we have a new --

23 COUNCILWOMAN SANCHEZ: So
24 that's the first week of January.

25 COUNCILMAN DiCICCO: The

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2 question is, when do you anticipate that
3 notice to be sent?

4 COMMISSIONER TOLSON: Let me
5 just confirm.

6 COUNCILMAN DiCICCO:
7 Approximately. If you don't have the
8 date, just...

9 COMMISSIONER TOLSON: The first
10 week of January.

11 COUNCILMAN DiCICCO: So we got
12 from today 20-something days, then you
13 got the 30 days. So you're almost at 80
14 days roughly; is that --

15 COMMISSIONER TOLSON: Yes.

16 COUNCILMAN DiCICCO: From
17 today.

18 COUNCILWOMAN SANCHEZ: What are
19 going to be your penalty schedules?

20 COMMISSIONER TOLSON: The
21 Department of Revenue has a penalty
22 schedule. I don't remember the exact --
23 we don't know the rates, Councilwoman,
24 but we will get that. It's whatever the
25 Department of Revenue uses now as their

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2 penalty schedule.

3 COUNCILWOMAN SANCHEZ: We may
4 have an issue with that, because we're
5 having hearings on that issue separate of
6 this. So I'm going to ask that you
7 submit what your proposed penalty rate is
8 going to be, because this may be a
9 burden, and I don't want to end up in the
10 same situation where we vote for
11 something, then we're writing
12 regulations, we ask the Department to
13 work with us because the regulations may
14 not apply, because one shoe des not apply
15 across the board, and then we don't have
16 an opportunity to impact that.

17 So I just want to go on the
18 record right now, because the trash fee
19 penalties in some cases are outrageous.
20 In this particular case, in light of the
21 fact that this is a new fee and a new
22 regulation, I would hope that we don't
23 feel the need to do it the same way and
24 allow ourselves a couple of years for
25 people to adjust appropriately on this,

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2 because it's going to be an issue. You
3 know that.

4 COMMISSIONER TOLSON: And your
5 concern is that we make sure that people
6 have plenty of time to know that there's
7 going to be a fee and that there's a need
8 to pay something?

9 COUNCILWOMAN SANCHEZ: Yeah,
10 but there was a lot of hoopla around the
11 business fee. The amount was enormous.
12 Now we're going to spread this around to
13 thousands of more people. I'm just
14 saying that we really need to look at
15 those regulations, and unless we're
16 legally binded to follow that penalty
17 fee, in light of the fact that this is a
18 new fee, we may want to adjust that for
19 the first year or so.

20 COMMISSIONER TOLSON: Thank
21 you.

22 MR. ZASLOW: Is there any way
23 to get more than 30 days to pay that bill
24 general year to year? I mean, 30 is like
25 a credit card already. You own six

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2 properties. That's your whole
3 livelihood. You got to come up with a
4 thousand dollars within 30 days. Can't
5 there be a three-month notice, you have
6 90 days to pay the bill, send out the
7 bill in January, pay it by March or
8 something and penalties after 90 days?

9 It's just another heavy-handed
10 thing for property owners. You're going
11 to have a lot of people, real residents,
12 with just a duplex and their cousin is
13 paying rent downstairs. To pay within 30
14 days is a very short time. I would ask
15 that the regulation should be 90 days.
16 You should get a bill and have 90 days to
17 pay the bill and then penalties start
18 heaping on.

19 COUNCILMAN DiCICCO: Real
20 estate tax is, what, 60 days?

21 COMMISSIONER TOLSON: I do not
22 know.

23 COUNCILWOMAN SANCHEZ: It's 90.
24 March 31st.

25 COUNCILMAN DiCICCO: But you

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2 get your notice in October.

3 COUNCILMAN GREEN: Then you
4 have to pay by March.

5 COUNCILMAN DiCICCO: Maybe we
6 can find something that's consistent to
7 the way we do the real estate tax.
8 Again, something like that. Does that
9 make more sense?

10 COUNCILWOMAN SANCHEZ: I'm just
11 asking the Department not to give me the
12 one shoe, because this is going to be a
13 heavy burden. So that rather than we
14 have then a discussion about repealing
15 again because the regulations are not the
16 penalty schedule, I think they can come
17 up with something that is fair as we
18 adjust people to this.

19 COUNCILMAN DiCICCO: Councilman
20 Green.

21 COUNCILMAN GREEN: Is there any
22 reason not to allow people 90 days to
23 pay? That still gets it in before the
24 end of the fiscal year.

25 COMMISSIONER TOLSON: We can

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2 certainly look at that, Councilman. We
3 will look at that, what the implications
4 are with other bills people may have.

5 COUNCILMAN GREEN: Could you --

6 COMMISSIONER TOLSON: I do know
7 there's expense with additional mailings
8 and notice, and sometimes people when
9 it's further out, you have to reiterate
10 your --

11 COUNCILMAN GREEN: But this
12 year is the first year, and I think that
13 a good point is made that people are not
14 going to be used to pay it. They
15 certainly may not have saved the money up
16 for it. It will be right after the
17 holidays. Property taxes are due, and
18 giving people 90 days I think makes a lot
19 of sense.

20 If you would please provide a
21 copy of the regulations -- I recognize
22 that will be a draft -- to the Chair
23 prior to final passage of this bill so we
24 can have a chance to review it and
25 discuss with you, we'd appreciate it.

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2 COMMISSIONER TOLSON: Surely.

3 COUNCILMAN DiCICCO: Any other
4 questions?

5 (No response.)

6 COUNCILMAN DiCICCO: Anyone
7 else here who wishes to testify on this
8 bill?

9 (No response.)

10 COUNCILMAN DiCICCO: Thank you.
11 Thank you, all.

12 MR. ZASLOW: Thank you very
13 much. Thank you.

14 COUNCILMAN DiCICCO: Hearing
15 none, this concludes the public hearing
16 on the Committee of Streets and Services.
17 We will now move into the public meeting.

18 The Chair recognizes the
19 Vice-Chair of the Streets and Services
20 Committee.

21 COUNCILWOMAN SANCHEZ: Thank
22 you. I move that Bill 090780 be moved
23 out of Committee with a favorable
24 recommendation and that the rules of
25 Council be suspended to allow first

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2 reading at our next Council session.

3 (Duly seconded.)

4 COUNCILMAN DiCICCO: It's been
5 properly moved and seconded that Bill No.
6 090780 be reported out of this Committee
7 with a favorable recommendation and that
8 the rules of Council be suspended so as
9 to permit first reading at our next
10 session of Council.

11 All those in favor?

12 (Aye.)

13 COUNCILMAN DiCICCO: Those
14 opposed?

15 (No response.)

16 COUNCILMAN DiCICCO: The ayes
17 have it. The bill passes.

18 Thank you all again for
19 attending today's hearing.

20 (Committee on Streets and
21 Services concluded at 12:15 p.m.)

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foregoing matter on December 1, 2009, and that

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MICHELE L. MURPHY

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