

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON COMMERCE AND
ECONOMIC DEVELOPMENT

Remote location using Microsoft® Teams
Wednesday, December 6, 2023
4:35 p.m.

PRESENT:

COUNCILMAN MARK SQUILLA, CHAIR
COUNCILMAN CURTIS JONES, JR., VICE-CHAIR
COUNCILWOMAN KENDRA BROOKS
COUNCILWOMAN JAMIE GAUTHIER
COUNCILWOMAN KATHERINE GILMORE RICHARDSON
COUNCILMAN KENYATTA JOHNSON

ALSO PRESENT:

COUNCILMAN JIM HARRITY

BILL: 230746

1 - - -

2 COUNCILMAN SQUILLA: The
3 Committee on Commerce and Economic
4 Development for Wednesday, December
5 6th. I want to apologize for
6 starting a little late as the
7 Education Committee ran over.

8 Before we begin the public
9 hearing, I would like to make the
10 following announcement: Due to the
11 continuing threat to public health
12 from COVID-19, City Council
13 Committees are currently meeting
14 remotely. We are using Microsoft
15 Teams to make these remote hearings
16 possible.

17 Instructions for how the
18 public may view and offer public
19 testimony at public hearings of
20 City Council Committees are
21 included in the public hearing
22 notices that are published in the
23 Daily News, Inquirer and Legal
24 Intelligencer prior to the hearings
25 and can also be found on

1 PHLCouncil.com. I now note that
2 the hour has come.

3 Mr. McMonagle, will you
4 please call the roll to take
5 attendance.

6 THE CLERK: Good afternoon.
7 Councilwoman Brooks.

8 COUNCILWOMAN BROOKS: Good
9 afternoon. I am present.

10 THE CLERK: Councilwoman
11 Gauthier.

12 COUNCILWOMAN GAUTHIER: I
13 am present. Good afternoon,
14 Mr. Chair and colleagues.

15 THE CLERK: Councilwoman
16 Gilmore Richardson.

17 (No response.)

18 THE CLERK: Councilman
19 Johnson.

20 (No response.)

21 THE CLERK: Councilman
22 Jones.

23 COUNCILMAN JONES: Good
24 afternoon, everyone. I am present.

25 THE CLERK: And, Councilman

1 Squilla.

2 COUNCILMAN SQUILLA: Good
3 afternoon. Present. Thank you. A
4 quorum of the Committee is present
5 and the hearing is now called to
6 order. This is a public hearing of
7 the Committee on Commerce and
8 Economic Development regarding Bill
9 No. 230746.

10 Mr. McMonagle, can you
11 please read the title of the bill.

12 THE CLERK: Bill No.
13 230746, amending Chapter 9-2300 of
14 The Philadelphia Code to provide
15 greater protections for displaced
16 contract workers.

17 COUNCILMAN SQUILLA: Thank
18 you. Before we begin to hear
19 testimony from our witnesses we
20 have for today, everyone who has
21 been invited to the meeting to
22 testify should be aware that this
23 public hearing is being recorded.
24 Because the hearing is public,
25 participants and viewers have no

1 reasonable expectation of privacy.
2 By continuing to be in the meeting,
3 you are consenting to being
4 recorded.

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

16 Mr. McMonagle, will you
17 please call the panel we have to
18 testify this afternoon on Bill No.
19 230746.

20 THE CLERK: We received
21 written testimony from the
22 Administration but nobody from the
23 Administration to testify.

24 Councilman Harrity, would
25 you like to be recognized before we

1 call the first panel?

2 COUNCILMAN HARRITY: I

3 would.

4 COUNCILMAN SQUILLA:

5 Councilman Harrity.

6 COUNCILMAN HARRITY: I

7 would. Thank you, Chairman, Vice-

8 Chair and colleagues and all the

9 guests here.

10 I have 10 short points

11 about the bill that I'd like to put

12 out there starting with number one,

13 supporting Philly workers. This is

14 a plan to give extra help to

15 workers facing changes in

16 Philadelphia. Number two, plain

17 language and definition. If you

18 hire people for big buildings or

19 services in the City of

20 Philadelphia like janitorial,

21 security or food service, you're a

22 part of this plan.

23 Smooth transition, number

24 three. When a new company takes

25 over, we're ensuring current

1 workers keep their jobs for at
2 least 90 days. It's all about a
3 smooth transition for everyone.
4 Number four, priority job offers.
5 If a place closes, the workers who
6 lost their jobs get first shot at
7 new jobs if the place reopens.
8 Fair chances for everyone,
9 number five. Strict rules, fair
10 play. There's a group making sure
11 everyone plays fair. If not,
12 consequences like paying back wages
13 or giving the job back are options.
14 Agency oversight, number six. An
15 agency is like a referee, making
16 sure everyone follows the plan.
17 They set rules and help people
18 understand what's happening. Clear
19 communication, number seven.
20 Workers won't be in the dark.
21 They'll know exactly what's
22 happening, who's taking over and
23 what their new job will look like.
24 Number eight, protection of
25 Philadelphia workers. The bottom

1 line is this plan is about looking
2 out for the workers in Philadelphia
3 making sure they're treated right
4 during changes.

5 (Background
6 interruption.)

7 COUNCILMAN HARRITY: Number
8 nine, fair wages and benefits,
9 ensuring workers get fair pay and
10 benefits so they're not just
11 keeping their jobs but also being
12 compensated properly. Number 10,
13 easy compliant process --
14 complaint -- I'm sorry. Number 10,
15 easy complaint process. Creating a
16 simple process for workers to raise
17 concerns or complaints if someone
18 doesn't seem right giving them a
19 voice in the process. Did you hear
20 me? Can you hear me?

21 COUNCILMAN SQUILLA: Yes,
22 we can, Councilmember. Yep.

23 COUNCILMAN HARRITY: All
24 right. And just in closing, I'd
25 like to say I know this is a hard

1 vote. But a wise woman told me
2 that the people have sent us here
3 to make hard decisions. That's all
4 I have to say. Thank you for
5 listening.

6 COUNCILMAN SQUILLA: Thank
7 you, Councilmember, for that.

8 And, Mr. McMonagle, would
9 you like to please read the list
10 for the first panel.

11 THE CLERK: Yes. Can we
12 please have in this order and then
13 if you would not mind being
14 prepared to testify after the
15 person in front of you speaks.

16 Tiffany Cherry, Daisy Cruz, Lyle
17 Rowen and then Keisha Hayes, in
18 that order please.

19 COUNCILMAN SQUILLA: Okay.
20 We'll start with Tiffany and then
21 we'll proceed after Tiffany's done.
22 We'll please refrain from asking
23 questions until all have testified.

24 Tiffany, just state your
25 name for the record and then

1 proceed with your testimony.

2 (No response.)

3 COUNCILMAN SQUILLA:

4 Tiffany, are you able to unmute?

5 (No response.)

6 COUNCILMAN SQUILLA: Sean,

7 are we having any technical

8 difficulties?

9 THE CLERK: Not that I'm
10 aware of, Mr. Chairman.

11 Tiffany, can you hear us?

12 MS. CHERRY: Hi --

13 THE CLERK: There you go.

14 MS. CHERRY: My name is
15 Tiffany Cherry. I'm here today --
16 I am a Bellevue worker for 13
17 years. When I started --

18 (Background
19 interruption.)

20 MS. CHERRY: Can you hear
21 me?

22 THE CLERK: We can hear
23 you, yes.

24 COUNCILMAN SQUILLA: We
25 hear you fine. Please keep

1 testifying, Tiffany.

2 (Background

3 interruption.)

4 MS. CHERRY: It's a delay.

5 THE CLERK: We can hear
6 you.

7 COUNCILMAN SQUILLA: If
8 you're watching it on the screen,
9 try not to watch it on the screen
10 because it is delayed or turn the
11 volume down. Thank you.

12 MS. CHERRY: Okay. My name
13 is Tiffany Cherry. I am a Bell --
14 I have been a Bellevue worker for
15 13 years. When I started, we were
16 making \$15 an hour and now making
17 \$22 an hour. The Bellevue started
18 transitioning to new management as
19 COVID hit. It fully transitioned
20 early 2022.

21 Half of the building is
22 still the Bellevue Hotel while the
23 side I work on used to have 10
24 floors of commercial floors. Out
25 of the 10 floors that we have, we

1 have only down four floors. Six of
2 the floors is under construction.
3 It's going up for construction for
4 residential. Before the cuts and
5 the renovations happened, we had 23
6 workers -- 23 cleaning workers and
7 now we are down to 5 total. One in
8 daytime, four at night.

9 While six is under
10 renovation for residential, before
11 the cuts happened -- did I say
12 that -- I said all of that already.
13 I'm sorry. All right. That means
14 that 18 workers who are no longer
15 at the building. The threat of
16 losing our job isn't just a threat
17 of our wages, it could lead to us
18 losing health insurance, pension
19 and other benefits.

20 The second management
21 company that came in immediately
22 cut the workforce. We have heard
23 that another company took over,
24 which we do have another cleaning
25 company that took over November

1 1st. The new company that came in
2 I'm not sure what's going to go on.
3 It's early stages right now with
4 the new company coming in.
5 However, we had a new property
6 manager that came in that wanted to
7 get rid of us. But because of the
8 union, she wasn't able to do that.

9 With all of those
10 renovations and new things that's
11 going on as far as the construction
12 and the residential, who knows what
13 the four floors is going to look
14 like in a few years. We can lose
15 those four floors of commercial to
16 residential. If we lose those four
17 floors to residential, I would like
18 to be able to come back and work in
19 the Bellevue.

20 I've been in the Bellevue
21 for a long time. I've created a
22 lot of relationships with tenants.
23 We became a family there. So with
24 the renovations going on and the
25 building shutting down, we would

1 like to be the first ones to be
2 able to come back to work at the
3 Bellevue if that happens.

4 We absolutely need our
5 local elected officials to help
6 protect our jobs so that we can
7 fight and maintain our rights,
8 wages and working conditions that
9 we deserve. In this new pandemic
10 climate, we need to make sure that
11 owners do us -- we need to make
12 sure owners don't use the excuse of
13 renovations and conversions of
14 their buildings to undercut the
15 labor standards that we achieve to
16 help us provide decent living --
17 decent lives for our families.

18 The world is trying its
19 best to recover from the first
20 global pandemic of our lifetime.
21 It's enough that many of us lost
22 our family and friends. We should
23 do everything we can to avoid
24 additional stress and (inaudible)
25 of us losing our livelihoods as

1 well.

2 I have a picture right here
3 of City Council out supporting us
4 during the time we was fighting for
5 our contract. I'm not sure if
6 y'all see this picture. It's kind
7 of small. So you stood for us in
8 front of a building on 16th and
9 Cherry, which is currently in the
10 middle of a transfer of ownership
11 and possible renovation from
12 commercial to residential. We
13 absolutely appreciate your support
14 then. Please continue to stand
15 with us now to protect what we have
16 earned. I think that's it.

17 THE CLERK: Thank you,
18 Tiffany.

19 Can we have Daisy please,
20 Daisy Cruz.

21 MS. CRUZ: Good afternoon.
22 Can you guys hear me?

23 COUNCILMAN SQUILLA: Yes.
24 Just state your name for the record
25 and proceed with your testimony.

1 MS. CRUZ: Sure. Daisy
2 Cruz. Okay. I'm ready to go.
3 Just like I just said, good
4 afternoon. I just thank you all
5 for giving us the opportunity to be
6 able to give our testimony today.
7 I'm the District leader for SEIU
8 Local 32BJ. I represent over
9 10,000 workers in Philadelphia and
10 the tristate area. We represent --
11 and thousands of those actually
12 work in Center City just like
13 Tiffany was referencing earlier.
14 As you all heard, a lot of
15 our members find themselves in
16 danger of losing their jobs due to
17 no fault of their own. Our union
18 members are cleaners, security
19 officers, building engineers who
20 make sure that the buildings are
21 clean, well-maintained and secure
22 so that businesses are able to
23 function properly.
24 In all the years that I've
25 been doing this job, I've come to

1 understand that our workers can
2 easily be taken for granted and are
3 the unseen workers that people
4 don't see every single day. COVID
5 presented the most constant
6 pressing problem we have ever seen.
7 During the pandemic, just like
8 Tiffany talked about, our members
9 became highly recognized in a way
10 that they have never been before.

11 While the rest of the world
12 was quarantined, masked and dealing
13 with things that dealing with death
14 not knowing what was coming next, a
15 lot of people were able to work
16 from home, but not our members.
17 Unfortunately, they -- fortunately
18 and unfortunately they were
19 celebrated and honored as essential
20 workers when it was still unclear
21 how the virus was spreading and
22 what they were actually bringing
23 home to their families every single
24 day.

25 They did all that extra

1 deep cleaning at these buildings,
2 constantly kept the buildings
3 running, helping enforce social
4 distance and mask mandates in
5 efforts to keep us all safe and
6 healthy as possible. Many of them
7 were laid off. They lost hours and
8 some unfortunately lost their
9 lives.

10 Now that we're coming out
11 of the worst of it and entering a
12 time of recovery, we find that the
13 businesses that our members worked
14 so hard to help stay afloat are
15 making adjustments themselves. We
16 expect that as social and economic
17 times change businesses will adapt,
18 but we cannot sacrifice the jobs
19 that our low-wage, hard-working
20 Philadelphia people have been doing
21 this work for so long so that
22 businesses can continue to get
23 richer. We fought for displaced
24 worker laws in the past to close
25 the loopholes that left workers

1 vulnerable to job loss from
2 irresponsible businesses trying to
3 avoid living wages, benefits and
4 our members fought so hard in their
5 contracts for all these years.

6 This new language is not a
7 new concept. It's simply adapting
8 an already-existing law to address
9 the changes and circumstances.

10 Passing these amendments to the
11 existing law will give workers a
12 chance to hold onto their wages,
13 their health benefits, their
14 pensions at a time when they are
15 the ones who need it the most.

16 Businesses should not
17 benefit at the expense of poor,
18 hard-working people who live
19 paycheck-to-paycheck. Just like
20 Tiffany referenced earlier as well,
21 Councilmembers, State Reps,
22 Senators as well as Mayor-elect
23 Cherelle Parker marched with us and
24 stood with us on August 29th of
25 this year at 16th and Cherry for a

1 rally to protect our workers and
2 protect their jobs, workers in that
3 exact building just like Tiffany
4 talked about that are at risk of
5 losing their jobs if this bill does
6 not pass this year.

7 We cannot put businesses
8 above low-wage workers. We ask
9 that you continue to support us by
10 voting yes on this displaced
11 workers bill. By doing so, you
12 will be sending a clear message
13 that we are in this recovery
14 process together. If you vote no,
15 you will be voting no on poor,
16 hard-working people and voting yes
17 for billionaires to continue to get
18 richer. I thank you for the time
19 in letting me testify.

20 THE CLERK: Thank you,
21 Daisy.

22 Can we now hear from Lyle
23 Rowen please.

24 MR. ROWEN: Yes. Thank
25 you.

1 COUNCILMAN SQUILLA: Hey,
2 Lyle. Just state your name for the
3 record and proceed.

4 MR. ROWEN: Thank you.
5 Lyle Rowen. Good afternoon. My
6 name is Lyle Rowen and I'm joining
7 you as an Associate General Counsel
8 for Local 32BJ. Thank you for your
9 time and attention here on this
10 important matter. I've been
11 working with 32BJ for nearly 20
12 years providing legal support for
13 the union's organizing and
14 representational work.

15 The union represents
16 membership throughout 11 states and
17 the District of Columbia. I have
18 been focused particularly in the
19 City of Philadelphia and the state
20 of Pennsylvania generally in the
21 past several years, including I
22 work at the Philadelphia Airport
23 and on various representational
24 matters in the City.

25 I just wanted to take a

1 minute to talk a little bit about
2 the substance of the law and how
3 displaced worker laws like this
4 which exist throughout the union's
5 jurisdiction provide a vital source
6 of stability to a workforce that is
7 subject to an enormous amount of
8 disruption based on changes and who
9 their employer is. It's a unique
10 aspect of the building service
11 industry that I think warrants our
12 attention, and this law as it
13 exists provides helpful protection,
14 but the amendments are needed as
15 proposed to strengthen those
16 protections.

17 So I want to just outline
18 generally the industry relies upon
19 sort of two essential employment
20 structures for employees in this
21 industry: First, building service
22 staff may typically be employed
23 directly by a building owner,
24 whether that's a real estate
25 company or a co-op or a condominium

1 board. Alternatively, building
2 service employees may be employed
3 by a commercial contractor that is
4 hired by a building owner to
5 provide services through a period
6 of time. So these are the two
7 basic structures.

8 And within that, there's
9 essentially four common scenarios
10 in which a building employer -- I'm
11 sorry, the employee's employer will
12 change which creates instability in
13 their employment. The first of
14 these is when the cleaning or the
15 building service contractor simply
16 changes, so the builder owner has
17 an existing contractor and they
18 decide to go with different
19 companies and they switch it out
20 and a new contractor comes in and
21 the employees have to go apply for
22 their jobs again. They don't know
23 what they're in for in terms of
24 working. So that's one.

25 Another is when the

1 building owner used to hire
2 employees directly but decides to
3 contract out those jobs and a new
4 contractor comes in. Those two
5 scenarios are currently addressed
6 under the existing law. But what
7 the existing law does not address
8 is two other scenarios which we see
9 some frequency. One is when there
10 is a cleaning con -- or building
11 service contractor in place that
12 employs the workers, but the
13 building owner decides to terminate
14 that agreement and hire the
15 employees inhouse. In that
16 situation, the employees then have
17 to reapply for their jobs directly
18 with the building owner. Again,
19 the terms and conditions of that
20 employment can change based on the
21 demands of the owner who is now the
22 employer.

23 Another would be where the
24 employees are directly employed by
25 the building owner and the building

1 is sold and a new owner comes in
2 and also decides to employ the
3 workers directly. That incoming
4 owner is now a new employer and the
5 employees have to go apply for
6 their jobs again, and that's
7 another scenario that the existing
8 law does not apply to and provides
9 no protection.

10 So without the protection
11 of the displaced workers law, these
12 employees who have many times
13 served in the building for years or
14 even decades could be thrown out on
15 the street. There's no other
16 requirement that requires them to
17 be employed by the new employer
18 that comes in. So for these
19 different scenarios that are
20 currently not addressed in the
21 existing law, we feel the proposed
22 amendments are crucial.

23 In addition, it really
24 needs to be recognized as Daisy
25 mentioned that the COVID pandemic

1 inflicted an enormous and lasting
2 impact on the commercial side of
3 the building service industry that
4 32BJ feels needs to be addressed.
5 Specifically, following the act of
6 remote work in certain pockets of
7 the market in our industry we've
8 seen shifts of investment in
9 development from commercial office
10 space to residential properties.

11 In some instances as
12 described, this transition results
13 in the temporary, partial or
14 complete closure of a building
15 while the property is renovated
16 from one purpose to another,
17 resulting in painful displacement
18 and disruption to the lives and
19 economic security of the employees
20 who work there.

21 So while the existing
22 displaced worker law in
23 Philadelphia does provide important
24 protection for many of the City's
25 building service employees, more

1 attention is needed both to close
2 the existing loopholes and to
3 further address new challenges of a
4 changing real estate landscape.

5 This bill we believe will address
6 these needs and there are several
7 important changes to the
8 amendments, but I want to mention
9 three in particular:

10 First, as I described
11 earlier, the existing law only
12 applies when jobs are assumed by a
13 new incoming contractor and not
14 when the building owner acquires
15 the employees directly. The
16 proposed amendment extends the
17 important protection to employees.
18 The second, with the changes in the
19 industry shifting towards
20 residential development, the bill
21 adds job classifications common to
22 residential property management
23 that are not included in the
24 existing law, specifically
25 concierge services and door

1 attendant services. Without these
2 changes, central services within
3 the residential market would not be
4 covered by the law's protection.

5 And finally, the proposed
6 amendments include the new recall
7 protection provision to address
8 what we expect to be a more common
9 problem, which is the layoff of
10 existing building staff in a
11 commercial building due to partial
12 or full temporary closure of the
13 building for renovations necessary
14 to repurpose a property. A shift
15 we expect to see from commercial
16 use to residential use.

17 In these cases, the
18 amendments would provide a minimum
19 measure of continued job protection
20 to grant those displaced employees
21 their right to be recalled to their
22 former building when it reopens in
23 its new form. There will still be
24 hardship endured during this hiatus
25 period and many employees may

1 simply move on to other employment
2 elsewhere. But this provides them
3 a choice to return and resume their
4 service in the future if they so
5 desire.

6 With these comments, I
7 respectfully urge you to consider
8 the importance of these amendments
9 to the working people of
10 Philadelphia and pass them into
11 law. I do want to mention before I
12 close I did have a chance to review
13 a recent memorandum drafted by the
14 Law Department. We provided some
15 very helpful insight into potential
16 problems, legal problems with
17 proposed amendments. The first of
18 those has to do with the separation
19 of powers under the City Charter,
20 and the union certainly has no
21 quarrel with the Law Department's
22 view that the existing amendments
23 essentially contain a lot of
24 prescriptive language, a lot of
25 directives that would be coming

1 from Council to an executive
2 agency. So the union certainly
3 acknowledges that whatever
4 executive agency would be
5 responsible for enforcement, that
6 they would retain their lawful
7 discretion in autonomy in terms of
8 policies that they would implement
9 to ensure compliance.

10 We felt that it was helpful
11 to have an administrative
12 enforcement mechanism in the
13 ordinance just to ensure efficient
14 enforcement. But the lawful
15 executive discretion that would be
16 used to carry that out of course
17 remains solely within the executive
18 agency.

19 And the second had to do
20 with special legislation in that
21 that, that caution did prompt a
22 review of the language and the
23 union did recommend sort of an
24 11th-hour revision to try to
25 correct that problem, and that had

1 to do with the new provision
2 regarding recall rights for
3 employees that are laid off. And
4 the definition of an eligible
5 layoff employee was improperly
6 narrow to only include those who
7 had worked during six months of
8 Calendar Year 2023, and that was
9 not the intention. The intention
10 was to create an eligibility
11 formula of working six of the 12
12 months prior to a layoff regardless
13 of what year that occurred, but it
14 would only be in effect for
15 building closures that occur after
16 January 1st of 2024 following the
17 bill's hopeful passage. So that
18 was just an oversight in drafting
19 in terms of the definition of an
20 eligible employee under that
21 provision and we've proposed a
22 correction, a very short correction
23 that will resolve that problem. So
24 thank you for your time and
25 attention. I appreciate this

1 opportunity.

2 COUNCILMAN SQUILLA: Thank
3 you for your testimony.

4 Mr. McMonagle, do you have
5 the list of the next people to
6 testify?

7 THE CLERK: Yes. Can we
8 please have Keisha Hayes.

9 (No response.)

10 COUNCILMAN SQUILLA:
11 Keisha, are you connected? Just
12 state your name for the record and
13 proceed with your testimony.

14 MS. CRUZ: Keisha's in with
15 Tiffany. They're just waiting to
16 unmute.

17 THE CLERK: Oh, okay.
18 Thank you.

19 MS. CRUZ: You're welcome.

20 MS. HAYES: Hi. Good
21 afternoon. My name is Keisha
22 Hayes. I've been a cleaner in the
23 Public Ledger Building at 620
24 Chestnut for 29 years. I would
25 like to speak to you for a moment

1 on the importance of the displaced
2 workers protections currently on
3 the books of Philadelphia and why
4 we have such an urgent need to
5 amend the current language.

6 Our jobs have become the
7 kind of jobs that have changed
8 lives and improved families. Over
9 decades of negotiations and
10 improvements, we have been able to
11 earn the kind of wages and benefits
12 that help us support our families
13 and neighborhoods and communities.
14 But all those gains could be lost
15 if another company takes over and
16 does not hire us and negotiates to
17 keep our union contract.

18 Last year my building
19 switched cleaning companies
20 overnight to a nonunion company.
21 And when I came into work the next
22 day, my coworkers and I were
23 informed that our services were no
24 longer needed. After over 20 years
25 I wasn't even allowed in the

1 building. After calling around and
2 asking for the application to the
3 new company, I was told that I
4 wasn't allowed to apply.

5 I immediately contacted my
6 union because of displaced workers
7 protections and we have fought
8 for -- we have fought and able to
9 keep our jobs and another cleaning
10 company eventually came in fully
11 respecting our rights and agreeing
12 to our contract. And now coming
13 out of the pandemic, we are faced
14 with a new threat. After working
15 through the COVID and being front
16 line and making buildings safe for
17 business, we are facing -- we are
18 facing -- we went from 22 cleaners
19 down to 2. We went down to 2
20 cleaners. And as I'm speaking
21 right now, they are doing condos
22 all around us. They completed one
23 side and we're still working in
24 there while they're completing
25 condos.

1 Tenants have moved out. We
2 maybe got about three tenants left.
3 So may by the end of the year we
4 may even not have a job. So I
5 don't know even how I'm going to
6 feed myself, take care of myself.
7 My life just changed dramatically
8 just like that. I don't think
9 that's fair. I know that I need my
10 job so I'm praying that you guys
11 can take this in consideration and
12 pass this because we need it.

13 Thank you and have a blessed day.

14 COUNCILMAN SQUILLA: Thank
15 you. Thank you so much for your
16 testimony. Good job.

17 Mr. McMonagle.

18 THE CLERK: Can we please
19 have William Carter on our second
20 panel introduce himself and prepare
21 his testimony.

22 COUNCILMAN SQUILLA: Will,
23 just state your name for the record
24 and proceed with your testimony.

25 MR. CARTER: Good morning.

1 Can you hear me -- oh, good
2 morning --

3 COUNCILMAN SQUILLA: We
4 hear you fine.

5 MR. CARTER: Good evening
6 now. I should have said good
7 afternoon, but good evening. I
8 want to thank Councilman Squilla
9 and members of the Committee on
10 Commerce and Economic Development
11 for the opportunity to testify
12 regarding this legislation. I'm
13 actually testifying on behalf of
14 the Inclusive Growth Coalition,
15 which is inclusive of the Greater
16 Philadelphia Chamber, the African
17 American Chamber, the Hispanic
18 Chamber, the Asian Chamber and the
19 Independence Business Alliance
20 which is the LGBTQ Chamber in the
21 City. And our organization is
22 advocating for job and business
23 growth in Philadelphia through the
24 engagement of diverse partners from
25 every corner of the City to raise

1 the standard of living for all
2 Philadelphians.

3 We know shared prosperity
4 can only be achieved when all
5 Philadelphians are providing access
6 to opportunities. And the IGC is
7 committed to inform local leaders
8 regarding policies that will grow
9 all businesses and increase the
10 number of people working in
11 good-paying jobs in the City of
12 Philadelphia. And particularly,
13 during this recovery period it's
14 imperative that we support business
15 growth and the jobs that come with
16 it. And doing so as we know also
17 benefits our City through an
18 expanded tax base to improve City
19 services, reduce poverty and make
20 our City safer.

21 Regarding the matter at
22 hand, and I've been listening to
23 the testimony and certainly
24 understand the concerns, we must
25 impress upon you however that

1 there's various substantive issues
2 with this legislation. But beyond
3 that, the lack of engagement with
4 stakeholders on a bill that
5 significantly affects the diverse
6 business community has quite
7 frankly been unconscionable. At
8 the time of its introduction, we
9 expressed concerns to the sponsor
10 regarding the form and substance of
11 the bill. At that time we were
12 sure that it wouldn't be listed for
13 hearing until we had further
14 conversation and meaningful
15 interaction with the sponsor on
16 this bill.

17 However, we are now dealing
18 with a bill that was placed on the
19 hearing calendar last minute
20 without notice to stakeholders from
21 the sponsor. Further, the only
22 Zoom we've had on this bill was
23 within the last two days during
24 which no substantive matters were
25 discussed. And I'm certain -- I

1 have known the sponsor for a
2 while -- that his heart is in the
3 right place and that his intentions
4 are great, but we know that City
5 Council and the Administration in
6 particular, but City Council at
7 large represents all sides, should
8 be representing all entities and
9 all interested parties on bills
10 like this.

11 So we fully understand that
12 one of the principle
13 responsibilities of unions like
14 SEIU is to encourage companies to
15 hire the members. We're all a part
16 of member service organizations and
17 work hard every day to provide
18 benefits and increase our
19 respective memberships.

20 Our main expectation I
21 should say, however, is that when
22 public policy matters affect our
23 members, they are likewise
24 considered and properly engaged.
25 The process surrounding this bill

1 has not allowed for such engagement
2 and has denied our membership full
3 opportunity to have their concerns
4 expressed and properly considered.
5 Legislation, especially of this
6 magnitude, and the impact must be
7 thoroughly considered in light of
8 our City's current economic state.
9 Entrepreneurs of all demographics
10 work 24/7 to provide goods and
11 services that benefit the community
12 at large. And when those that
13 succeed grow, they create needed
14 jobs to the benefit of the City and
15 its residents.

16 These business owners and
17 these entrepreneurs, these hard-
18 working individuals significantly
19 rely on healthy relationships and
20 proper support from their
21 government leaders in doing so.
22 However, with this valuable segment
23 of society is not properly engaged
24 by government in policy matters
25 that affect their sustainability

1 and growth, there's immediate
2 erosion of confidence that local
3 leaders represent them equally.

4 Legislation of this
5 importance must be considered
6 adequately, especially in light of
7 the current state of businesses
8 citywide. We are certainly not
9 here to disparage service unions or
10 their cause. However, we are
11 certain that there needs to be a
12 fair process that does not unevenly
13 tilt favor towards labor over
14 service companies in matters like
15 this.

16 And given the substantive
17 process issues attentive hereto, we
18 ask that you not consider this
19 legislation at this time and allow
20 Philadelphia's hard-working diverse
21 service contractors a proper seat
22 at the table for the issues to be
23 considered. I thank you for your
24 time and I'm open for any
25 questions.

1 COUNCILMAN SQUILLA: Are
2 there any questions from any
3 members of the Committee for any of
4 the ones who had testified up to
5 this time?

6 (No response.)

7 COUNCILMAN SQUILLA: Seeing
8 none, Mr. McMonagle, can you please
9 read the next person to testify.

10 THE CLERK: Yes. Can we
11 please have Regina Hairston.

12 MS. HAIRSTON: Good
13 afternoon. Good evening,
14 Councilman Squilla and members of
15 the Committee. Thank you for
16 allowing me the opportunity to
17 testify. Again, my name is Regina
18 A. Hairston and I'm the President
19 and CEO of the African American
20 Chamber of Commerce. Today I
21 testify on behalf of the Diverse
22 Chambers Coalition of Philadelphia
23 which was formed by the AACC along
24 with the Asian American Chamber of
25 Commerce of Greater Philadelphia,

1 Greater Philadelphia Hispanic
2 Chamber of Commerce and the LGBTQ
3 Chamber of Commerce, which is the
4 Independence Business Alliance to
5 work collectively as a community to
6 meet the unique challenges diverse
7 businesses and enterprises face
8 when they engage with our local
9 economy.

10 Today we come together to
11 advocate for the diverse small
12 business owners in the City of
13 Philadelphia urging members of
14 Council to engage with our
15 Coalition and the development and
16 implementation of policies and
17 regulations that may impact them.
18 The businesses we represent are the
19 backbone of our neighborhoods,
20 providing essential goods and
21 services and employment
22 opportunities to their fellow
23 Philadelphians.

24 On behalf of the Coalition,
25 I am testifying today in opposition

1 of Bill 230746, which we believe
2 irresponsibly circumvents vital
3 democratic processes, overreaches
4 well beyond legal feasibility and
5 is crafted with total disregard for
6 inclusivity for equity by leaving
7 out the diverse voices of business
8 owners who would be most impacted
9 by its implementation.

10 Substantively this bill
11 creates undue and likely illegal
12 burdens for business owners of all
13 kinds by telling them who and how
14 they can hire as a part of a
15 workforce. One goal for our City
16 on the precipice of new leadership
17 should be to create a business
18 environment wherein all entities,
19 especially the diverse businesses
20 that we represent, can flourish and
21 create meaningful jobs and
22 supported public policy --
23 supported rather than public policy
24 one where no one wants to operate.
25 We should not aim to create extra

1 barriers and drive enterprise away
2 when our City is already at an
3 economic crisis point.

4 And as we have testified
5 before, quality jobs do not appear
6 without enterprise beyond the
7 substantive matters of the bill,
8 the process by which this bill
9 comes before us. To put it calmly,
10 it's unsettling. It has been
11 hastily cobbled together without
12 concern for the diverse business
13 owners of this City, appears
14 irresponsible in its overreach and
15 represents a dangerous precedent
16 for democratic norms in this
17 legislative body.

18 We are a city that is
19 defined by the democratic process,
20 and we are appalled that the
21 parties most impacted by this
22 legislation have not been included
23 in the crafting of it. Coming as
24 it did, we cannot say with
25 certainty what the direct impact

1 will be on the many businesses we
2 represent. Neither can anyone
3 else, including City Council as
4 there have not been studies or
5 evidence attached to this that
6 empirically state what any impacts
7 to Philadelphia businesses might
8 be.

9 Had there been any
10 considerations or studies on how
11 many Philadelphia buildings would
12 fall under the laws new and sudden
13 auspices, had there been an audit
14 about the multiple types of
15 businesses that are conducting
16 their services in buildings within
17 complexes of at least 50,000 square
18 feet or residential complex of
19 buildings of at least 50 dwelling
20 units, has anyone paused to
21 consider how many diverse-owned
22 businesses like grocery stores,
23 wholesale operations or even
24 nonprofits would be affected by new
25 regulations without warning? The

1 change in the policy proposed is of
2 significant magnitude and requires
3 the engagement of affected parties.
4 From our perspective, businesses
5 who operate in the kinds of
6 buildings cited in the bill have
7 not had a meaningful opportunity to
8 participate in a discussion about
9 the challenges that the legislation
10 would create, after all they were
11 not consulted or even invited to
12 participate in any robust form of
13 debate.

14 We believe that our elected
15 officials have an informative
16 responsibility to reach out and
17 engage a diverse population of
18 community members and a cadre of
19 business owners to determine how
20 they would be impacted by
21 legislation. We already know that
22 well over a majority of our
23 business owners cite a lack of ease
24 of doing business with the City as
25 a major hurdle to their success and

1 sustainability as indicated in our
2 recent '22, '23 Budget Cycle
3 Diverse Chamber Survey. It is not
4 surprising that they feel this way
5 when burdensome regulations are
6 hoisted upon them without their
7 input and without regard for their
8 lived experience.

9 Small businesses in
10 Philadelphia remain at a very
11 critical juncture and their
12 recovery as well from the impacts
13 of the pandemic and there are
14 causes for concern for our leaders
15 and elected officials. The
16 majority of respondents to our
17 survey indicated that they would
18 not recommend Philadelphia as a
19 place in which to do business,
20 which many respondents cited a lack
21 of ease of doing business, the high
22 cost of doing business and crime
23 and safety concerns as primary
24 detractors.

25 This bill represents yet

1 another burden placed in front of
2 them. As business leaders, as
3 community leaders and as residents
4 of this City, it's imperative that
5 we spend our time planning for a
6 safe, equitable and robust economic
7 environment where businesses can
8 thrive and jobs can be created.
9 The leader, staff and members of
10 the Diverse Chamber Coalition of
11 Philadelphia we are ready to work
12 with you to build a stronger and
13 safer Philadelphia and to have a
14 balanced approach to public policy
15 as it impacts our members and as it
16 impacts all Philadelphians as a
17 whole. Thank you for your time.

18 COUNCILMAN SQUILLA: Thank
19 you for your testimony,
20 Ms. Hairston, and I do hear your
21 concerns. And any time we as
22 electors come up with legislation
23 we do like to have input from all
24 voices. And if you feel that
25 wasn't happening, we will work in

1 the future to do that.

2 Are there any other
3 questions from members of Council?

4 (No response.)

5 COUNCILMAN SQUILLA: Seeing
6 no questions, Mr. McMonagle, can
7 you please read the next person to
8 testify.

9 THE CLERK: Yes. Can we
10 please have Jennifer Rodriguez
11 please?

12 COUNCILMAN SQUILLA:
13 Jennifer, just state your name for
14 the record and proceed with your
15 testimony.

16 COUNCIL TECH SUPPORT: I
17 don't see a Jennifer Rodriguez on
18 the list.

19 THE CLERK: Yeah, I don't
20 see anyone, Councilman.

21 Can we have Mr. Andre
22 Del Valle?

23 COUNCILMAN SQUILLA:
24 Mr. Del Valle, if you're available,
25 state your name for the record and

1 proceed with your testimony.

2 MR. DEL VALLE: Good
3 evening, Chairman Squilla and
4 members of the Committee on
5 Commerce and Economic Development.

6 My name is Andre Del Valle. I'm
7 the Vice-president of Government
8 Affairs for the Pennsylvania
9 Apartment Association representing
10 over 285,000 units and 300 property
11 management companies across the
12 Commonwealth. Locally here in
13 Philadelphia we represent over
14 38,000 units and 49 property
15 management companies.

16 I'd like to thank you for
17 the opportunity to testify on Bill
18 No. 230746, which we oppose for a
19 number of reasons, for procedural
20 concerns to the vague language that
21 leaves this bill ambiguous,
22 potentially opening up members to
23 noncompliance due to how the bill
24 can be interpreted. There's also a
25 tremendous lack of data on the

1 potential impact of this
2 legislation.

3 Over the last two years
4 I've served as Vice-president of
5 the Pennsylvania Apartment
6 Association. I've had the pleasure
7 of working with several of you on
8 bills that have impacted the
9 multi-family housing industry to
10 find common ground on legislation
11 to assist the residents of
12 Philadelphia. We've been part of
13 stakeholder meetings. We've been
14 able to share our concerns and
15 negotiate through those challenges
16 and work with you through a
17 legislative process prior to a
18 final vote. Unfortunately, the
19 same cannot be said about this
20 bill, which is being fast-tracked
21 on our final week of session as you
22 will hear today from the members of
23 the business community.

24 A bill of this magnitude
25 that impacts so many different

1 stakeholders should have gone
2 through a proper process and not be
3 rushed at the 11th hour. For
4 months we were not engaged, for
5 weeks we were told the bill were
6 not run, for weeks emails went
7 unanswered regarding the bill and
8 only two days ago were we given a
9 forum with the bill sponsor to
10 share our concerns about the bill.

11 We were told we would
12 receive amendments and even to this
13 day we still have not received any
14 amendments prior to submitting our
15 testimony for today's hearing. We
16 don't know this bill's full impact.
17 We don't know the number of
18 buildings and have several concerns
19 on the reach, scope and even the
20 legality of this bill.

21 This bill, while we know is
22 well-spirited, raises several
23 concerns from the definition of
24 worker and contractor being used
25 interchangeably to handcuffing

1 employers who may decide to switch
2 contractors to hire within and
3 creating a nightmare process for
4 several enforcement and interfering
5 with an already existing process
6 through the collective bargaining
7 process. Simply put, this
8 legislation raises more questions
9 than concrete answers that leaves a
10 number of us still confused on the
11 potential impact and has a number
12 of different interpretations.

13 What we do know is that
14 this legislation before you
15 specifically targets our industry
16 by extending coverage, concierge
17 and door attendant services but
18 limiting it to the workers of
19 buildings of at least 50,000 square
20 feet and residential buildings with
21 at least 50 units, a threshold that
22 specifically targets those
23 buildings that would be prime to
24 convert from office space to
25 residential.

1 While the bill may seem
2 straightforward, this bill has
3 unintended consequences as it's
4 impacting ongoing federal
5 initiatives that promote affordable
6 housing through the conversion of
7 office space to affordable units.
8 As we know, our nation is facing an
9 affordable housing crisis. And
10 while we're working on a number of
11 initiatives federally and even at
12 the state level to reduce the red
13 tape to constructing more
14 multi-family housing, this
15 legislation before you today adds
16 more red tape and disincentivizes
17 owners and simply the business
18 community from wanting to come and
19 convert or even stay in
20 Philadelphia.

21 PAA prides itself on
22 cross-collaborating with our
23 elected officials at all levels of
24 government, including White House
25 officials to find innovative

1 solutions to our nation's housing
2 challenges. On October 27, 2023,
3 President Biden announced new
4 actions to support the conversion
5 of (inaudible) commercial buildings
6 to residential use, including the
7 new financing technical assistance
8 and sale of federal properties.

9 This announcement will create much
10 needed housing that is affordable,
11 energy-efficient, near transit and
12 good jobs.

13 This initiative peaked the
14 interest of a number of our
15 members, our larger members who
16 have left Philadelphia to return to
17 the City and once again build and
18 create units and create affordable
19 units that we desperately need. We
20 continue to say that there's an
21 affordable housing crisis. Yet
22 those very same housing providers
23 are disincentivized by creating
24 more units through the added
25 regulations like the one before you

1 today. This bill does not only
2 impact those office conversions
3 either. This impacts a number of
4 other sectors and existing
5 buildings which you will hear from
6 today.

7 We're just committed to
8 work with stakeholders that we hear
9 from and have this bill go through
10 a proper process. There is no
11 difference if this bill passes
12 today or if it's the first bill
13 that's introduced next session that
14 helps address concerns from the
15 stakeholders that you've heard
16 from.

17 This bill sets a dangerous
18 precedent for the City of
19 Philadelphia dictating to the
20 private sector who they can and
21 cannot hire and how they can
22 operate business within the City of
23 Philadelphia. We look forward to
24 working with this Committee, the
25 rest of Council, the next

1 Administration on a number of
2 policies and hope that in the
3 future stakeholders will be engaged
4 in the legislative process to
5 ensure that all concerns are
6 addressed prior to the passage of
7 any ordinance of this magnitude.
8 Thank you for the opportunity to
9 testify today.

10 COUNCILMAN SQUILLA: Thank
11 you, Mr. Del Valle, for your
12 testimony. And like we said
13 earlier, we will ensure that in all
14 new legislation moving forward that
15 all parties feel like they will be
16 involved in that process and
17 apologize if that wasn't the case
18 in this instance.

19 Mr. McMonagle, please read
20 the next person to testify.

21 THE CLERK: Mr. Chairman,
22 we have no other people scheduled
23 to testify.

24 COUNCILMAN SQUILLA: Are
25 there any questions from the

1 Committee?

2 (No response.)

3 COUNCILMAN SQUILLA:

4 Hearing no further questions from
5 members of the last panel and there
6 being no other panels to testify,
7 we'll take a brief break to connect
8 members from the public.

9 Are there any public
10 comments for this legislation?

11 COUNCIL TECH SUPPORT:

12 There is no public comment.

13 COUNCILMAN SQUILLA: Okay.

14 Hearing no public comment and no
15 further testimony and no further
16 questions from the Committee and no
17 other comments for witnesses to
18 testify, I'll ask if there is
19 anyone else present in the hearing
20 whose name we have failed to call
21 that wishes to offer testimony for
22 the bill being considered today?

23 (No response.)

24 COUNCILMAN SQUILLA:

25 Hearing none, I want to thank all

1 the panels of witnesses for their
2 participation today as we value
3 your opinions. I now invite all
4 panels of witnesses to please
5 disconnect from the meeting before
6 we go into our public meeting. We
7 will now pause the proceedings
8 briefly as multiple participants
9 leave the hearing.

10 Thank you. That will
11 conclude our public hearing for the
12 Committee and we'll now go into a
13 public meeting to consider the
14 action to be taken on the bill
15 before the Committee today. We are
16 now convening our public meeting.

17 Mr. McMonagle, can you
18 please call the roll to take
19 attendance for the members that are
20 present.

21 THE CLERK: Councilwoman
22 Brooks.

23 (No response.)

24 THE CLERK: Councilwoman
25 Gauthier.

1 COUNCILWOMAN GAUTHIER:

2 Present.

3 THE CLERK: Councilwoman

4 Gilmore Richardson.

5 COUNCILWOMAN GILMORE

6 RICHARDSON: Present.

7 THE CLERK: Councilman

8 Johnson.

9 COUNCILMAN JOHNSON:

10 Present.

11 THE CLERK: Councilman

12 Jones.

13 COUNCILMAN JONES: Present.

14 THE CLERK: Councilman

15 Squilla.

16 COUNCILMAN SQUILLA:

17 Present. Thank you. We will now
18 go into our public meeting.

19 The Chair would like to
20 recognize Councilmember Jones for a
21 motion on the amendment to Bill
22 No. 230746.

23 COUNCILMAN JONES: Thank
24 you, Mr. Chairman.

25 I offer an amendment to

1 Bill No. 230746. A copy of that
2 amendment has been circulated to
3 all members of Council and I move
4 for its adoption, the amendment to
5 Bill No. 230746.

6 COUNCILWOMAN GAUTHIER:

7 Second.

8 COUNCILMAN SQUILLA: The
9 Chair notes for the record
10 Councilmember Gauthier seconds the
11 motion. It has been moved and
12 properly seconded that the
13 amendment to Bill No. 230746 be
14 approved.

15 All those in favor of the
16 motion will signify by saying aye.

17 (Aye.)

18 COUNCILMAN SQUILLA: Those
19 opposed?

20 (No response.)

21 COUNCILMAN SQUILLA: The
22 ayes have it and the motion carries
23 and the amendment to Bill No.
24 230746 has been approved.

25 The Chair now recognizes

1 Councilman Jones for a motion on
2 Bill No. 230746 as amended.

3 COUNCILMAN JONES: Thank
4 you again, Mr. Chairman.

5 I move that Bill No. 230746
6 as amended be moved from this
7 Committee with a favorable
8 recommendation and furthermore ask
9 that the rules of Council be
10 suspended to permit first reading
11 at our next session of Council.

12 COUNCILWOMAN GAUTHIER:
13 Second.

14 COUNCILMAN SQUILLA: Chair
15 notes for the record Councilmember
16 Gauthier seconds the motion.

17 It has been moved and
18 properly seconded that Bill No.
19 230746 as amended be reported from
20 this Committee with a favorable
21 recommendation and further move
22 that the rules of Council be
23 suspended as to permit the first
24 reading of this bill at the next
25 session of Council.

1 All those in favor of the
2 motion will signify by saying aye.

3 (Aye.)

4 COUNCILMAN SQUILLA: Those
5 opposed?

6 (No response.)

7 COUNCILMAN SQUILLA: The
8 ayes have it and the motion
9 carries.

10 That will conclude our
11 meeting for today. Thank you all
12 for your attendance in the business
13 before the Committee on Commerce
14 and Economic Development.
15 Everybody have a great day and
16 thank you for waiting and being
17 patient during this process. Have
18 a --

19 COUNCILWOMAN BROOKS:
20 Councilmember Squilla, can I be
21 marked present and voted aye?

22 COUNCILMAN SQUILLA:
23 Councilmember Brooks is recorded as
24 present and voting aye on the
25 passage of the amendment and Bill

1 No. 230746.

2 Thank you. That will
3 conclude our meeting for today.

4 Everyone have a great day.

5 COUNCILWOMAN GAUTHIER:

6 Thank you, Mr. Chair.

7 Congratulations,
8 Councilmember Harrity.

9 COUNCILMAN HARRITY: Thank
10 you.

11 (Committee on Commerce and
12 Economic Development concluded at
13 5:37 p.m.)

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

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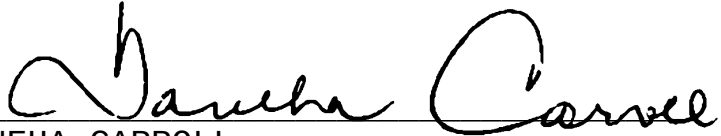
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