

Committee on Finance
November 30, 2020

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON FINANCE

Remote location using Microsoft® Teams
Monday, November 30, 2020
1:00 p.m.

PRESENT:

COUNCILMAN DEREK S. GREEN, CHAIR
COUNCILMAN BOBBY HENON, VICE-CHAIR
COUNCILWOMAN CINDY BASS
COUNCILMAN ALLAN DOMB
COUNCILWOMAN HELEN GYM
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN DAVID OH
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILMAN MARK SQUILLA

BILLS: 200573, 200624

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2 COUNCILMAN GREEN: This is
3 Monday, November 30th, the Council
4 Committee on Finance. I understand that
5 state law currently requires that the
6 following announcement be made at the
7 beginning of every remote public hearing
8 as follows: Due to the current public
9 health emergency, City Council
10 Committees are currently meeting
11 remotely. We are using Microsoft Teams
12 to make these remote hearings possible.

13 Instructions for how the public
14 may view and offer public testimony at
15 public hearings of Council Committees
16 are included in the public hearing
17 notices that are published in the Daily
18 News, Inquirer and Legal Intelligencer
19 prior to the hearings and can also be
20 found on phlcouncil.com. I note that
21 the hour has now come.

22 Mr. Iannuzzi, will you please
23 call the roll to take attendance.

24 Members that are in attendance,
25 will you please indicate that you're

1 present when your name is called. And
2 also, please say a few words when
3 responding so that way your image can be
4 displayed on screen when you speak.

5 THE CLERK: Councilmember Cindy
6 Bass.

7 COUNCILWOMAN BASS: Good
8 afternoon. I am present. Thank you
9 very much. I hope everyone had a
10 wonderful Thanksgiving.

11 THE CLERK: Councilmember Allan
12 Domb.

13 COUNCILMAN DOMB: Good
14 afternoon, Chairman Green and
15 colleagues. Hope everyone is well.

16 THE CLERK: Councilmember Helen
17 Gym.

18 COUNCILWOMAN GYM: Good
19 afternoon, everybody. I'm present.

20 THE CLERK: Councilmember Bobby
21 Henon.

22 COUNCILMAN HENON: Good
23 afternoon, Chairman. And good
24 afternoon, colleagues.

25 THE CLERK: Councilmember

1 Curtis Jones, Jr.

2 COUNCILMAN JONES: Good
3 afternoon, Mr. Chair. Good afternoon,
4 colleagues and good afternoon, viewing
5 public.

6 THE CLERK: Councilmember Maria
7 Quinones-Sanchez.

8 COUNCILWOMAN QUINONES-SANCHEZ:
9 Good afternoon. Good afternoon.

10 THE CLERK: And, Chair Derek
11 Green.

12 COUNCILMAN GREEN: Present.
13 Thank you, Mr. Iannuzzi. I want to
14 thank you.

15 A quorum of the Finance
16 Committee is present and this hearing
17 now is called to order. I want to thank
18 my colleagues in Council and members of
19 this Committee for being here this
20 afternoon and for the public for
21 participating as well as the witnesses
22 that are scheduled to testify this
23 afternoon. This is the public hearing
24 of the Committee on Finance regarding
25 Bill Nos. 200573 and 200624.

1 Mr. Iannuzzi, could you please
2 read the title of these bills.

3 THE CLERK: Bill No. 200573,
4 amending Chapter 19-1300 of The
5 Philadelphia Code, entitled "Real Estate
6 Taxes," by clarifying definitions and
7 process regarding qualification for
8 certain tax abatements based on tax
9 delinquency, all under certain terms and
10 conditions.

11 Bill No. 200624, approving a
12 Second Substantial Amendment to the
13 Annual Action Plan 2019 through 2022, to
14 add \$11,311,404 in Federal Coronavirus
15 Aid, Relief and Economic Security Act
16 funding, all under certain terms and
17 conditions.

18 COUNCILMAN GREEN: Thank you,
19 Mr. Iannuzzi.

20 Before we begin to hear
21 testimony from the witnesses we have
22 here for today, everyone who has been
23 invited to this meeting to testify
24 should be aware that this public hearing
25 is being recorded. Because the hearing

1 is public, participants and viewers have
2 no reasonable expectation of privacy.
3 By continuing to be in this meeting, you
4 are consenting to being recorded.

5 Additionally, before
6 recognizing Members for questions and
7 comments they have for witnesses, I will
8 note for the record at this time that we
9 will use the chat feature available in
10 Microsoft Teams to allow Members to
11 signify that they wish to be recognized.
12 In order to comply with the Sunshine
13 Act, the chat feature must only be used
14 for this purpose.

15 Are there any opening comments
16 from members of this Committee?

17 COUNCILMAN HENON: Mr. Chair,
18 it's Bobby Henon. I'd like to make an
19 opening comment for Bill No. 200573.
20 I'm not sure what order the bills are
21 being heard.

22 COUNCILMAN GREEN: We'll be
23 going with Bill No. -- give me one
24 moment. We're starting with Bill No.
25 200573, so let's begin with that matter.

1 And then after we hear the witnesses
2 from that matter, we'll go to Bill No.
3 200624 -- I'm sorry. I stand corrected.
4 I stand corrected.

5 Let me just get my witness list
6 up here to make sure I have this
7 correct. Yes, I was incorrect. We're
8 going to begin with Bill No. 200624.

9 And then after we hear the witnesses on
10 that bill, we'll move to Bill No.
11 200573. And my understanding is you
12 would like to provide opening comments
13 on Bill No. 200573, correct?

14 COUNCILMAN HENON: That is
15 correct, Mr. Chairman.

16 COUNCILMAN GREEN: Okay. So
17 once we finish the witnesses for 200624,
18 we'll have your opening comment before
19 we take witnesses on Bill No. 200573.

20 Okay. Any members of Council
21 would like to comment on the first bill
22 we will hear today which is Bill No.
23 200624?

24 (No response.)

25 COUNCILMAN GREEN: Seeing none,

1 I would like Mr. Iannuzzi to please call
2 the first panel of witnesses we have to
3 testify this morning. I believe that is
4 Melissa Long.

5 Ms. Long, once you come on,
6 please state your name for the record
7 and then proceed with your testimony.

8 MS. LONG: Good afternoon,
9 Councilmember Green, other members of
10 the Finance Committee and members of
11 City Council. I'm Melissa Long,
12 Director of Division of Housing and
13 Community Development, and I also have
14 here with me my colleague Karen Fegely
15 from the Commerce Department.

16 I'll be presenting testimony on
17 behalf of the Administration on Bill No.
18 200624, which is the Second Substantial
19 Amendment to the City's Annual Action
20 Plan 2019 through 2020. This bill
21 allocates approximately 11.3 million in
22 Community Development Block Grant
23 funding through the Federal CARES Act to
24 address emergency COVID-19 housing and
25 community development needs. We propose

1 to use these funds for emergency rental
2 assistance, eviction and foreclosure
3 prevention, assistance to small
4 neighborhood businesses.

5 While it's not nearly enough to
6 meet the need, these additional funds
7 are very critical to helping our
8 residents in our communities to respond
9 to the needs and the financial crisis
10 caused by COVID-19. Thank you for the
11 opportunity to present this testimony
12 today. To permit expeditious use of
13 these critical funds, suspension of the
14 rules to permit first reading at the
15 next Council session is requested. I'm
16 happy to answer any questions that you
17 or any other members of Council may
18 have.

19 COUNCILMAN GREEN: Thank you,
20 Melissa Long. I just have a few
21 questions. If you could --

22 MS. LONG: Hold on one second.
23 This era of COVID. I'm having someone
24 print something out. Sorry. I'm here.
25 Sorry about that.

1 COUNCILMAN GREEN: If you could
2 kind of give a quick synopsis of how the
3 dollars will be allocated for those
4 different areas and how does that
5 compare to previous CDBG CARES dollars,
6 and I have a particular question in
7 reference to small businesses. But if
8 you could provide some more detail on
9 that information.

10 MS. LONG: Sure. I will be
11 happy to do that. So there is \$1
12 million for housing counseling and legal
13 services. About 7.7 million for rental
14 assistance; 265,000 for TA to small
15 businesses; 300,000 for neighborhood
16 development. And then that compares
17 with that first allocation of 26
18 million. In that allocation, we did
19 have funding in those categories.

20 We also funded Basic Systems
21 Repair. We had direct payments for
22 emergency mortgage assistance. Let's
23 see, vacancy prevention, funding VIP to
24 resolve tangled title issues, emergency
25 utility services fund and we had some

1 money allocated for NACs. And as I
2 said, we also funded the small business,
3 rental assistance and housing and legal
4 services -- housing counseling and legal
5 services.

6 COUNCILMAN GREEN: So for that
7 first allocation of CDBG CARES dollars,
8 what was that total amount?

9 MS. LONG: That was 26.2
10 million.

11 COUNCILMAN GREEN: And once
12 again, this amount?

13 MS. LONG: 11.3, approximately.

14 COUNCILMAN GREEN: And then of
15 the amount in the first CARES allocation
16 and now in the second CARES allocation,
17 how much was identified for small
18 businesses?

19 MS. LONG: Let's see here. So
20 if we put those two categories -- let's
21 see, for the neighborhood development
22 fund and TA to small businesses, that's
23 565 in this allocation. And in the
24 prior allocation, we also had targeted
25 corridor management, so that was

1 approximately 2.1 million.

2 COUNCILMAN GREEN: Okay. So
3 between the two, you said 2.1 million?

4 MS. LONG: Um-hmm. It was 500
5 for TA to small businesses, 1.1 for the
6 neighborhood development fund and
7 510,000 for the corridor and management.

8 COUNCILMAN GREEN: So roughly,
9 2.6 million and change between the two
10 different allocations?

11 MS. LONG: That's about right,
12 yes.

13 COUNCILMAN GREEN: Is this new
14 dollars or is this augmenting or
15 supplementing dollars that would have
16 been in dollars that would have been
17 given to or assisted small businesses
18 prior to COVID?

19 MS. LONG: This is a new
20 allocation that was funded, I believe it
21 was back at the end of March, in
22 response to COVID. So these are new
23 dollars. They're not dollars in this
24 year's Annual Action Plan.

25 COUNCILMAN GREEN: Okay. So of

1 the 37 million through the two CARES
2 supplements, we provided about 2.6
3 million for small businesses?

4 MS. LONG: Um-hmm, yes.

5 COUNCILMAN GREEN: Okay. So
6 definitely less than 10 percent?

7 MS. LONG: Yes.

8 COUNCILMAN GREEN: Okay.

9 Considering some of the new measures
10 that are occurring with restrictions
11 that we've had to take because of COVID,
12 are there additional ideas or
13 suggestions that could be used from
14 Community Development Block Grant
15 dollars, either past CDBG dollars or
16 other types of opportunities to help
17 small businesses during these new
18 restrictions and during this new
19 pandemic?

20 MS. LONG: I think I would turn
21 that over to Karen. Karen, do you have
22 any?

23 MS. FEGELY: Sure. Hi. Karen
24 Fegely, Deputy Commerce Director.

25 Councilman Green, is the

1 question whether we've come up with sort
2 of new ways to use CDBG money to apply
3 to -- in addition to our normal budget
4 line? Is that --

5 COUNCILMAN GREEN: Well, I'm
6 just trying to say from my experience
7 and being someone who worked in the Law
8 Department representing the Office of
9 Housing Community Development and we've
10 had different Comp Plan years in a time
11 where we have not expended all of those
12 years, so my question, are there past
13 Comp Plan year dollars that we've not
14 expended or dollars that we've allocated
15 for specific uses that for whatever
16 reason those uses were not used?

17 Because my concern is that
18 we're talking less than 10 percent of
19 CDBG CARES dollars being used for small
20 businesses, and I would say that this
21 pandemic has been both a health
22 challenge for the entire world, but it's
23 also been an economic crisis. And so, I
24 push for the Administration to use
25 additional CDBG -- I'm sorry, to use

1 additional federal CARES dollars for
2 small businesses, and the Administration
3 did put in \$20 million to match the
4 dollars at the state level. But
5 Montgomery County put in \$10 million.
6 We put in \$20 million.

7 Other counties around the
8 Commonwealth put in proportionately much
9 more than we did. And some would say if
10 you talked to some of the community
11 development financial institutions,
12 which I know you worked with our
13 neighborhood commercial corridors,
14 others would say we should be putting in
15 \$60 million to \$80 million in federal
16 CARES dollars to help small businesses.
17 And that was before we put in these
18 additional mitigation steps that we
19 needed to take because of the surge of
20 the virus and businesses are really
21 struggling, especially restaurants.

22 MS. FEGELY: I mean,
23 absolutely. I can talk on and on about
24 the needs of small businesses. Of
25 course, as the Administration we're

1 weighing that with significant other
2 needs and other costs. To answer your
3 first question, there was not -- sort of
4 every year we balance our CDBG budget,
5 so sometimes there's some lose change,
6 so to speak, from prior years. But it's
7 nothing significant or additional this
8 year in comparison to past years. So
9 this amount of COVID money, the 2.6 is
10 sort of our additional money that went
11 into businesses for this year.

12 Just for matter of correction,
13 Councilman, the City initially put in
14 20 million to match the CDFI program.
15 There was an additional 10 million, so
16 it was 30 million in total. The
17 critique might still stand, but I just
18 wanted to make sure that was correct.

19 COUNCILMAN GREEN: Well, I'm
20 happy to take corrections when I'm not
21 accurate, so I'm glad it's 30 million.
22 But 30 million is still --

23 MS. FEGELY: It still left a
24 very large need in just the businesses
25 that applied to that program, and that

1 was a subset of our businesses in the
2 City as a whole for sure.

3 COUNCILMAN GREEN: So let me
4 just say a couple of things. I know
5 some Members have questions.

6 So are you stating that both
7 Commerce and the Department of Housing
8 and Community Development have gone
9 through all past Comp Plan years and
10 have identified that any dollars of Comp
11 Plan resources that have been allocated
12 for any entity and have not been used
13 for whatever reason, those have been
14 identified that are actually being used
15 or have been reallocated?

16 MS. LONG: I can answer that,
17 yup. Every year we go through a process
18 and each Comp Plan budget has a line
19 item prior years reprogrammed, so we
20 have that. Then it's applied, and I
21 don't have this year's Annual Action
22 Plan in front of me, but I can get you
23 that figure as to how prior years that
24 are reprogrammed into this year's Comp
25 Plan.

1 COUNCILMAN GREEN: Okay. And
2 when you say prior years, that's all
3 past Comp Plan years?

4 MS. LONG: Yes.

5 COUNCILMAN GREEN: If you could
6 provide that, that will be helpful.

7 MS. LONG: Sure.

8 COUNCILMAN GREEN: And then
9 have you also looked at doing things
10 differently in reference to how CDBG
11 dollars have been used? I know one of
12 the things that I've often been critical
13 of how we as a City, and this goes over
14 multiple administrations, how we've
15 allocated Community Development Block
16 Grant dollars. We have done it in a
17 much more restrictive way than other
18 cities have done in how to use those
19 dollars.

20 We have focused just on -- we
21 have focused, if you look at the Comp
22 Plan under the Code of Federal
23 Regulations, it gives a much broader
24 representation in reference to the three
25 main categories of how CDBG dollars can

1 be used. One in particular, the
2 prevention or elimination of slums or
3 blight is a broad interpretation that
4 was used during the Rendell
5 Administration in reference to how HUD
6 108 dollars were used to help grow
7 businesses around the City of
8 Philadelphia, help our hotels to grow,
9 other businesses to grow and we were in
10 a much more expansive use of Section HUD
11 108 dollars at that time period.

12 Considering that we are now in
13 this economic crisis and we've used less
14 than 10 percent of CDBG CARES dollars on
15 small businesses, in fact even the
16 Commerce Department really had a
17 significant impact in the budget process
18 this year and we used CDBG dollars to
19 make up some of the staff dollars for
20 the Commerce Department, has that
21 perspective been changed in reference to
22 being much more creative on how we use
23 CDBG dollars?

24 For example, during this budget
25 process this year, we did a debt

1 restructuring which freed up about \$80
2 million to \$90 million in order to solve
3 our budget hole of \$749 million. My
4 question is has that same type of
5 creativity and flexibility been used in
6 reference to CDBG dollars to use them in
7 a much more expansive way?

8 MS. LONG: Well, I think
9 especially in this year we had and we
10 thank Council for the bond that provided
11 \$60 million for Adaptive Modifications
12 and Basic Systems Repair. And so, in
13 this year we're looking at in a couple
14 of months all of those funds being
15 expended, which left -- we wanted to
16 ensure we used some of the CARES Act
17 money to fund Basic Systems Repair and
18 use some of the new Housing Trust Fund
19 to try to get Adaptive Modifications
20 back up.

21 I think in this year we were
22 facing -- as you had mentioned, we also
23 had to look very creatively for some
24 program income that enabled us to fill
25 some gaps. I think back in the Rendell

1 Administration we were receiving at that
2 time a substantial or our allocation was
3 much larger, and we also had the great
4 benefit of matching some of those funds
5 with funds through the Pennsylvania
6 Housing Finance Agency.

7 So I think in this year it was
8 to try to make sure that we were fully
9 trying to get back to fully funding the
10 Basic Systems Repair, making sure the
11 Commerce Department because of the cuts
12 that they sustained, we could keep the
13 level that we had last year. So I think
14 Anne and team, and Karen and folks, we
15 work very diligently to try to keep it
16 at the prior year's funding.

17 COUNCILMAN GREEN: And I'll
18 make this last comment before I open it
19 up to Councilmembers Gym, Domb,
20 Quinones-Sanchez and Jones in that
21 order.

22 And I just have to push back a
23 little bit. Yes, the allocation was
24 much larger then. I remember when our
25 Comp Plan dollars, specifically

1 Community Development Block Grant
2 dollars were significantly higher. Even
3 the during the Obama Administration it
4 went down because of sequestration, I
5 believe. But not during the Trump
6 Administration. CDBG dollars and Comp
7 Plan dollars actually went up a little
8 bit.

9 But the reason why we were able
10 to do more is because we did more things
11 from a program-income perspective in
12 doing more types of loans, which
13 provided more dollars to the City of
14 Philadelphia. Other cities historically
15 have been much more expansive and
16 creative with their CDBG dollars.

17 For example, Cleveland for a
18 number of years has provided more
19 dollars from a low-interest loan
20 perspective as opposed to grant
21 perspective. So as their CDBG-dollar
22 allocation went down because of
23 reductions at the federal level and
24 sequestration during the Obama
25 Administration, yes, that direct

1 allocation went down, but their program
2 income had been going up so that amount
3 of money stayed level because of the
4 fact that they were doing things in a
5 little more creative way as opposed to
6 just doing everything from a grant
7 perspective. And I think that's why
8 they've been able to maintain the amount
9 of Community Development Block Grant
10 dollars that they've had even during
11 that time period.

12 Now, it's going down but didn't
13 have the same drastic cuts that we've
14 seen, because the way we budget as a
15 City is just based on whatever we
16 receive from a federal or state agency
17 regardless if it's CDBG dollars or grant
18 dollars from the Health Department at
19 the state level or other things. We
20 just do it from a perspective of
21 whatever we receive is what we get and
22 we're not as creative as we could or I
23 would say should be.

24 MS. LONG: We'll continue -- I
25 do know that we are looking very

1 creatively at trying some pilots with
2 nonfederal dollars in terms of loans to
3 landlords and looking at how those
4 pilots go. And I know that Commerce and
5 PIDC do continue to loan funds --

6 MS. FEGELY: Yeah. Can I just
7 step in. And I appreciate you having a
8 real understanding of CDBG is
9 appreciated, Councilman, because there's
10 a lot to it. And you are absolutely
11 right, that our program income has gone
12 down over the last decade or so I guess.
13 And I guess we're doing less lending and
14 then also the interest rates are lower
15 because the interest rates in the market
16 are a lot lower. And unfortunately,
17 we're having some bad timing and that we
18 have spent some program income reserves
19 we had been spending down over previous
20 years.

21 And to your first question
22 about do we have any old money, this is
23 the first year we don't have that old
24 money. And so, it's really terrible
25 timing with the fact that we have more

1 need than ever. So we are going to be
2 getting as creative as possible.

3 And we're always balancing in
4 our conversations with PIDC and even
5 other CDFIs, how can we give them CDBG
6 money to lend in a way that will earn --
7 not only get paid back, but maybe earn
8 some additional revenue with interest
9 rates, and yet still we want to use CDBG
10 to do the deals that are less likely to
11 get done elsewhere, right.

12 So we're balancing being really
13 flexible with sort of our underwriting
14 and our lending terms and still trying
15 to earn some income back on it. So
16 that's sort of a constant conversation
17 we've been having with PIDC, and I think
18 we've gotten to a pretty good place but
19 it's still putting it into effect and
20 making those deals go through.

21 And again, as you know CDBG
22 comes with a lot of strings attached.
23 So when PIDC lend CDBG dollars, it puts
24 a lot of extra burdens on the borrower,
25 so it's just something we're balancing

1 out. We don't want those extra burdens
2 to only be on our sort of the most needy
3 borrowers because that's not fair. But
4 we've got to make sure the deals work
5 and that HUD's not going to come back at
6 us on the back end, as you know.

7 COUNCILMAN GREEN: One last
8 question, do we have any outstanding HUD
9 Section 108 loans?

10 MS. LONG: On the housing side,
11 no. On the housing side, those are paid
12 off.

13 COUNCILMAN GREEN: And what
14 about on the Commerce side?

15 MS. FEGELY: Yeah, PIDC has
16 some outstanding 108s that are being
17 paid back.

18 COUNCILMAN GREEN: Okay. If
19 you can just provide that information or
20 reach out to Ms. Nevins to provide that
21 information, to the Committee that will
22 be appreciative. Hopefully, with the
23 new Administration that will be coming
24 in as of January 20th despite what the
25 current occupant of the public housing

1 at Black Lives Matter believes, we can
2 have some more flexibility for how we
3 use HUD dollars, especially Section 108
4 dollars.

5 With that --

6 COUNCILMAN JONES: Point of
7 information.

8 COUNCILMAN GREEN: Yes, sir.
9 Recognize Councilmember Jones for a
10 point of information.

11 COUNCILMAN JONES: Thank you,
12 Mr. Chairman.

13 Two things that I think need to
14 be on the record: One, that over the
15 past 10 years in spite of Republican
16 and/or Democratic Administrations, CDBG
17 dollars has consistently decreased to
18 the City of Philadelphia. At the hiatus
19 of the City, I believe our appropriation
20 was closing in on \$83 million annually.
21 I think we may be half of that.

22 MS. LONG: Yes.

23 COUNCILMAN JONES: And
24 traditionally back when I used to lend
25 CDBG dollars, I recall that most cities

1 because of the strings attached didn't
2 bother to lend CDBG dollars because it
3 is so cumbersome and difficult to make
4 borrowers and lenders find common
5 ground.

6 So those two things you
7 mentioned, Mr. Chairman, of being
8 creative, we have to be. And we have to
9 look outside the box, particularly going
10 forward to be able to use some of this,
11 some of that, to make what is necessary
12 for the situation in Philadelphia.

13 COUNCILMAN GREEN: Thank you,
14 Councilmember Jones. I agree with the
15 essence of your comments, but we somehow
16 find a way to be creative when there's a
17 will to do so. As I was saying earlier
18 during the Rendell Administration, a
19 number of hotels that are in our Center
20 City core, HUD 108 dollars were used
21 because that was to prevent blight.
22 There have been some restaurant chains,
23 some that deal with long distance or
24 marathons, also were beneficiary of HUD
25 Section 108 loans. So when there is a

1 will, there is a way.

2 COUNCILMAN JONES: To your
3 point, Mr. Chair, UDAG grants used to be
4 used, Urban Development Action Grants,
5 that once you lend it out on the first
6 rotation, when it came back it was
7 discretionary dollars. So we need to
8 find some more creativity to your point.
9 Thank you, Mr. Chairman.

10 COUNCILMAN GREEN: Absolutely.
11 Absolutely. Thank you.

12 MS. LONG: And I will also
13 point out and I think in prior
14 testimony, we have been strongly
15 advocating at our local HUD office and
16 in Washington because, you know, these
17 regulations haven't been looked at.
18 What are we in year 46, like almost some
19 46 years, right. And looking at the
20 public services cap, right, or the caps
21 on using money for economic development,
22 so we have also been advocating for
23 changes that we believe can be done at
24 regulatory, they don't require
25 congressional action. So I just wanted

1 to note that we were also looking at
2 that for HUD to provide some more
3 flexibility in terms of their
4 regulations too. But we will continue
5 to look at ways that, you're right, we
6 can try to increase our program income
7 back to the City.

8 COUNCILMAN GREEN: I'd like to
9 recognize Councilmember Gym for a
10 question.

11 COUNCILWOMAN GYM: Yes. Thank
12 you, Mr. Chairman.

13 And thank you, Melissa, and to
14 your team for all your work. I just
15 wanted to express my gratitude for being
16 able to work together, particularly on
17 programs like Diversion that had you and
18 your whole staff kind of rushing to meet
19 urgent needs on a pretty tight timeline
20 and then managing the program through
21 that, in particular all the housing
22 counselors that you manage and just
23 taking hold of biweekly conversations
24 and all that, it's really very much
25 appreciated.

1 MS. LONG: And, yes, really the
2 big thanks, you're right, really goes to
3 those folks the housing counselors, your
4 staff, Councilwoman Maria Quinones-
5 Sanchez, all of us working as a team and
6 the mediators Good Shepherd, CLS and PLA
7 because they all did come together, so
8 thank you so much, yup.

9 COUNCILWOMAN GYM: Yes. This
10 has been an extraordinarily difficult
11 year. But it's been nice to hear that
12 as hard as it's been, people did what we
13 could to meet this moment even with the
14 resources that we had, and there's
15 obviously more to do but it's much
16 appreciated.

17 My question is if you could
18 walk me through a little bit of the
19 money that's being allocated around the
20 rent assistance, the housing counseling,
21 legal services and how exactly that will
22 roll out, because I know we've heard a
23 lot of different numbers. We had a
24 hearing last week about it and I think
25 trying to clarify information. So if

1 you can just walk us through how the
2 rent assistance money will be allocated,
3 that will be a big help.

4 MS. LONG: Yes. So I can tell
5 you -- and I can confirm these figures
6 with Greg -- of that original 1.5 in
7 CDBG that we launched, we got to give
8 PHDC, Greg and, again, the housing
9 counselors and NACs, huge kudos for
10 getting that up and running in a very
11 quick short amount of time. About 10.3
12 or more has already been expended. We
13 have served 4,000 residents with that
14 first allocation.

15 And I believe that with Phase
16 2, the money from PHFA and then the
17 match that City Finance provided will
18 end up serving 6,000. And then as we
19 talked last week, the Administration
20 provided another allocation of the
21 Coronavirus CRF money. I believe 20
22 million which we're calling in Phase
23 3 -- and I lost for a minute, this
24 working from home is a crazy thing --
25 and I think around 4,000 or so of those

1 folks will be served.

2 We also did get an allocation
3 of 2.5 in General Fund to be used to
4 leverage the Eviction Diversion program
5 and 1.6 of the CRF money that needs to
6 be expended by the end of this fiscal
7 year and we're working very hard to get
8 those dollars out as well. And --

9 COUNCILWOMAN GYM: I think --
10 go ahead. Finish.

11 MS. LONG: No. No. Go ahead.

12 COUNCILWOMAN GYM: I think one
13 of the questions that we had was whether
14 the new money that's been allocated,
15 what amount of that is made available
16 only to tenants who've already applied
17 to rental assistance to previous rounds?
18 Is any of it available to new applicants
19 or through Diversion?

20 MS. LONG: I think that what
21 we're working on now -- I know there's
22 Phase 1, 2 and 3. So what we're working
23 on now is the money that has to be
24 expended by the end of this year so we
25 don't have to send it back to

1 Washington. In Phase 2 for some of
2 those folks where the landlord wasn't
3 participating, the tenants will receive
4 funds that they could use toward rent.
5 And so, that will be expended this year
6 for those folks that didn't get approval
7 in Phase 2. That's what we're calling
8 Phase 3.

9 So what we're trying to do
10 definitely, we'll need to -- Greg's team
11 and our team will have to sit down and
12 see how we're going to structure to
13 leverage the new funding that has been
14 identified to use for folks going
15 through Eviction Diversion. I think the
16 emphasis over these next couple of weeks
17 is to get that money that has an
18 expenditure deadline on and then we will
19 meet and figure out the system for those
20 funds.

21 COUNCILWOMAN GYM: Okay. We're
22 obviously, I think you've heard, having
23 some conversation with the courts about
24 the Diversion program, so it does help
25 to hear whether -- this obviously

1 doesn't apply to some of the CARES
2 money. But if we can get some clarity
3 about the CARES money going there and
4 then what additional money might be
5 allocated through the City for
6 Diversion, that will be helpful.

7 MS. LONG: Yes. I can
8 definitely -- definitely that 2.5 that I
9 think is coming up in the transfer
10 ordinance, that is designated for
11 Eviction Diversion.

12 COUNCILWOMAN GYM: Okay. And
13 that's beyond paying for the counselors?

14 MS. LONG: Yes. So then the
15 separate pot is we've allocated about
16 1.7 to fund the Diversion program, and
17 that's funding housing counselors, Good
18 Shepherd, PLA and CLS.

19 COUNCILWOMAN GYM: Thank you so
20 much.

21 MS. LONG: And then I would
22 add, there will be some of the
23 additional funding too in that category,
24 the courts for Mortgage Diversion which
25 have been in moratorium. We don't know

1 when those are opening up, but we'll be
2 prepared to also respond to those needs
3 as well.

4 COUNCILWOMAN GYM: Okay.
5 That's very helpful. And I guess the
6 only other question is, some of the
7 money that you were talking about
8 earlier when you talked about it going
9 towards Phase 2, is that covering the
10 shift from the 750 to the \$1500 in rent
11 assistance or --

12 MS. LONG: Yes.

13 COUNCILWOMAN GYM: Okay. And
14 then separately though, the tenants are
15 going to get a direct check; is that
16 right --

17 MS. LONG: Correct.

18 COUNCILWOMAN GYM: -- and that
19 they can use for their landlords?

20 MS. LONG: That is correct.
21 That is for those that the landlord did
22 not participate in that phase but the
23 tenant did.

24 COUNCILWOMAN GYM: And I think
25 the last data, although this may not be

1 entirely up-to-date, but when we had the
2 last questioning around it, there was
3 something like 40 percent of tenants who
4 applied had a landlord who didn't. So
5 we were in the hundreds; is that right?

6 MS. LONG: Yes.

7 COUNCILWOMAN GYM: Or in the
8 dozens, do we know?

9 MS. LONG: Hundreds. You
10 mean --

11 COUNCILWOMAN GYM: Do you know
12 how many -- you have a certain allotment
13 obviously. But is there maybe a set
14 goal to serve for the tenants?

15 MS. LONG: For the Phase 3?

16 COUNCILWOMAN GYM: Yes.

17 MS. LONG: It's 5,000.

18 COUNCILWOMAN GYM: 5,000
19 tenants?

20 MS. LONG: 5,000 tenants --

21 COUNCILWOMAN GYM: Could get --

22 MS. LONG: Phase 3. That's
23 what we're calling Phase 3, where the
24 tenants had applied and the landlords
25 did not. And again, I can triple verify

1 these with Greg and provide you with
2 that updated breakout.

3 COUNCILWOMAN GYM: I just
4 wanted to express my gratitude again to
5 you for hearing that concern that that
6 had happened and then moving pretty
7 quickly to make sure that those tenants
8 are covered. I think when we saw that
9 tenants did their due diligence to
10 apply, we want to make sure that they
11 have a chance.

12 MS. LONG: Yes. And big kudos
13 to Greg and all the folks at PHDC who
14 literally, seriously are working 24
15 hours a day, 7 days a week.

16 COUNCILWOMAN GYM: Yes,
17 absolutely. Again, I think Greg was
18 very clear about tracking that
19 information, which you could obviously
20 say these people had an incomplete
21 application. You chose not to do that
22 and instead analyzed, took a look at the
23 need and made sure that nobody would
24 necessarily lose out because you had an
25 uncooperative landlord on the other end.

1 But I want to just express my gratitude
2 to you and your team, and we will
3 continue to be in touch. Thank you.

4 MR. LONG: Thank you very much.
5 Thanks.

6 COUNCILWOMAN GYM: Thank you,
7 Mr. Chairman.

8 COUNCILMAN GREEN: Thank you.
9 I'd like to recognize Councilmember Domb
10 for questions.

11 COUNCILMAN DOMB: Thank you,
12 Chairman Green.

13 And thank you both for your
14 testimony. Just two quick questions. I
15 think on the chart it said \$2 million
16 for administrative costs. Can you
17 explain how that would be allocated?

18 MS. LONG: Sure. I think in
19 that first phase we didn't take the full
20 20 percent that we were allotted. And
21 so, as you can imagine over the past
22 months there's been -- we are all hands
23 on deck, so it will go toward folks at
24 PHDC that are working on getting that
25 emergency money out for Basic Systems

1 Repair, certainly in our contract, admin
2 and programs, the amount of hours
3 covering staff that are working on the
4 details of these programs, certainly in
5 rental assistance. In Commerce, it's
6 all the admin that's required to get
7 these programs up and running and to
8 make sure that they're operating that
9 have been over the past six, seven,
10 eight months and I'm hopeful not -- I'm
11 hopeful that there's a post-COVID,
12 right. So it's really to cover the
13 staff working on all of these projects
14 and programs.

15 COUNCILMAN DOMB: Okay. Is
16 that \$2 million fully committed at this
17 point?

18 MS. LONG: For -- yes. Oh,
19 yes.

20 COUNCILMAN DOMB: And I just
21 want to back up my colleague Council
22 Chairman Green's comments about some of
23 these small businesses. We basically
24 shut down fitness centers, gyms, indoor
25 dining and restaurants and I'm starting

1 to see the effects even this week, even
2 today, of places shuttering, closed, not
3 reopening. It's a nightmare.

4 And you talk about rental
5 assistance. We're going to need a lot
6 more rental assistance if all of these
7 people in hospitality are out of work.
8 We're just creating a bigger, bigger
9 problem. I understand the health
10 issues, but we have to figure out a safe
11 way to get more people back to work
12 somehow because this is going to be an
13 avalanche of problems if we don't solve
14 this. And I'm going to tell you right
15 now, this is going to get a lot worse
16 before it gets better if we don't figure
17 out how to get these people back to
18 work. Anyway, thank you very much.

19 Thank you, Mr. Chairman.

20 MS. LONG: Thank you.

21 COUNCILMAN GREEN: Thank you,
22 Councilmember Domb.

23 I'd like to recognize
24 Councilmember Maria Quinones-Sanchez for
25 questions.

1 COUNCILWOMAN QUINONES-SANCHEZ:

2 Thank you, Chairman Green.

3 And thank you, Melissa. Again,
4 I just want to reiterate what
5 Councilmember Gym was saying around all
6 of this work. And I think Councilman
7 Domb is right, things are going to get
8 worse before they get better.

9 For the Commerce Department,
10 and I look forward to working with
11 Councilman Green who's a part of
12 National League of Cities around how do
13 we establish the federal lobbying that
14 we need to change CDBG and increase it
15 and allow more flexibility. But I
16 wanted to ask Commerce because I know
17 over the last four or five years in
18 particular, we really have been trying
19 to match and leverage some of the CDBG
20 money with general operating money
21 because it is freer and allows you to do
22 more work.

23 How does Philadelphia fare with
24 other cities in their leveraging of CDBG
25 dollars with general operating funds to

1 support some of this activity? Can you
2 speak to that?

3 MS. FEGELY: That is a good
4 question. I don't have any data on
5 that. I would say -- I'm sorry. I
6 forget who said it earlier, I think it
7 was Councilman Jones, a lot of cities
8 use very little CDBG for economic
9 development because the strings attached
10 don't lend itself really easily to
11 working with businesses. But I don't
12 know what the breakdown would be in
13 other cities. That would be interesting
14 to look at.

15 COUNCILWOMAN QUINONES-SANCHEZ:
16 Well, we should again tap the National
17 League of Cities' resources we have with
18 our Chairman.

19 MS. FEGELY: Sure.

20 COUNCILWOMAN QUINONES-SANCHEZ:
21 I think, Mr. Chairman, that is an
22 important piece and maybe with your
23 connections we can really have a honest
24 conversation about that. Because I know
25 those of us who have advocated to do

1 more for business corridors -- and I'll
2 get to my questions around commercial
3 corridors and how we're going to move
4 forward -- the CDBG money should be
5 leveraged, and we should believe
6 matching it accordingly.

7 And when I talked to my
8 colleagues in other cities, they do a
9 lot more of that leveraging than we've
10 done. And I agree with you. I think
11 that the Section 108 loans, I have been
12 a proponent of Section 108 loans not
13 being just the loan pool of hotels for
14 the City of Philadelphia. I believe
15 that Section 108 should be utilized as
16 we even look at the stimulus package
17 that we're looking at now in Council and
18 how we look at infusing money back into
19 the commercial corridors.

20 Center City and Center City
21 restaurants, and kudos to Councilman
22 Domb and Henon and others who've really
23 worked to open up the industry, but the
24 fact of the matter is all of those
25 businesses are not going to survive

1 because they can't be small quaint
2 restaurants in a COVID world. But what
3 opportunities does that give us from a
4 commercial corridor perspective, right.
5 I represent South Kensington. I have an
6 interest in folks looking at this as
7 another destination point for potential
8 businesses where we haven't seen
9 businesses grow.

10 So to that extent, Karen, what
11 are the conversations you're having as
12 people find themselves struggling to pay
13 downtown commercial rent? Is there any
14 interest for people looking at
15 neighborhoods as possible relocation and
16 how are we prepared to support
17 businesses in that transition?

18 MS. FEGELY: Yeah. We are
19 always -- I mean, that's why we have our
20 business services line as well as the
21 relationships we have with sort of all
22 of the intermediaries, the CDCs and the
23 Business Improvement Districts to try to
24 make those connections. I wouldn't say
25 we've seen anything statistically

1 significant as far as businesses looking
2 to relocate.

3 I will say there has been an
4 uptick, anecdotal at this point, of
5 people opening businesses. So there is
6 interest from people who are starting
7 businesses now. But that is an
8 interesting opportunity, Councilwoman,
9 the idea of why businesses wanting to
10 relocate to lower-rent situations. I
11 guess everyone at this point is waiting
12 for some of this stuff to play out and
13 settle down. But that's something we
14 would want to jump on.

15 And again, we maintain that
16 network. So when we know of a business
17 looking for that, we kind of get the
18 basics of what they're looking for. We
19 go through our list that we know from
20 our corridor managers, but we also sort
21 of send it out and make connections to
22 specific areas to say what they have.
23 Sometimes, as you know, some of these
24 corridor buildings they're not
25 necessarily listed with a broker. But

1 if you know you can get to the owner and
2 you can make that match, it just takes a
3 little more leg-work.

4 COUNCILWOMAN QUINONES-SANCHEZ:

5 Yes. We've asked the Planning
6 Commission to help us kind of design
7 what an incentive or affordable
8 commercial space would look like in
9 areas like American Street, where we are
10 being pushed by the development interest
11 that want to come into the area. So I
12 think there's some space in this
13 conversation for us to say, you know,
14 and I know we're debating the abatement
15 and we're going to debate the commercial
16 abatement.

17 There is availability of
18 commercial spaces. There's a lot of new
19 developments that we're asking people --
20 and notwithstanding, the bank challenges
21 with banks zeroing out commercial space
22 in some of these development performance
23 which makes it difficult, right, because
24 we think we're the only ones to set
25 policy and banking-lending practices

1 sometimes set community development
2 policy in a more blunt way, blunt
3 instruments than we do.

4 But I think there's a space
5 here for us to create opportunities so
6 that as restaurants have to make
7 decisions with high rents downtown or in
8 the new COVID reality that they need
9 more space, right, I know we have a
10 vaccine and so forth and so on coming,
11 but in that time some people are going
12 to make it or break it. And I think
13 that we need a strategy for how we are
14 going to promote our commercial
15 corridors and our neighborhood
16 opportunities, right. Let's not waste
17 that crisis to create another
18 opportunity.

19 So in that regard, Karen, what
20 would you say are the one, two, three
21 things we've learned through this crisis
22 both from the COVID and later on with
23 the looters around our commercial
24 corridor work, and what do you see us
25 doing different moving forward in this

1 process?

2 MS. FEGELY: Well, a couple of
3 things that I think we already knew, and
4 I've had this conversation with many of
5 you. I know you knew it too, that some
6 of the things our businesses struggled
7 with was having their paperwork in
8 order, right, having their finances in
9 order, having their taxes in order and
10 that made it that much harder for them
11 to be able to take advantage of any of
12 the relief programs that were out there.

13 Previous to this, it was hard
14 for them for take advantage of maybe
15 getting a loan, be able to grow. But
16 now it might have been the difference
17 between getting some relief and not.
18 And so, we were already looking at that.
19 We have stepped up. We're using our
20 COVID CDBG dollars to step up our
21 business technical assistance fundings
22 to provide more of that kind of one-on-
23 one help to businesses, so that's one.
24 And that kind of stuff often has to be
25 done one-on-one. It's really intensive,

1 human intensive.

2 The other thing is we think we
3 really -- again, something we already
4 knew but highlighted during a crisis --
5 need local ownership of properties,
6 whether that's the businesses themselves
7 who are committed to being here or
8 whether it's maybe the local nonprofit
9 that will commit to the space, will make
10 sure that they can keep the tenant in
11 the space. If that's something we can
12 subsidize in some way, it allows them to
13 keep rents reasonable. It allows them
14 to attract, make sure that they have the
15 type of tenant and the good store mix
16 they need.

17 And that goes to also like a
18 third thing, something again we've
19 already talked about, is a need to
20 figure out how to do upper floors. If
21 somebody owns the building, they can
22 continue to get rents, leverage their
23 rent through different uses. So those
24 are some of the things that we're
25 looking at and this is just stepped up,

1 as well as obviously racial equity and
2 opportunity in any of this. We have to
3 get out of our own way sometimes and
4 figure out how to help the people that
5 need help.

6 COUNCILWOMAN QUINONES-SANCHEZ:

7 So thank you for that. I look forward
8 to working on how do we strengthen the
9 capacity of our commercial corridors so
10 they better can support. I know that in
11 my conversations with the African
12 American Chamber as well as with the
13 Hispanic Chamber of Commerce, I think we
14 really need to ramp up that one-on-one
15 technical assistance with some of these
16 businesses and identify good
17 accountants, the good guys.

18 I think one of the things I've
19 always known as I've been doing tax
20 reform legislation is that we got really
21 bad accountants that give really bad
22 advice to small businesses because they
23 could not demonstrate losses because of
24 the way their accountant spread out and
25 managed and reconciled their accounts,

1 right.

2 So when you're soliciting
3 funding and you want to show a loss,
4 when you're one-twelfthing all yearlong,
5 you create a disadvantage for yourself
6 around being able to prove that you've
7 had COVID losses because you don't
8 register them, right, these are your
9 reconciliations. And I know we're
10 getting in the weeds of it, but that's
11 where we got to go. We have to go to
12 the weeds of it. The back office is
13 what hurts these small businesses in
14 their capacity to grow and to access
15 capital and all of those other issues.

16 So I think we have to be very
17 intentional around this space. The
18 other area, and I know you've heard it
19 and you've heard it from the Commerce
20 side, from the businesses, the
21 restaurants and others, Commerce
22 Department needs to lead the
23 conversation with the Administration
24 around all of these January 1st,
25 February 1st, March 1st permit fees,

1 licensing deadlines that we have for
2 businesses in the City. And you guys
3 have to be at the table.

4 The City has to really look at
5 this about what can we waive, what
6 should we be waiving so that we can give
7 people opportunities, right. And this
8 is one of the opportunities we get to
9 look at the -- as Rob Wonderling reminds
10 us, the 157 steps to open a business,
11 right, and the 50 steps in fees that you
12 have to pay to stay open. This is the
13 time that you guys should be at the
14 table talking about this and really
15 coming back and saying to us, do we
16 really need to charge all these things,
17 is there a more equitable, more just way
18 of the application of the regulations
19 and the fees so that we can give people
20 a breather, because again January 1st,
21 February 1st, March 1st are major
22 deadlines for small businesses to pay
23 fees and fines and permits to the City.
24 And we should be leading that
25 discussion.

1 So I hope that with your new
2 leadership coming in and as your team
3 really looks at what role you're going
4 to play in a smarter recovery, that you
5 guys are leading that discussion. It
6 can't be a revenue one at this point.
7 Because as Councilman Domb says, if
8 restaurants aren't open, people aren't.
9 If people aren't working, they aren't
10 paying their rental assistance. And I
11 feel like we're just moving from Peter
12 to Paul as opposed to saying what is the
13 most strategic investment that
14 government can make in this. So I look
15 forward to those many conversations.

16 And the national conversations,
17 I think we have to change. If we learn
18 anything through COVID, CDBG, how we do
19 it, how we leverage it, how we invest on
20 it has to be very, very, very focused.
21 And it has to be focused differently
22 because we saw the disparity. And it
23 can't be a moment. As the Urban
24 Coalition says, this is not about a
25 moment, this is about a movement. And

1 that means that we have a lot more work
2 to do on this. So thank you both ladies
3 for all the work that you do.

4 And thank you, Mr. Chair.

5 MS. LONG: Thank you.

6 MS. FEGELY: Thank you.

7 COUNCILMAN GREEN: Thank you,
8 Councilmember Maria Quinones-Sanchez,
9 for your questions. I definitely agree
10 with you in reference to needing to be
11 more creative, especially at the
12 national level with the new
13 Administration coming in and we don't
14 know who the HUD secretary will be. But
15 I think that will be an opportunity,
16 especially as Ms. Long stated, that we
17 are at Comp Plan No. 46, which just
18 saying No. 46 makes me think that I am
19 much older than I think I am in my own
20 mind because I remember Comp Plans 30
21 and 28 and 29, so the fact that --

22 COUNCILWOMAN QUINONES-SANCHEZ:
23 How about I started in this industry
24 when they were like at around 18 or 19.

25 COUNCILMAN GREEN: I know.

1 It's hard to believe we're at 46.

2 Also, I'd like to make a note
3 that we've also been joined by
4 Councilmember David Oh. Thank you for
5 being here. I did see your note in the
6 chat feature.

7 I would like to recognize
8 Councilmember Jones to see if he has
9 questions. And then after Councilmember
10 Jones, we have Councilmember Bass.

11 (No response.)

12 COUNCILMAN GREEN: I'm not sure
13 if Councilmember Jones had additional
14 questions beyond his point of
15 information earlier.

16 So we will now move to
17 Councilmember Bass and we'll come back
18 to Councilmember Jones to see if he has
19 any questions.

20 COUNCILWOMAN BASS: Thank you.
21 Thank you, Mr. Chairman.

22 And good afternoon to everyone.
23 How are you?

24 MS. FEGELY: Good. Thank you.

25 MS. LONG: Good. Thanks.

1 COUNCILWOMAN BASS: Good.
2 Good. So the first thing I wanted to
3 say is I wanted to thank you all for all
4 of the work that you all are putting in
5 and these are very trying times, they're
6 very difficult times. I hear from my
7 businesses all of the time about how
8 they're struggling to survive. I hear
9 from regular everyday average folks who
10 are also struggling to survive.

11 We do a food distribution, at
12 one point it was every day of the week.
13 Now, it's down to one day a week but the
14 need has increased just exponentially.
15 And so, when I hear that we only spent
16 about 10 percent of the dollars towards
17 small businesses, it's incredibly
18 disappointing. And I know that we have
19 a unique set of circumstances here, but
20 this is something that continues to
21 happen over and over and over again.

22 I know you've addressed it in a
23 number of different ways, but I can only
24 say how just disappointing it is that we
25 cannot seem to spend down money when

1 people are in need. It's just
2 incredibly disappointing, because we
3 hear from our people. We hear from them
4 all the time about what they need, how
5 we can be helpful. And when there's
6 money just sitting there, it's hard to
7 help them understand or understand on
8 their behalf what's actually happening
9 with the City and why we can't get these
10 dollars out. So I really just had to
11 say that.

12 The other thing I wanted to say
13 on a more positive note, if you will, is
14 that I heard, I think, Karen, you
15 mentioned that there were new businesses
16 starting, an unexpected offshoot of
17 what's happening and that there are a
18 lot of new businesses that were starting
19 that were unexpected.

20 So can you talk about who is
21 that, what kind of businesses are they?
22 What does it look like? Are they more
23 professional services? Are they more
24 basic services? Are they goods and
25 retail? Can you talk about what types

1 of businesses are we seeing that are
2 starting now? I'm just very curious
3 about that.

4 MS. FEGELY: I can't talk in
5 any kind of confirmed way. The ones I'm
6 thinking of and that I heard from my
7 colleagues who staff our business
8 services line are mostly retail
9 opportunities. And we are chalking it
10 up to two things: One, whenever there's
11 I guess a recession and people losing
12 their jobs, some people may take this
13 opportunity to start something. That I
14 feel like might normally take a little
15 more time, so we might not be seeing
16 them. I think what we might be seeing
17 is people that were going to start their
18 business in April or May and now it got
19 pushed back, so it feels like it's a
20 little bit more right now. But, yeah, I
21 don't have any data off the top of my
22 head as far as the types and the
23 different industries.

24 Like I said, I know there's
25 been a couple of retail. There was an

1 opening this weekend up in Mount Airy of
2 a Black-owned sort of high-end baby gear
3 retailer which was really nice, and I
4 was glad to see she got some news. But
5 we'll try to put our finger on that as
6 we move forward and see what we can
7 figure out about industries.

8 Councilwoman, you're right. That would
9 give us some good perspective.

10 COUNCILWOMAN BASS: I think so.
11 I think that the more data we can have
12 on who it is, what kind of businesses
13 they are, where they are, I think that
14 that would be helpful to us, because
15 we're really trying to get a good
16 picture of what's happening economically
17 in the City. And also lessons learned,
18 what can we learn from those businesses
19 that are starting up.

20 Maybe it's, as you said, some
21 people are taking this as an
22 opportunity. Maybe they have lost
23 employment from their 9:00 to 5:00, but
24 always had a dream and now are following
25 up on that. And so, how do we encourage

1 more of that if that's actually the case
2 and that's what's happening, how do we
3 invest more money in that. So the more
4 information we have, I think the more
5 helpful we can be to you.

6 MS. FEGELY: Okay. Thank you.

7 COUNCILWOMAN BASS: Thank you,
8 Mr. Chairman.

9 COUNCILMAN GREEN: Thank you,
10 Councilmember Bass. I think that's a
11 great idea. I would echo the
12 sentiments.

13 Also, I think it will make
14 sense for the Commerce Department to
15 reach out to not only the Greater
16 Philadelphia Chamber of Commerce but
17 also the various other Chambers to see
18 if there are new members coming into
19 their organization or they're hearing
20 about new businesses that's starting,
21 maybe doing some type of census or some
22 type of questionnaire or some outreach
23 to those organizations to see what are
24 they hearing in reference to new
25 businesses as well as using our existing

1 CDCs, the Philadelphia Association of
2 CDCs, commercial corridors, and they
3 also can provide that information. I
4 think that's very important information,
5 especially as we're dealing with such a
6 significant economic crisis.

7 As you were making reference,
8 Ms. Fegely, a few moments ago, I did get
9 a chance to attend the opening of Buddha
10 Babe, which was started by Tina Dixon
11 Spence right there at the corner of
12 Emlen and Mount Pleasant, and it was a
13 retail storefront. And it reminded me
14 of when my wife and I opened up Soles A
15 Shoe Experience during the last kind of
16 economic downturn. And she was someone
17 who was starting her business as a
18 necessity for her son, started making
19 baby bibs I think in 2014 and then
20 decided that she wanted to open up a
21 storefront and decided to do it now. So
22 she expanded her business, and she had
23 already had an online business doing
24 other types of opportunities and had an
25 opportunity to open up a storefront.

1 So having that information, I
2 think, is very helpful because then you
3 can also start to drill down and find
4 out what are the challenges those
5 businesses are having and what led them
6 to start their business, and then also
7 following back up with those businesses,
8 say, end of the second quarter or end of
9 the third quarter to kind of get a sense
10 of how they're doing now and we can try
11 to tailor additional resources and
12 assistance to those businesses.

13 Councilmember Domb I believe
14 has a comment. And also, if
15 Councilmember Jones has any additional
16 questions for this panel, you can be
17 recognized after Councilmember Domb.

18 COUNCILMAN DOMB: Thank you,
19 Mr. Chair. Just a quick comment. I am
20 fully in support of new businesses
21 opening up. I just want to remind
22 everyone that the cost to open a new
23 business is far greater than the cost to
24 support an existing one. And usually,
25 the supporting of the existing one is a

1 lot more jobs for our residents in this
2 City. So we need to do both.

3 But I just want to make sure
4 that we have a focus, as Chairman Green
5 originally said, on those existing
6 businesses that are really suffering.
7 They are hurting big time right now,
8 mainly because of this virus and no
9 other reason. So whatever we can do to
10 support them, we need to do.

11 Thank you, Mr. Chairman.

12 COUNCILMAN GREEN: Thank you,
13 Councilmember Domb. You are absolutely
14 correct, we have to chew gum and walk at
15 the same time.

16 I do want to follow up one
17 thing that Councilmember Bass stated in
18 reference to the fact that of the CDBG
19 CARES dollars, less than 10 percent are
20 being spent on small businesses. From
21 the total amount of CARES dollars --
22 well, let me just step back. We're
23 looking at about \$32 million, I think,
24 between the CDBG CARES and the total
25 federal CARES dollars that has been

1 spent on small businesses. If you could
2 provide the total number of federal
3 CARES dollars that came to the City, I'm
4 sure that's with both Rob Dubow and/or
5 Marisa Waxman and Sarah de Wolf who have
6 that information, but just curious of
7 what the total amount of federal CARES
8 dollars have come into the City, because
9 it looks like, based on the information
10 you provided, about \$32 million have
11 been allocated for small businesses of
12 the 2.1 CDBG CARES and 30 million that's
13 going to be provided to small business
14 dollars to help augment the state
15 program. So I'm just curious about what
16 the total amount is. I'm sure that can
17 be a quick text that can be sent to get
18 the total number of dollars that have
19 come into the City from the federal
20 government of CARES dollars.

21 MS. LONG: Okay. We'll get
22 that.

23 COUNCILMAN GREEN: Okay.
24 Seeing no additional questions by
25 members of this Committee for this

1 panel, thank you all for being here.

2 I would like to now move into
3 the next panel regarding Bill No.
4 200573. I believe we have our Revenue
5 Commissioner Frank Breslin to testify as
6 the only witness on this panel.

7 I'll also note that
8 Councilmember Henon has opening comments
9 he would like to make in reference to
10 this bill.

11 COUNCILMAN HENON: Thank you,
12 Mr. Chair.

13 I just want to make a brief
14 comment on Bill No. 200573.
15 Misclassification workers is an unlawful
16 practice. It's already against the law
17 on the local, state and federal level.
18 But it is happening not just here in
19 Philadelphia, but it's happening all
20 over, but it's happening all the time.

21 In some places, the
22 misclassification of workers become a
23 major political and policy issue. We've
24 seen it most recently during major
25 fights between drivers of ridesharing

1 services and the service owners. But it
2 also happens in the health care
3 industry, child care and beyond. Simply
4 put, the misclassification of workers is
5 an unlawful practice of labeling a
6 worker as an independent contractor
7 instead of an employee. These are not
8 arbitrary terms. These are defined
9 through the Fair Labor Standards Act,
10 which is a federal law, the Economic
11 Realities Test and years of case law.

12 In order to be classified as an
13 independent contractor, the person
14 performing the work must have a right to
15 control and direct the work that they do
16 and how it is done. If a worker is
17 under the direction, supervision or
18 control of another person or entity,
19 they are an employee, not a 1099. That
20 is also in accordance and in line with
21 the federal IRS law.

22 Why does this matter? It
23 matters for lots of reasons, but here
24 are two issues that I want to address
25 today specifically: One, when working

1 people are misclassified, the City loses
2 tax revenues that are due. Two, when
3 working people are misclassified, they
4 are not entitled to the protections
5 afforded as an employee. These
6 protections include everything from
7 Workmen's Compensation to unemployment
8 benefits to wage and hour laws.

9 This Council body has made it
10 abundantly clear that they support
11 expanded protection for working people
12 through countless pieces of legislation
13 in this year alone, let alone the last
14 past 5 to 10 years. But we cannot
15 overlook what is staring us right in the
16 face. Thousands of workers, thousands
17 of people who are being taken advantage
18 of and left behind because they are
19 misclassified by corporations who are
20 trying to cut cost. I see worker
21 misclassification most often in the
22 construction industry, which is why this
23 bill is important.

24 The law is clear. The only
25 people on the construction site who can

1 lawfully be classified as independent
2 contractors are those who own, operate
3 and/or licensed as trade-specific
4 contractors. On job sites throughout
5 the City, there are hundreds of workers
6 today as we speak who are receiving
7 either cash payments or who are being
8 unlawfully classified as independent
9 contractors.

10 This bill simply says that
11 someone who is reaping the benefit of a
12 tax abatement needs to ensure that they
13 are remitting all the taxes that are
14 owed to the City, including wage tax.
15 If an applicant is found to have
16 misclassified any workers and,
17 therefore, is found to have failed to
18 remit all wage taxes due, they are not
19 to be able to collect -- not able to
20 collect the benefit of this tax
21 abatement. This bill will not solve the
22 problem of worker misclassification, but
23 I hope it will bring attention and focus
24 to this issue.

25 I thank you for your time,

1 Mr. Chairman.

2 COUNCILMAN GREEN: Thank you,
3 Councilmember Henon.

4 In that regard, if we could
5 have Mr. Iannuzzi call the first panel.
6 Actually, the only witness for this
7 panel to testify for this hearing this
8 afternoon, I believe that's Mr. Frank
9 Breslin, our Revenue Commissioner.

10 Please state your name and then
11 proceed with your testimony.

12 COMMISSIONER BRESLIN: Good
13 afternoon, Councilmember Green and
14 members of the Committee on Finance.
15 I'm Frank Breslin, Revenue Commissioner.
16 Thank you for the opportunity to testify
17 in support of Bill No. 200573. This
18 bill clarifies the definition of
19 delinquent tax to include failure of any
20 employer to pay over to the City any
21 wage taxes that were collected or that
22 should have been collected but for the
23 misclassification of workers for
24 applicants to be in a tax abatement
25 program.

1 Additionally, the bill requires
2 the taxpayer to provide the Department
3 such documentation as the Department
4 shall require an order to determine
5 whether there is any delinquency,
6 including whether the taxpayer has paid
7 over to the City all acquired wage
8 taxes.

9 The Administration, like
10 Council, believes that worker
11 misclassification is an unacceptable
12 business practice that hurts workers and
13 cost the City much-needed revenue. The
14 problem is not just in Philadelphia.
15 Worker misclassification is an issue
16 faced by jurisdictions across the
17 country. And like other jurisdictions
18 and even the IRS, Philadelphia is
19 challenged to enforce applicable
20 protections against workers and
21 misclassification.

22 This bill will add one more
23 tool to our enforcement toolbox to
24 fighting worker misclassification that
25 goes along with our regular audit and

1 enforcement processes. Thank you for
2 your time and I'm happy to answer any
3 questions.

4 COUNCILMAN GREEN: Thank you,
5 Commissioner Breslin. I noticed that
6 Councilmember Maria Quinones-Sanchez has
7 a question and I think Councilmember
8 Henon also has a question for you as a
9 witness.

10 I just have some basic
11 questions before we get started with
12 other members of Council. And I
13 understand the legislation is focused on
14 people that should have been -- tax that
15 should have been collected. I know this
16 is an issue especially with this new big
17 economy and people and even, I think,
18 some businesses taking a business
19 strategy of identifying all employees as
20 independent contractors as opposed to an
21 actual employee and this has created
22 significant changes and nuances in
23 interpretation and labor employment law.
24 My question is how will the City enforce
25 this, especially for those who should

1 have collected wage taxes?

2 COMMISSIONER BRESLIN: So as I
3 referenced, we have normal enforcement
4 practices which if we get any leads or
5 during our normal audit, we go through
6 the 1099s and ascertain whether the
7 subcontract employees are actually
8 subcontractors, valid subcontractors, or
9 whether they're misclassified and are
10 employees.

11 In the case where we determine
12 that they are employees, we then assess
13 the employer for the wage taxes,
14 including interest and penalties.
15 Sometimes those leads -- sometimes we
16 find that through our normal audit
17 process. Other times it's from a lead
18 that could come anonymously, it can come
19 from an employee who contacts us and
20 says they're misclassified. Sometimes
21 it's through our tax discovery program
22 where we find a business was not
23 reporting to the City and when they come
24 in, we make the determination that
25 they're not actually a business. They

1 should have been an employee and we have
2 the employer information, so we'll look
3 at the employer. So it's a lot of
4 different ways this comes in.

5 I think this bill helps us,
6 one, it just explicitly puts worker
7 misclassification into the definition,
8 so it really highlights the issue. And
9 it gives the Department the authority to
10 request additional information as deemed
11 necessary. So in the case where we feel
12 that there might be worker
13 misclassification in an abatement
14 applicant, we could ask to review the
15 1099s and make that determination. I
16 don't think it's something we would do
17 on every case. We wouldn't have the
18 resources to do that.

19 COUNCILMAN GREEN: You kind of
20 actually opened the door to some other
21 questions that I had in reference to tax
22 discovery. So you said that L&I and
23 Revenue are working close together,
24 because one of the issues that I believe
25 has been a concern for some time, that

1 you have certain businesses that are
2 getting a license to do business in the
3 City of Philadelphia that are out of
4 City business, but they are not paying
5 at the level of taxes they should be
6 paying. So I want you to expound a
7 little bit more on that connection
8 between L&I and Revenue, because I
9 believe that's an issue that's been
10 ongoing.

11 COMMISSIONER BRESLIN: L&I is
12 processed where their investigators go
13 out on site and they do an investigation
14 process to determine what contractors
15 are on site and whether properly
16 registered. When they make the
17 determination that a contractor is not
18 properly registered, then they send us
19 those leads. At one point it was
20 monthly. I'm not sure what the
21 frequency of those coming in right now
22 are, but they send them to our tax
23 discovery unit. Then our tax discovery
24 unit will contact those businesses and
25 set them up for business tax.

1 We've been kind of splitting --
2 some of these can get fairly complex.
3 So we make a determination and we've
4 been feeding more of these cases to our
5 auditors now than actually to our tax
6 discovery, but it goes to one or the
7 other. Our auditors are used because
8 not only do we want to get the business
9 registered, so usually we do that by
10 contacting the business and asking them
11 to file the applicable returns with us,
12 but it's self-reporting, so we don't
13 want to just accept what numbers the
14 taxpayer sends because they may be
15 underreporting at that point.

16 So our auditors can really dig
17 in and see if those numbers make sense
18 based on industry standards, based on
19 the footprint that that particular
20 business has in Philadelphia. And so,
21 if we have to, we'll get in and actually
22 do an audit to determine that they're
23 paying the appropriate amount of
24 business tax and also will look at their
25 wage tax structure to make sure they're

1 paying the appropriate amount of wage
2 tax and not misclassifying workers as
3 subcontractors.

4 COUNCILMAN GREEN: So I want to
5 broaden the conversation beyond just
6 contractors. So if a business opens up,
7 I guess, a business privilege license
8 from the City of Philadelphia, is there
9 any type of cross-referencing or
10 revenue, say, at some point, 30 days
11 after a license issue or 60 days from a
12 technology perspective to see if those
13 businesses are paying taxes to the City
14 of Philadelphia?

15 COMMISSIONER BRESLIN: Well,
16 actually what happens is the check is
17 built into our system. So once the
18 account is set up, then the -- now,
19 there's lag of course for a lot of the
20 business taxes, right, because the BIRT,
21 the Business Income & Receipts Tax, and
22 the Net Profits Tax won't be due until
23 April of the following year, so we won't
24 see any business taxes immediately.

25 The following year is where

1 things for those taxes would kick in,
2 and then we have a nonfiler notice
3 process built into the system. So once
4 we get past the due date and the return
5 has not been filed, a nonfiler notice
6 will go out. Eventually if the taxpayer
7 doesn't respond to the nonfiler notices,
8 it escalates to something called a code
9 enforcement complaint, where there's
10 actually a judgment placed against the
11 business for every return that has not
12 been filed.

13 COUNCILMAN GREEN: So about a
14 year after a business privilege license
15 has been issued, you're saying Revenue
16 is sending out some type of notification
17 of nonfiling?

18 COMMISSIONER BRESLIN: Yes.
19 I'm not sure of the exact timeframe
20 because it gets complicated with -- you
21 have the tax return due in April,
22 businesses are able to get an extension
23 until October, so there's going to be
24 significant lag but it's an automated
25 process that those notices will go out.

1 And we do that for our monthly filing
2 too, so similar notices can go out for
3 use and occupancy tax, for liquor tax.

4 So we really have an automated
5 process that automatically escalates
6 into these code enforcement complaints
7 where a judgment is actually filed
8 against the taxpayer for each of the
9 nonfiled return. So those fines can get
10 significant and that could also affect
11 the taxpayer in terms of getting
12 financing, able to be getting finances
13 because those judgments will show up.

14 COUNCILMAN GREEN: And when you
15 send that automatic notification, is
16 there any way of checking to see if that
17 entity had opened up multiple accounts
18 in different names and different
19 perspectives, that you're sending them
20 to all possible -- like if I have a
21 multi-national company and I open up,
22 say, Derek Green Pennsylvania, LLC
23 because my international is Derek Green
24 and in different cities I do different
25 things in different cities, is there a

1 way to make sure that I'm not getting
2 the benefit of opening but not paying
3 the full amount of taxes, even after
4 that lag period of time?

5 COMMISSIONER BRESLIN: Well, we
6 don't do consolidated filings. I don't
7 want to get too into the weeds, but we
8 do kind of separate filings. So even a
9 corporation that kind of has -- it's
10 kind of an umbrella corporation with
11 multiple companies reporting up, we
12 would require each of those companies to
13 file.

14 Some states and some
15 jurisdictions do what they call combined
16 reporting where only the one company
17 reports for everyone. We don't do that.
18 So we require each of those entities to
19 report. And then the process I just
20 described would apply to each of those
21 separate entities. So there's really no
22 ability -- that at least limits any
23 ability to be able to hide behind an
24 umbrella or I'm forgetting the word, but
25 kind of one single overall arching

1 entity.

2 COUNCILMAN GREEN: Okay. So
3 you're saying there's no ability to
4 hide?

5 COMMISSIONER BRESLIN: I think
6 that would significantly reduce it.
7 I've been in tax compliance long enough
8 to know that there's always an ability
9 of taxpayers who are willfully trying to
10 avoid us to do that and that's where our
11 compliance processes come in and we're
12 trying to minimize that as greatly as
13 possible, and I think the system that we
14 have in place really helps with
15 nonfiling.

16 Once a taxpayer is registered,
17 right, so that process that I just
18 described is all based on the fact that
19 the taxpayer was properly registered
20 with an account. That's why we have our
21 tax discovery unit. They're really
22 looking for businesses that are coming
23 into Philadelphia, nonresident
24 businesses operating in Philadelphia
25 that are not registered because those

1 businesses are not on our radar, so we
2 have to go and actively search them out.

3 COUNCILMAN GREEN: Okay. I may
4 have some follow-up questions for you
5 maybe in a different form than this
6 regarding this issue.

7 I would like to now recognize
8 Councilmember Maria Quinones-Sanchez, to
9 be followed by Councilmember Henon. And
10 any other Members that have questions
11 for Commissioner Breslin, please
12 indicate in the chat feature.

13 COUNCILWOMAN QUINONES-SANCHEZ:
14 Thank you, Mr. Chair.

15 I just want folks to know that
16 I did talk to the bill's sponsor about
17 this legislation, and I agree with him
18 that there are thousands of businesses
19 who take advantage of workers,
20 particularly low-wage workers and may
21 misclassify them so that employees are
22 not eligible for all the benefits that
23 come with an employee, that there are
24 standing laws around this issue and
25 around what is legal and what is not

1 legal.

2 I'm particularly aware of this
3 situation as Chair of the Committee on
4 Licenses and Inspections for 12 years.
5 I worked with many of the tradesmen as
6 we tried to counteract some of the bad
7 construction processes, particularly
8 around public safety and access to folks
9 for OSHA and some of the safety
10 standards.

11 But what are the unintended
12 consequences of legislation like this
13 that don't have regulatory definitions
14 outlined about how we can systematically
15 make sure that the application of this
16 enforcement, because it is done by
17 complaint, does not trigger or highlight
18 a particular constituency.

19 Who am I talking about?
20 Undocumented workers. Undocumented
21 workers with no pathway given the
22 federal regulations, no pathway to
23 citizenship who risk themselves already
24 by going through the process of getting
25 an EIN no. for what, for the purposes of

1 acknowledging that their work exist and
2 they want to pay taxes. And those
3 workers have no other recourse than to
4 be classified as 1099 workers until we
5 have federal law around immigration
6 reform.

7 So while I agree with the
8 bill's sponsor that there are people
9 with creative accountants who create
10 whatever loopholes and as our Revenue
11 Commissioner alluded to, if you are a
12 bad actor, you're going to act badly and
13 you're going to pay an accountant who's
14 going to help you figure it out.

15 However, when you put this law
16 that, again, is triggered by complaints
17 and can target particular industries and
18 particular workers with no protections
19 for them and no pathway for them, I have
20 to call it what it is. While the intent
21 may be one, the unintended consequences
22 is that undocumented workers who play a
23 significant role in small businesses and
24 in the construction industry can become
25 targets in the application of this law.

1 Now, do I believe that this
2 Administration wants to do that? No,
3 because we call ourselves a sanctuary
4 city, we call ourselves pro-immigrant.
5 We say all of those things, so I don't
6 believe that the Revenue Department
7 would willingly target these
8 constituents. But because this is going
9 to be triggered by complaint, I do
10 believe that there are people in these
11 different industries that will target
12 them.

13 And what will happen? They're
14 going to target particular contractors
15 and developers who we know may use
16 nonunion labor, right, and they're going
17 to target their workers on those
18 construction sites. Again, the people
19 on those construction sites that are
20 1099 workers, if they could do it and
21 have it a different way, they would.
22 But they don't have a different way and
23 they're forced into these situations.

24 What we don't honor is the fact
25 that they're willing to go through the

1 process of getting an EIN no. to
2 document their work so if they ever have
3 an opportunity for a pathway to
4 citizenship, they have proof that they
5 have been contributing members of
6 society and so that they can pay taxes.
7 And it's a conversation that has been
8 ongoing with the sponsor of this.

9 We had this conversation
10 before. And I think we can never get to
11 a space because until we have
12 immigration reform, we're going to have
13 unintended consequences for undocumented
14 workers. And so, for that reason these
15 pieces of legislation while not intended
16 in that way, there's no other way for
17 the communities that I represent to see
18 it any other way than they're
19 potentially being targeted. And do I
20 agree that they're bad actors?
21 Absolutely. Unfortunately, I've learned
22 in my 13 years in Council, that there is
23 no law for ignorance and bad actors.
24 People who want to be bad are going to
25 bad and they're going to figure it out.

1 So in that regard, I want to
2 ask the Commissioner, because I think
3 you stated this through the questions to
4 the Chair, is this is going to be
5 triggered by complaints. How do we
6 ensure that the application of this
7 isn't discriminatory against
8 undocumented workers who have no
9 recourse?

10 COMMISSIONER BRESLIN: So the
11 process for this, I was speaking about
12 this but also generally in tax
13 discovery, that that's how generally
14 worker misclassification cases come in
15 through complaint. In light of -- I
16 don't know that that is how it would
17 work for the abatement process. So
18 there's abatement applications that are
19 coming from OPA to the Department of
20 Revenue, at which point we have to do a
21 compliance check on those.

22 So our normal compliance check
23 is to look at the entity and see if they
24 have any nonfiled returns and if they
25 have any delinquencies on their account.

1 If they filed all their returns, they're
2 properly registered, they have no
3 delinquencies, then we approve it. We
4 let OPA know and they move along with
5 the approval process.

6 So this legislation doesn't
7 dictate specific procedures to us. So I
8 think what we would look at is we would
9 need to utilize some type of a screening
10 process to determine companies that may
11 have some indication of misclassified
12 workers. We haven't determined that.
13 Just from my years of compliance, I
14 could think out loud and it might be
15 something like, look at companies where
16 based on the amount of revenue that the
17 company is generating from their
18 Business Income and Receipt Tax returns
19 and a look at their payroll, that those
20 numbers are not in sync at which case we
21 would say to that company, we want to
22 see your payroll records or your 1099
23 records to make a determination whether
24 they're misclassifying. That would be
25 one way to look at it. It would be some

1 type of an indication.

2 I don't anticipate most of
3 these coming in through the abatement
4 process as being by somebody giving us a
5 tip. That's already happening. If
6 somebody wants to do that process, they
7 can do that now through the tax
8 discovery unit. We have a tax fraud
9 hotline where they can actually do that
10 anonymously and send that to us and we
11 would review that. So they're really
12 two separate processes that are taking
13 place and it would be kind of done
14 separately. This would require some
15 piloting of some type of a screening
16 process and we're not there yet. We
17 haven't determined what that process
18 would look like.

19 COUNCILWOMAN QUINONES-SANCHEZ:
20 So when will this be enforced -- so you
21 don't have regulations. How long do you
22 think it would take you to promulgate
23 regulations for this? And at what point
24 would you be enforcing this?

25 COMMISSIONER BRESLIN: We

1 would -- I don't recall if there was an
2 effective date on this. So we would
3 start drafting regulations. That would
4 be my policy group. And I don't know
5 the timeframe off the top of my head,
6 but I would say we would have
7 regulations in three to six months. And
8 then we would have to work up a process
9 for this that we're challenged, like all
10 departments right now with COVID
11 requirements and staffing. So that is
12 something that I'd have to discuss. But
13 we would probably start piloting
14 something, at least small scale, as soon
15 as the regulations come out, we would
16 try to put a procedure together.

17 And I think that -- again, I
18 would have to talk to my compliance team
19 and get their thoughts. But I would
20 think that we would look at -- our
21 normal compliance practice is to
22 small-scale pilot different types of
23 programs, screening processes and then
24 identify which ones are effective.

25 We don't want to be spending

1 resources looking at lots of 1099s or
2 W2s if it's not, you know, because
3 that's an administrative burden for the
4 applicant as well as for the Department,
5 so we don't want to be putting taxpayers
6 through that process if there's not
7 really a reason for it.

8 COUNCILWOMAN QUINONES-SANCHEZ:

9 So do you agree with me that this
10 potentially could have unintended
11 consequences for folks who have no other
12 way to work and pay taxes than an
13 EIN no. and 1099?

14 COMMISSIONER BRESLIN: Well,
15 I'll say generally any time you do a
16 compliance program, we try to be
17 conscious of any unintended consequences
18 it could have or any specific group that
19 it could be unintentionally harming or
20 affecting.

21 COUNCILWOMAN QUINONES-SANCHEZ:

22 So again -- and I know the bill sponsor
23 has some questions for you -- my request
24 is going to be and to the members of
25 this Committee, look, Councilmember

1 Henon has been consistent around this
2 underground economy. I don't want
3 anybody skirting taxes if we don't have
4 to. I prefer to see this done in some
5 sort of pilot that is not an ordinance,
6 but some sort of pilot that can
7 demonstrate that it won't have
8 unintended consequences versus
9 legislating something that could
10 potentially have, especially because
11 regulations are not promulgated.

12 And so, I'm going to kindly
13 request, Mr. Chair, that the
14 Councilmembers seriously consider doing
15 this in some sort of pilot format with
16 regulations spelled out, where we will
17 be able to protect and honor what we say
18 as a sanctuary city and we will be able
19 to protect and honor 1099 workers who
20 have no other recourse but to serve in
21 that way, that in the spirit of what
22 we're trying to do to cure this problem
23 of potentially people skirting this
24 process as opposed to legislating and I
25 think sending a bad message given this

1 moment in time where we are and the need
2 to keep people working and all of the
3 other conversations we just had around
4 small businesses, around commercial
5 businesses, many, many particularly in
6 the downtown commercial business who
7 could not survive without the
8 undocumented labor force that we know
9 makes up the majority of our hospitality
10 workforce.

11 So thank you very much,
12 Mr. Chair. And I'll let the bill's
13 sponsor ask his questions. Thank you.

14 COUNCILMAN GREEN: Thank you,
15 Councilmember Sanchez.

16 Before I recognize
17 Councilmember Henon, I just want to
18 follow up on that point regarding
19 regulations with Commissioner Breslin.
20 Did you give a range of time? I know
21 you gave us some perspective, but I
22 didn't hear a specific range of time
23 from when it would take to have
24 regulations implemented. I know you
25 can't give us a specific day, but month,

1 time or --

2 COMMISSIONER BRESLIN: I didn't
3 talk to my policy people. I said I
4 would talk to my policy people, but that
5 I anticipated three to six months.

6 COUNCILMAN GREEN: Okay. Thank
7 you.

8 I'd like to recognize
9 Councilmember Henon. And then after
10 Councilmember Henon, we'll hear from
11 Councilmember Bass.

12 COUNCILWOMAN BASS: Thank you,
13 Mr. Chair.

14 And to the Commissioner, has
15 been answered. And I do want to make a
16 statement to my colleague Councilmember
17 Sanchez. As we had this conversation in
18 the past and we've had it today, as we
19 work forward to make sure that every
20 worker in the City of Philadelphia is
21 protected in every way we possibly can.

22 In this case, the law in
23 question is defined by the federal
24 government and that is why we want on a
25 local level try to work on worker

1 protections, such as Fair Workweek and
2 with predictable scheduling and time for
3 loved ones. As we move forward, we're
4 looking for the rate of return and rate
5 to hire coming off of this devastating
6 economic COVID crisis that we're in, so
7 I certainly understand your sentiments
8 and your fight, nor would I ever, ever
9 as our past conversations want you to
10 ever give up on people who need help and
11 support, especially in your District.
12 So I want to thank you for that.

13 And the Commissioner, I just
14 want to make sure that we say this
15 clearly again, it will take three
16 months, three to six months to go
17 through regulations. Every member -- I
18 know Councilmember Sanchez will continue
19 to voice her concerns and I'm sure we
20 have the ability to see what the
21 unintended consequences as regulations
22 are drafted up and vetted through,
23 because we don't want a devastating
24 unintended consequence for all workers.

25 But I also want to remind

1 members of this Committee and our
2 Commissioner, that this bill is not for
3 every worksite in the City of
4 Philadelphia, although the law is clear,
5 there are only two types of workers on a
6 construction site. You are either a
7 licensed contractor or an employee of a
8 licensed contractor.

9 This bill in front of us here
10 today strictly and narrowly is to those
11 who are seeking the benefit of a 10-year
12 abatement, which is much more manageable
13 when it comes to the process of tax
14 clearance which may not be on a
15 complaint-driven basis as the
16 Commissioner has stated. This is a
17 compliance when somebody receives a
18 permit for the job and they make
19 application for the very rewarding and
20 reap the benefit of a 10-year tax
21 abatement. So I think it starts with
22 that. It's a lot easier to manage that
23 way as opposed to complaint-driven,
24 because there are other avenues for
25 complaints as the Commissioner had

1 stated.

2 So, Councilmember Sanchez,
3 always look forward to working out
4 issues with you or being in part of the
5 conversations as we move forward, so
6 thank you.

7 COUNCILMAN GREEN: Thank you,
8 Councilmember Henon.

9 I'd like to recognize
10 Councilmember Bass for questions.

11 COUNCILWOMAN BASS: Thank you,
12 Mr. Chairman.

13 I just had a couple of quick
14 questions, actually just really one
15 quick question and a statement. And my
16 statement is that I see both sides of
17 this issue, both with what Councilwoman
18 Maria Quinones-Sanchez discussed earlier
19 in terms of making sure that the
20 unintended consequence is not someone
21 who was working hard and trying to
22 support their family and trying to make
23 it, especially during COVID, that
24 they're not bounced off of a site, and
25 also at the same time as Councilman

1 Henon just mentioned that we don't have
2 some folks who are unscrupulous who are
3 taking advantage not only of workers but
4 of taxpayers by skirting the spirit of
5 the 10-year tax abatement, so I just
6 wanted to mention that.

7 My question for the
8 Commissioner is because this is
9 something new, and when we do new things
10 in Philadelphia sometimes we get it
11 right and sometimes we get it kind of
12 right and sometimes we don't get it
13 right at all, I'm wondering if we have
14 looked at what other cities that have
15 similar policies or these policies in
16 place, have we looked at them, what are
17 the outcomes, what kind of things have
18 we seen and can we learn from others who
19 have the same type of policy in place?

20 COMMISSIONER BRESLIN: That's a
21 great point. We actually have not. I
22 don't know of another jurisdiction that
23 has a policy like this in terms of their
24 tax clearance tied to their abatement
25 program, but I'm sure we can look at

1 that and look for best practices.

2 COUNCILWOMAN BASS: Thank you.

3 I would greatly appreciate that because
4 I would like to see who else is doing
5 this and how they are faring. So if you
6 could get information to the bill's
7 sponsor and also to the Chairman of
8 course, that would be fantastic.

9 Thank you, Mr. Chairman.

10 COUNCILMAN GREEN: Thank you,
11 Councilmember Bass.

12 I wanted to make a final call
13 for any additional questions by members
14 of the Committee for Mr. Breslin or if
15 there were any additional questions for
16 the other panel that testified on the
17 prior bill?

18 (No response.)

19 COUNCILMAN GREEN: Seeing none,
20 I want to thank all the witnesses who
21 were here today and -- well, before I do
22 that, I want to make sure there aren't
23 any other witnesses that were not
24 scheduled to testify before this
25 Committee and that would look to provide

1 or offer testimony on any of the bills
2 being offered today?

3 (No response.)

4 COUNCILMAN GREEN: Still seeing
5 and hearing none, I want to thank all
6 the panels and the witnesses for their
7 participation. We value all of your
8 opinions and perspectives. I now invite
9 all the panels of witnesses to please
10 disconnect from the meeting before we go
11 into our public meeting. We will now
12 pause the proceedings briefly as the
13 participants leave the hearing.

14 (Brief recess.)

15 COUNCILMAN GREEN: We will now
16 convene the public meeting.

17 Mr. Iannuzzi, will you please
18 call the roll to take attendance.
19 Members that are in attendance, please
20 indicate that you are present when your
21 name is called. Also, please say a few
22 brief words when responding so that we
23 can see your image displayed on screen
24 in our beautiful Microsoft Teams
25 platform when you speak.

1 THE CLERK: Councilmember Bass.

2 COUNCILWOMAN BASS: I am

3 present. Thank you.

4 THE CLERK: Councilmember Domb.

5 COUNCILMAN DOMB: I am present.

6 Thank you.

7 THE CLERK: Councilmember Gym.

8 Councilmember Henon.

9 COUNCILMAN HENON: I am

10 present. Thank you.

11 THE CLERK: Councilmember

12 Jones.

13 Councilmember Oh.

14 COUNCILMAN OH: Good afternoon.

15 I am still present.

16 THE CLERK: Councilmember

17 Quinones-Sanchez.

18 COUNCILWOMAN QUINONES-SANCHEZ:

19 Present.

20 THE CLERK: Councilmember

21 Squilla.

22 And, Chair Green.

23 COUNCILMAN GREEN: I am

24 present.

25 I just wanted to check to make

1 sure in the chat feature that we
2 recognized everybody that is here for
3 the hearing. I know that earlier today
4 when we called the roll Councilmember
5 Gym was present as well as Councilmember
6 Jones. Hopefully, they will be back as
7 we're about to take the vote and move
8 forward with the public meeting. I
9 believe Councilmember Jones will be back
10 in a few moments. Give us a second.

11 As we're waiting for
12 Councilmember Jones to rejoin us, I want
13 to reiterate the comments made by
14 Councilmember Gym. I hope all those who
15 are attending this public hearing of the
16 Finance Committee had a wonderful
17 Thanksgiving, one that was quite
18 different than we had in the past and
19 that we're continuing to participate in
20 physical distancing and celebration as
21 we're dealing with the pandemic, which
22 was a good portion of today's hearing,
23 debating and discussing how we're going
24 to provide additional resources based on
25 this unfortunate health issue that's

1 impacted everyone not only in the City
2 of Philadelphia but also throughout the
3 world.

4 I see Councilmember Domb has a
5 comment. I'd like to recognize
6 Councilmember Domb.

7 COUNCILMAN DOMB: Thank you,
8 Mr. Chairman.

9 I just wanted to make a comment
10 that it seems like Councilmember Sanchez
11 has some good points. Councilmember
12 Henon, I understand his issue. Is there
13 any way that this can be resolved not
14 hurting one or the other and find some
15 middle ground here?

16 COUNCILMAN HENON: This is
17 Councilman Henon.

18 COUNCILMAN GREEN: I would like
19 to recognize Councilman Henon for a
20 comment.

21 COUNCILMAN HENON: Councilman
22 Domb, what I was -- when we were going
23 back and forth with the Councilmember,
24 what we can do is sit with the Revenue
25 Department, right, and the Commissioner

1 and the policy team and work on the
2 regulations.

3 Unfortunately, the law is
4 preempted by federal, state law and
5 local law here in the City of
6 Philadelphia, the laws that currently
7 exist. One needs to be tax compliant to
8 reap the benefits of a 10-year tax
9 abatement, so I am always open for
10 sitting and having a conversation in
11 trying to work out some of the possible
12 unintended consequences with our Revenue
13 Department. That has always been a
14 standing offer and it stands now. But
15 the law currently exist and we are
16 preempted in asking the City to abide by
17 the law for somebody who is reaping a
18 benefit such as a 10-year tax abatement.

19 COUNCILMAN GREEN:

20 Councilmember Domb, before I recognize
21 Councilmember Maria Quinones-Sanchez,
22 Councilmember Jones needs to be let back
23 into the meeting via Microsoft Teams.

24 So if the Tech staff could
25 allow Councilmember Jones to come in. I

1 believe Councilmember Jones should be
2 coming back in momentarily.

3 I would look to recognize
4 Councilmember Sanchez.

5 COUNCILWOMAN QUINONES-SANCHEZ:

6 I just want to respond that.

7 Councilmember Henon is right, the laws
8 exist and the Department of Revenue
9 through its regulation authority could
10 pilot some sort of program to look at
11 folks who again this misclassification,
12 which to me the problem is that it's not
13 a misclassification. We don't have a
14 law that allows these people to
15 legitimately be on the sites, right, so
16 I don't know if we're going to get
17 anywhere there.

18 But he doesn't need this law to
19 go after folks because the law exists.
20 This is a regulatory issue. Again, I
21 think the spirit of the law around
22 setting a tone that people should pay
23 their taxes, look, I'm Chair of
24 Appropriations, I want everybody to pay
25 their fair taxes. There's 30 laws I can

1 write for you tomorrow of people who
2 don't pay taxes that we all know.
3 That's not the point.

4 The point is that in the spirit
5 of COVID where the undocumented
6 community has become the essential
7 workers, 35 percent of the essential
8 workers, undocumented folks, 1099
9 workers on construction sites have no
10 other pathway. They have no other
11 pathway. Because as Henon says, there's
12 enough laws on the books that if people
13 are not compliant we can pursue them.

14 Again, I'm going to ask the
15 bill's sponsor, you don't need this
16 bill. You can do a regulatory pilot
17 with the Revenue Commissioner, show that
18 you're not going to be discriminatory.
19 And then we can pass a law to amplify
20 that, memorialize that. But I can't be
21 inconsistent. We can't sit here and say
22 we're a sanctuary city. We have so many
23 people that are undocumented based on
24 federal laws, but that we choose not to
25 enforce or enforce already.

1 What I'm saying is the greedy
2 developer in the minds of, you know, as
3 part of this underground economy is not
4 that worker who is risking himself
5 already by getting an EIN and filing a
6 1099 so he can file taxes, so when he
7 has a pathway to citizenship, he has a
8 documented history of being a
9 contributing member. What I'm saying is
10 they shouldn't be sacrificed as we try
11 to collect for unscrupulous folks.

12 I think he can do a pilot
13 through regulations without this law
14 that allows him to demonstrate that the
15 folks that I'm concerned about are not
16 going to be targeted, and that's the
17 only solution. Any law is inconsistent
18 with the spirit, again not the law, but
19 the spirit by which this Council and
20 this Administration have operated.

21 COUNCILMAN GREEN: I'd like to
22 recognize Councilmember Henon for a
23 response.

24 COUNCILMAN HENON: Thank you,
25 Mr. Chair.

1 I just want to make a comment
2 to Councilman Domb's question. So
3 Councilman Domb and other members of
4 Council, majority members of Council,
5 over the past five years, six years have
6 been championing for tax delinquencies,
7 who have been championing for tax lien
8 sales, who have been a champion for
9 opening up small businesses, who have
10 been a champion along with other Members
11 to make sure that there are programs for
12 people where there's unintended
13 consequences.

14 So I want to thank Allan Domb
15 for his history of ensuring that the
16 City is finding its \$33 million that was
17 misplaced for his champion of making
18 sure that we fund a call center to
19 recruit a lot of our misclassified or
20 misrepresented taxes that haven't been
21 collected and also authorizing the
22 Revenue Department and the Law
23 Department to seek damages for outside
24 the county for those who are tax
25 delinquent, so I do appreciate his

1 statement.

2 What this bill simply does is
3 it further clarifies and expands the
4 definition of delinquencies for somebody
5 who is applying for a tax benefit. It's
6 just a further clarification for a
7 developer or an owner who is supposed to
8 be tax compliant anyway, so this is just
9 another definition that is specified
10 specifically for our Revenue Department,
11 and we can certainly work on
12 regulations.

13 It is my hope that we don't
14 need a pilot program for that. I just
15 need to be clear in defining what
16 misclassification is and what a tax
17 delinquency is and means for someone who
18 is applying for a tax abatement only.
19 And this strictly applies for a tax
20 abatement applicant only, so thank you.

21 COUNCILMAN GREEN: I'd like to
22 recognize that Councilmember Helen Gym
23 is also present for the public meeting.

24 COUNCILMAN DOMB: Mr. Chairman.

25 COUNCILMAN GREEN: Yes. I

1 would like to recognize Councilmember
2 Domb.

3 COUNCILMAN DOMB: Thank you.

4 Thank you, Councilmember Henon.

5 I guess, look, I'm in favor of people
6 paying their taxes. There's no question
7 about that, okay. What I'm not in favor
8 of, though, is hurting people during
9 this pandemic in a way that would really
10 set them back. And that's my concern.
11 I'm trying to figure this out. If we
12 can find a way to accommodate both of
13 you so that we don't have this issue,
14 and that's really what I'm trying to get
15 to.

16 I don't want to hurt the people
17 who have no other way of making money
18 right now and are suffering dramatically
19 during this pandemic. If the pandemic
20 was over, maybe it's a different story.
21 But we're in the middle of a crisis
22 right now, so that concerns me. But by
23 the same token, I don't want people not
24 to pay their taxes. So how do we
25 resolve that? That's the question.

1 COUNCILMAN HENON: We'll sit
2 down with the Revenue Commissioner --
3 Mr. Chairman, Councilman Bobby Henon.

4 We can have further
5 conversations with the Revenue
6 Commissioner. These are laws that are
7 on the book and we're applying it to a
8 tax abatement only, and we can try to
9 figure out just as we have with real
10 estate taxes, programs for people and
11 other considerations. But we don't make
12 up the IRS code. We don't make up the
13 state code. And we already have a local
14 code, all right, for the tax
15 delinquencies that are in place.

16 So, yes, we can sit down. We
17 can either talk about a delay of some
18 sort through regulations or when it can
19 be implemented. But I don't think we
20 should waiver on what is law and what is
21 not law.

22 COUNCILMAN GREEN: I would like
23 to recognize the fact that Councilmember
24 Squilla has also joined us as well.

25 I'd like to offer this comment,

1 and I understand Councilmember Domb's
2 perspective because I agree with him
3 with the issues of trying to bring both
4 sides together so that we make sure that
5 those who should be paying taxes are,
6 but at the same point we're not
7 impacting in a negative way those that
8 are just trying to survive during this
9 pandemic, especially those who do not
10 have a pathway in the way that they
11 should because it's not been provided at
12 the federal level.

13 Considering there are
14 regulations to be drafted, is there
15 ability of both the sponsor
16 Councilmember Henon as well as
17 Councilmember Sanchez to work together
18 on the regulations with the Revenue
19 Commissioner? One of the things that I
20 have learned through my work on the
21 Special Committee on Regulatory Reform
22 and Review, there's quite a process in
23 drafting regulations and it provides
24 various opportunities for consultation
25 and adjustment and also amendments.

1 And I'm thinking by both
2 parties coming together to work
3 collaboratively with the Revenue
4 Commissioner, that maybe we can find a
5 way to identify those businesses that
6 should be doing the right thing but at
7 the same point not trying to impact or
8 negatively hurt those that need
9 assistance.

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

12 COUNCILMAN HENON:
13 Mr. Chairman, this is Bobby Henon. I am
14 going to be calling this up for a vote.
15 I'm willing to, as offered, sit
16 down with the Revenue Commissioner on
17 regulations. I don't think they're in
18 any kind of hurry. But I want to remind
19 everybody, this is simply applying laws
20 that exist, currently they exist, all
21 right, now and applying it to somebody
22 who is reaping the benefit of a 10-year
23 tax abatement. It's not penalizing
24 workers in any way. This is protecting
25 workers.

1 This is ensuring that the folks
2 who are exploiting the workers of the
3 City of Philadelphia do the right thing
4 before they can receive a benefit from
5 the City of Philadelphia, like we had in
6 a lot of other cases. So the laws
7 exist, and it only applies to the
8 10-year abatement. And there are only
9 two types of workers that are on a
10 construction site. This law already
11 exists. We're not changing it.

12 You are a licensed contractor
13 or you are an employee of a licensed
14 contractor. So those two things have
15 proper training, they pay taxes, they
16 have workmen's compensation and they pay
17 taxes. So all I'm asking through this
18 legislation is that people pay their
19 taxes before they reap the benefit of a
20 10-year tax abatement. That is hard to
21 dispute.

22 So I am going to be calling
23 this up. And, yes, I am willing to sit,
24 as stated, with the Revenue Commissioner
25 to work on regulations to try to work

1 things out. But the law exists. I'm
2 not going to ask anybody to break the
3 law.

4 That's all I have, Chairman.

5 COUNCILMAN GREEN: Any
6 additional comments?

7 COUNCILWOMAN QUINONES-SANCHEZ:
8 Mr. Chair, again --

9 COUNCILMAN GREEN: Chair
10 recognizes Councilmember Sanchez.

11 COUNCILWOMAN QUINONES-SANCHEZ:
12 Again, I am Chair of Appropriations and
13 have been working on collection
14 strategies with OOPA and TAP and
15 everything else. There's no one more
16 that wants people in compliance than I
17 do. But there is no way, and this is
18 why this conversation has never
19 progressed, there is no way -- hello?
20 I'm sorry. I got frozen there.

21 There is no way that you can
22 enforce this without the recognition
23 that people don't have a way to meet
24 that legal threshold. Now, we can use
25 many examples of laws that exist that

1 are unfair. In fact, the entire
2 immigration debate is based on that.

3 There are kids in cages because
4 their parents broke a law, an unfair
5 law, an unjust law, right. So everybody
6 wants people to pay and be compliant.
7 What I'm saying is that there are enough
8 laws in place and that this is a
9 regulatory issue around enforcement with
10 people who skirt the laws.

11 Using and creating this
12 language to double-down on folks that I
13 have no way in a regulatory process to
14 give the Revenue Commissioner the
15 authority not to discriminate because I
16 am recognizing, as everybody in the
17 development community recognizes, that
18 there is a population of folks that just
19 cannot comply. They're still on the
20 worksites. They're not going to stop
21 the worksite.

22 All we're going to do is
23 further put them underground because
24 instead of their ability to be a 1099
25 worker, then now they become a cash

1 worker and they're going to be further
2 exploited. So I understand the spirit
3 of collection. I'm saying there's
4 enough laws in the books. If there are
5 unscrupulous actors, I am willing to
6 work with the bill's sponsor on
7 regulations to do that.

8 Passing a law and asking my
9 colleagues to vote against the spirit by
10 which we have operated as a sanctuary
11 city with a recognition of people who
12 have no other way, there's no other way.
13 There's no regulations we can write
14 because the federal government's
15 guidelines are what Councilman Henon
16 says, the law is the law is the law,
17 because we can't change that. Doubling
18 down and creating regulations when we
19 know what the unintended consequences
20 are, are not going to take us any
21 further.

22 The only conversation I'll have
23 is how do we through regulation target
24 and pilot these folks without doubling
25 down and targeting 1099 workers that we

1 know -- this is like saying we're going
2 to shoot the victim to get to the
3 perpetrator when the victim has no other
4 choice.

5 I agree with Councilman Henon,
6 as I have done in the 13 years I've been
7 here, people need to pay and they should
8 pay but we shouldn't use the workers as
9 an excuse for our inability to enforce
10 our already strong collection laws. And
11 that's why I'm asking, I want this
12 Council to stay consistent in the spirit
13 by which we've operated that we're not
14 going to hurt workers at the expense of
15 owners who have the ability through
16 accounting practices and legal maneuvers
17 to exploit people. I recognize that.

18 I'm acknowledging that there
19 are people exploiting workers. I'm
20 acknowledging that there are bad
21 practices on worksites. I'm
22 acknowledging all of these things. This
23 bill doesn't further make us any safer
24 or doesn't get -- again, use the workers
25 to get the unscrupulous actors to

1 compliance. We have the laws on the
2 books.

3 So the conversation that I'll
4 have is how in regulations we come up
5 with a pilot that demonstrates that
6 we're not going to be discriminatory.
7 Passing a law to further double-down
8 that we're going to be discriminatory
9 with a law that we know is unfair,
10 that's not an open conversation. That's
11 why we haven't moved this issue in the
12 three or four years we've been talking
13 about it. There is no pathway for those
14 workers. If there was, I would be the
15 first one sitting at the table trying to
16 figure it out. Right now there's no
17 pathway for them.

18 Thank you, Mr. Chair.

19 COUNCILMAN GREEN: Are there
20 additional comments from members of this
21 body?

22 COUNCILMAN HENON: I'd like to
23 be recognized, Mr. Chair. It's
24 Councilman Henon.

25 COUNCILMAN GREEN: Chair

1 recognizes Councilman Henon.

2 COUNCILMAN HENON: I'm going to
3 state it again, I am willing to sit
4 before final passage to talk about
5 regulations. But I also want everybody
6 to -- I want to be abundantly clear
7 again, and I appreciate Councilmember
8 Sanchez's intent and protection.

9 The spirit of this legislation
10 is tax compliance. If there are 1099s
11 on any site in the City of Philadelphia,
12 not just tax abatement sites, if there
13 are 1099s, then they are working behind
14 the law that prohibits them from being
15 on a construction site. Now, this is
16 adding that law that exists to the
17 10-year tax abatement, which I think --
18 I don't think anybody should have a
19 problem with, right, if we're going to
20 offer somebody a 10-year abatement which
21 is very lucrative for developers, making
22 sure that they have people who are in
23 tax compliance. Meaning, the
24 contractors are in tax compliance so
25 there's a process that's in place.

1 The Revenue Department makes
2 and ensures that if anybody is getting a
3 permit or applies for the tax abatement,
4 that they are in compliance. Now, it's
5 not just about revenue, although there's
6 tens of millions of dollars out there
7 that we desperately need as we've taken
8 this economic hit this year in 2020.
9 But there are people protections, there
10 are property protections.

11 We have buildings that are
12 falling down. We have building
13 collapses that are happening regularly
14 because we don't have workers all in
15 compliance with the laws that exist, all
16 right. All we want to do is make sure
17 that we have people who are
18 OSHA-trained, make sure that people are
19 tax-compliant, people who are trained
20 who are disturbing our buildings, our
21 properties, who are upgrading our
22 properties and make sure that their
23 safety, public safety, is in line with
24 the laws that exist and this body,
25 because we change them all the time.

1 We have a Special Committee on
2 Demolition, which was chaired by
3 Councilman Jones who is on this
4 Committee and it was a very challenging
5 process but also disturbing process. It
6 was a sad process. People's lives are
7 lost and we don't want that to happen
8 again. And we want to make sure, all
9 right, in the spirit that people who are
10 on construction sites are there paying
11 taxes, who also are OSHA-trained and who
12 are protecting themselves as well as the
13 property and the equipment on the
14 building and the end-users that are
15 going to be using it.

16 So thank you, Mr. Chair.

17 THE CHAIR: Before I recognize
18 Councilmember Sanchez, I want to make
19 sure I understand the beginning of
20 Councilmember Henon's point. You said
21 that you would sit down with the Revenue
22 Commissioner to address regulations. I
23 want to make sure I fully have an
24 understanding of your statement. Did
25 you say you would do that prior to

1 calling this bill up for final passage?

2 COUNCILMAN HENON:

3 Mr. Chairman, I will certainly sit down
4 with the Revenue Commissioner prior
5 to -- and the Councilwoman prior to this
6 bill being on final passage, yes.

7 COUNCILMAN GREEN: Okay. Thank
8 you, Councilmember Henon.

9 I would like to recognize
10 Councilmember Sanchez.

11 COUNCILWOMAN SANCHEZ: Again, I
12 started my comments with I'm going to
13 take the Councilman, the sponsor of this
14 bill, at his word when his intent was
15 around collections. But now he wants to
16 blame workers for what is happening up
17 on job sites. And I just want to call
18 him on that. That is not cool. People
19 who work on these worksites should be
20 protected.

21 And if the conversation was as
22 it was when we were doing the demolition
23 which is how do we offer OSHA to
24 everybody, how do we make sure we create
25 safe environments, it would be a

1 different conversation and I would be
2 leading that discussion around public
3 safety. That's not what he's doing
4 here. And now, he's going to blame
5 every crumbling building on employees
6 who are, again, workers who are coming
7 on the site, who are not the developer,
8 who are not the folks managing the
9 sites. That is unfair.

10 To make that connection between
11 the problems we're having on
12 construction sites and, again, these
13 undocumented workers who are risking
14 themselves by being 1099 and trying to
15 pay taxes, so I'm just saying that's an
16 unfair correlation and I don't want it
17 to stand by itself. I'm sure that's not
18 what he meant to say.

19 I know he meant to say that
20 these developers who are unscrupulous,
21 but here again when you make a
22 correlation with people and everybody
23 has problems with how these buildings
24 are going up in neighborhoods, I'm in a
25 neighborhood where this is happening, I

1 do not want anybody believing in a Trump
2 style that these workers are to blame.
3 We're not looking for blame. We're
4 looking for a resolution and a cure to a
5 problem. Please do not blame
6 undocumented workers like that. Thank
7 you.

8 COUNCILMAN HENON:

9 Councilmember Sanchez, you are --

10 COUNCILMAN GREEN: Chair
11 recognizes Councilmember Henon.

12 COUNCILMAN HENON: Thank you,
13 Chairman.

14 Councilmember Sanchez, you are
15 unfortunately factually incorrect. That
16 is not what I said. Your spin is
17 disheartening to me in the spirit of
18 this legislation, all right. What I
19 said merely and simply is that there are
20 two types of workers on a job site for a
21 reason. One, you need to be by law a
22 licensed contractor or, two, an employee
23 of a licensed contractor and there are
24 reasons for so.

25 Collecting revenue as we

1 started out is one, if not the first,
2 attempt here to hold these developers
3 accountable. It is not on blaming
4 workers. You made that incorrectly --
5 that is not the intent here. I never
6 blamed workers. I've always supported
7 workers legislation, co-introduced
8 workers legislation since I've been on
9 Council. You know that and you've been
10 also a champion of that. So that is not
11 the intent. I just want to correct that
12 statement as being for the record as
13 factually incorrect.

14 COUNCILWOMAN QUINONES-SANCHEZ:
15 Again, you try to paint a picture with
16 bad demolition jobs and workers with
17 this piece of legislation.

18 Again, Chairman, for this
19 reason I am going to appeal to my
20 colleagues that in the spirit of the way
21 that we have acted as a Council, that we
22 have enough things on the books to make
23 Councilman Henon where he's at around
24 seeking and getting compliance without
25 sending a message that we're going to be

1 the federal lawyers in this and
2 determine who's -- again, he already
3 says the law says if you're illegal,
4 you're illegal.

5 Giving more reason to go after
6 these folks is not -- I don't think
7 that's his intent. I want to believe
8 that's not his intent. I know he's
9 trying to tie this in for construction
10 folks who benefit from the abatement. I
11 agree with him around compliance. The
12 laws are there for compliance.
13 Targeting again 1099 workers who have no
14 other pathway is not the cure for this
15 particular problem.

16 So again, I ask and plead with
17 my colleagues if he wants to work on
18 regulations, work on them, bring them
19 back to this Committee. Let's debate it
20 with a Committee that's informed. Part
21 of our job as Committee members is to
22 vet things before they go on the Council
23 floor. Leading this on the Council
24 floor so that it can get re-debated when
25 it's been debated here and people are

1 informed around the issues is not in the
2 spirit of trying to work with someone.
3 So again, not that I think we can get
4 anywhere because we all acknowledge that
5 there are unlawful 1099 workers on
6 construction sites.

7 Thank you, Mr. Chair.

8 COUNCILMAN GREEN: Thank you.

9 Are there any additional comments from
10 members of this Committee?

11 (No response.)

12 COUNCILMAN GREEN: Seeing none
13 in the chat feature -- I see
14 Councilmember Domb would like to make a
15 comment.

16 COUNCILMAN DOMB: Thank you,
17 Mr. Chairman.

18 I just want to make sure I'm
19 hearing correctly from Councilman Henon,
20 that he's willing to work -- if this
21 gets passed out of this Committee, there
22 will have to be a plan to implement this
23 without the exploitation of undocumented
24 people and making it clear that no one's
25 going to get hurt here.

1 I just want to make sure that
2 will be part of the situation and the
3 regulation before we vote on this in a
4 full Council. Because right now I will
5 tell you I will vote no on it if that's
6 not the plan.

7 COUNCILMAN HENON: Chairman
8 Green, this is Councilman Henon.

9 COUNCILMAN GREEN: Recognizes
10 Councilman Henon.

11 COUNCILMAN HENON: Yes, that is
12 a true statement and that was my offer
13 and that stands.

14 COUNCILMAN GREEN: Thank you,
15 Councilmember Domb.

16 Are there any additional
17 comments or questions by members of the
18 Committee?

19 (No response.)

20 COUNCILMAN GREEN: Hearing and
21 seeing none, I would like to
22 recognize --

23 COUNCILWOMAN BASS:
24 Mr. Chairman.

25 COUNCILMAN GREEN: Yes,

1 Councilmember Bass. Councilmember Bass,
2 would you like to be recognized?

3 COUNCILWOMAN BASS: Yes, I
4 would like to be recognized.

5 I just wanted to add into the
6 conversation that we will be taking a
7 look at the regulations as they are
8 being developed, and it is certainly my
9 intention that if the regulations are
10 onerous to the people that we're trying
11 to protect, that we will revisit this
12 matter and have further conversation
13 about it.

14 So I just wanted to put that on
15 the record, that I don't think that we
16 have to draw a line in the sand right
17 here right now just because I think we
18 can come back and do what we need to do
19 if we see that things aren't going the
20 appropriate way for people that we're
21 trying to protect. So I just wanted to
22 put that on the record.

23 I know Councilwoman Sanchez is
24 a huge proponent and fighter on behalf
25 of undocumented workers. And I

1 certainly would be willing to stand with
2 her if we see that this is not coming
3 together in a way that's going to be
4 helpful to all who are involved.

5 So thank you, Mr. Chairman.

6 COUNCILMAN GREEN: Thank you,
7 Councilmember Bass.

8 Seeing no additional comments
9 or questions from members of this
10 Committee, we are in our public meeting
11 and I would now like to ask and
12 recognize Councilmember Henon for a
13 motion on Bill No. 200573.

14 COUNCILMAN HENON: Thank you,
15 Mr. Chair.

16 I move that Bill No. 200573 be
17 reported out of this Committee with a
18 favorable recommendation and further
19 move that the rules of Council be
20 suspended to permit the first reading of
21 this Council at our next session of
22 Council.

23 COUNCILMAN GREEN: Is there a
24 second to the motion?

25 COUNCILWOMAN BASS: Second.

1 COUNCILMAN GREEN: The motion
2 has been seconded by Councilmember Bass.
3 It has been moved and properly seconded
4 that Bill No. 200573 be reported from
5 this Committee with a favorable
6 recommendation and further move that the
7 rules of Council be suspended to permit
8 first reading of this bill at the next
9 session of Council.

10 All those in favor of the
11 motion will signify by saying aye.

12 (Aye.)

13 COUNCILMAN GREEN: Those
14 opposed?

15 (Nay.)

16 COUNCILWOMAN QUINONES-SANCHEZ:
17 I want a roll call.

18 COUNCILMAN GREEN: I was going
19 to say -- Mr. Iannuzzi, if you could do
20 a roll call of the members of the
21 Committee so we can have recorded who's
22 voted aye versus nay.

23 COUNCILMAN OH: Can you repeat
24 the question we're voting on? I think
25 we're just voting on the motion right

1 now; is that correct?

2 COUNCILMAN GREEN: Correct.

3 The motion was for Bill No. 200573 to be
4 reported from this Committee with a
5 favorable recommendation and move that
6 the rules of Council be suspended to
7 permit first reading of this bill at the
8 next session of Council. That was the
9 question for the vote.

10 COUNCILMAN OH: Okay. Thank
11 you.

12 COUNCILMAN HENON: I want to
13 state this -- this is Councilman
14 Henon -- Councilman Oh, with a
15 commitment to sit with the Revenue
16 Commissioner to discuss and go over
17 regulations before final passage.

18 COUNCILMAN OH: Thank you,
19 Councilman Henon.

20 I will just say although I
21 didn't say in comment, this is a very
22 difficult conversation for me to follow.
23 We're talking about something in a gray
24 area. I know what the law is. I know
25 what the intent is and I know what the

1 reality is.

2 I'm ready to vote, but I'm just
3 saying I'm not really fully
4 comprehending the situation in terms of
5 can this be worked out, and it sounds
6 like it can't be. And I'm getting the
7 perspectives -- I don't know if there's
8 something I'm missing that I don't fully
9 grasp. But anyway, I appreciate
10 everybody doing their best and I think I
11 understand and I'm kind of uncomfortable
12 with it. But it's our job to vote and
13 I'm going to vote. Thank you.

14 COUNCILMAN GREEN: Before I
15 recognize Councilmember Curtis Jones for
16 a question based on both Robert's Rules
17 of Order and Mason's Legislative Manual,
18 we are in a question before this
19 Committee. However, based on the voiced
20 ayes and nays it was not immediately
21 apparent on whether the motion passed.

22 So in that spirit as Chair of
23 allowing additional questions for
24 clarification before we go into a roll
25 call or additional voice vote, I will

1 recognize Councilmember Jones.

2 COUNCILMAN JONES: Having been
3 corrected by Robert's Rules of Order,
4 Mr. Chairman, I withdraw my question.

5 COUNCILMAN GREEN: Okay.

6 COUNCILMAN JONES: Vote.

7 COUNCILMAN GREEN: So are there
8 any additional points or comments before
9 we call for a roll call vote?

10 (No response.)

11 COUNCILMAN GREEN: Seeing none,
12 Mr. Iannuzzi, if you could call the roll
13 of the members of this Committee.

14 THE CLERK: Councilmember Bass.

15 COUNCILWOMAN BASS: Aye.

16 THE CLERK: Councilmember Domb.

17 COUNCILMAN DOMB: Aye.

18 THE CLERK: Councilmember Gym.

19 COUNCILWOMAN GYM: Aye.

20 THE CLERK: Councilman Henon.

21 COUNCILMAN HENON: Aye.

22 THE CLERK: Councilmen Jones.

23 COUNCILMAN JONES: Nay.

24 THE CLERK: Councilmember Oh.

25 COUNCILMAN OH: Nay.

1 THE CLERK: Councilmember

2 Quinones-Sanchez.

3 COUNCILWOMAN QUINONES-SANCHEZ:

4 Nay.

5 THE CLERK: Councilmember

6 Squilla.

7 COUNCILMAN SQUILLA: Aye.

8 THE CLERK: And, Chair Green.

9 COUNCILMAN GREEN: Aye.

10 The ayes have it and the motion carries.

11 The Chair now recognizes

12 Councilmember Henon for a motion on Bill

13 No. 200624.

14 COUNCILMAN HENON: Thank you,

15 Mr. Chairman.

16 I move that Bill No. 200624 be

17 reported from this Committee with a

18 favorable recommendation and further

19 move that the rules of Council be

20 suspended to permit the reading of this

21 bill at our next session of Council.

22 COUNCILWOMAN QUINONES-SANCHEZ:

23 Second.

24 COUNCILMAN JONES: Second.

25 COUNCILMAN GREEN: It was

1 seconded by Councilmember Maria
2 Quinones-Sanchez. It has been moved and
3 properly seconded that Bill No. 200624
4 be reported from this Committee with a
5 favorable recommendation and further
6 move that the rules of Council be
7 suspended to permit first reading of
8 this bill at the next session of
9 Council.

10 All those in favor of the
11 motion will signify by saying aye.

12 (Aye.)

13 COUNCILMAN GREEN: Those
14 opposed?

15 (No response.)

16 COUNCILMAN GREEN: The ayes
17 have it and the motion carries.

18 I want to thank the members of
19 this Committee for today's conversation.
20 Definitely there's more work to be done
21 on one of these bills prior to it being
22 called up for a final vote. I hope in
23 the spirit of the nature of today's
24 conversation we can have a level of
25 collegiality to work on regulations

1 regarding this issue. There clearly are
2 strong arguments and perspectives on
3 both sides of that bill.

4 Seeing no other further
5 business before this Committee on
6 Finance, this concludes the business
7 before this Committee. Thank you all
8 for your attendance and participation in
9 today's hearing.

10 (Committee on Finance concluded
11 at 3:15 p.m.)

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

I, hereby certify that the
proceedings and evidence noted are contained
fully and accurately in the stenographic
notes taken by me in the foregoing matter,
and this is a correct transcript of the
same.

TANEHA C. CARROLL
Court Reporter - Notary Public

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