

Nov 15, 2021 Committee on Rules
November 15, 2021

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON RULES

Remote location using Microsoft® Teams
Monday, November 15, 2021
10:00 a.m.

PRESENT:

COUNCILMAN KENYATTA JOHNSON, CHAIR
COUNCILMAN MARK SQUILLA, VICE-CHAIR
COUNCILWOMAN CINDY BASS
COUNCILWOMAN KATHERINE GILMORE RICHARDSON
COUNCILMAN DAVID OH
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ

ALSO PRESENT:

COUNCILMAN ALLAN DOMB
COUNCILWOMAN JAMIE GAUTHIER

BILL: 210633

1 - - -

2 COUNCILMAN JOHNSON: Good
3 morning, everyone.

4 This is the Committee on Rules
5 for Monday, November 15, 2021. I
6 understand that state law currently
7 requires that the following announcement
8 be made at the beginning of every remote
9 public hearing as follows: Due to the
10 current public health emergency, City
11 Council Committees are currently meeting
12 remotely. We are using Microsoft Teams
13 to make these remote hearings possible.

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

22 Will the Clerk please call the
23 roll to take attendance. Members who
24 are in attendance will indicate that
25 they are present when their names are

1 called. Also, please say a few brief
2 words when responding so that your image
3 will be displayed on screen when you
4 speak.

5 THE CLERK: Councilmember
6 Gilmore Richardson.

7 COUNCILWOMAN GILMORE

8 RICHARDSON: Good morning, Mr. Chair.
9 Good morning, colleagues. I am present.

10 THE CLERK: Councilmember
11 Quinones-Sanchez.

12 COUNCILWOMAN QUINONES-SANCHEZ:
13 Good morning, Mr. Chair and Members.

14 THE CLERK: Councilmember
15 Squilla.

16 COUNCILMAN SQUILLA: Good
17 morning, Mr. Chair and colleagues.
18 Present.

19 THE CLERK: Mr. Chair, we also
20 have two Councilmembers present who are
21 not members of the Committee,
22 Councilmember Domb and Councilmember
23 Gauthier.

24 COUNCILMAN JOHNSON: Thank you
25 very much.

1 COUNCILMAN O'NEILL:

2 Councilmember O'Neill. Good morning,
3 everyone.

4 COUNCILMAN JOHNSON: Good
5 morning, Councilman O'Neill.

6 THE CLERK: Mr. Chair, I see we
7 also have Councilmember Cindy Bass who
8 has joined us.

9 COUNCILMAN JOHNSON:
10 Absolutely. Councilmember Cindy Bass.
11 So a quorum of the Committee is present
12 and this hearing is now called to order.

13 COUNCILWOMAN BASS: Thank you.
14 Good morning.

15 COUNCILMAN JOHNSON: Good
16 morning. This is the public hearing of
17 the Committee on Rules regarding Bill
18 No. 210633.

19 Will the Clerk read please read
20 the title of the bill.

21 THE CLERK: Bill No. 210633,
22 amending Title 14 of The Philadelphia
23 Code, entitled "Zoning and Planning," by
24 amending certain provisions of Chapter
25 14-500, entitled "Overlay Zoning

1 Districts," by creating the MIH, Mixed
2 Income Neighborhoods Overlay District,
3 by revising certain provisions of
4 Chapter 14-702, entitled "Floor Area,
5 Height and Dwelling Unit Density
6 Bonuses;" and by making related changes,
7 all under certain terms and conditions.

8 COUNCILMAN JOHNSON: Before we
9 begin to hear testimony from the
10 witnesses we have for today, everyone
11 who has been invited to the meeting to
12 testify should be aware that this public
13 hearing is being recorded. Because this
14 hearing is public, participants and
15 viewers have no reasonable expectation
16 of privacy. By continuing to being in
17 the meeting, you are consenting to being
18 recorded.

19 Additionally, prior to
20 recognizing Members for the questions or
21 comments they have for witnesses, I will
22 note for the record at this time that we
23 will use the Microsoft chat feature
24 available in Microsoft Teams to allow
25 Members to signify that they wish to be

1 recognized. In order to comply with the
2 Sunshine Act, the chat feature must only
3 be used for this purpose.

4 Before the Clerk calls the
5 first panel, I want to acknowledge the
6 authors of the bills. Councilwoman
7 Jamie Gauthier and Councilwoman Maria
8 Quinones-Sanchez for remarks.

9 COUNCILWOMAN GAUTHIER: Thank
10 you so much, Mr. Chair. Good morning,
11 everyone. Thank you to the Chair again
12 and all my colleagues on the Rules
13 Committee for this opportunity to be
14 recognized on Bill 210633.

15 This legislation aims to
16 preserve affordability in some of
17 Philadelphia's most rapidly gentrifying
18 neighborhoods by requiring that
19 affordable housing be part of new large
20 development projects in certain parts of
21 the 3rd and 7th Districts. I'm very
22 grateful to my colleague Councilmember
23 Maria Quinones-Sanchez for her
24 partnership on this legislation and for
25 always being such a strong champion for

1 affordable housing in sustainable
2 communities.

3 Since day one, equitable
4 development has been at the center of my
5 agenda on Council. And mandatory
6 inclusionary zoning is a big part of the
7 puzzle when we talk about equitable
8 development. The Mixed Income Housing
9 Bonus that already exists was a
10 wonderful start, but considering the
11 breakneck pace of development and the
12 pace of displacement in many sections of
13 Philadelphia, the time has come to see
14 where it can be taken even further.

15 There's currently no affordable
16 housing requirement anywhere in our
17 zoning code, and the impacts of that
18 fact are reflected in gentrifying
19 neighborhoods across our City and in my
20 District in particular. To give you a
21 sense, housing prices have tripled in
22 the University City area since the
23 1970s. In the last two decades alone,
24 most neighborhoods east of 52nd Street
25 have seen their Black populations cut in

1 half. Nearly half of our District
2 households are cost-burdened, and 70
3 percent of rental units cost more than
4 \$750 per month, an amount that is only
5 affordable to 35 percent of 3rd District
6 residents.

7 And so, what this bill aims to
8 ensure is that affordable housing
9 continues to be available in
10 neighborhoods where new developments are
11 built and that Philadelphians of all
12 income levels can continue to access
13 amenity-rich neighborhoods. The bill
14 being considered today would require
15 that new developments of 10 or more
16 units offer 20 percent of those units at
17 restricted prices for a 50-year period.

18 The bill offers a chance to
19 apply to the Planning Department to
20 fulfill some of that requirement via
21 offsite units or an increased Housing
22 Trust Fund contribution, but the primary
23 goal remains getting those below market
24 rate units in the buildings being
25 developed. And I want to give you a

1 sense of the kind of impact this can
2 have in West and Southwest Philly.

3 If we look at data just in the
4 3rd District alone, if we look at all
5 the permits for buildings with 10 or
6 more units over the last three years,
7 that comes out to 3100 new units that
8 have been approved. So if we do the
9 math, if our bill had been in place just
10 three years ago, we would have 620
11 additional affordable homes in our
12 District built by the private sector.

13 On the other hand if we
14 continue to do nothing, housing prices
15 will continue to go up, and the Black
16 and Brown people who are the backbone of
17 this City will continually be pushed to
18 the fringes. I also just want to take a
19 moment to tell you about the community
20 engagement we've been doing around this
21 legislation. Since the bill was
22 introduced in June, we've engaged over
23 800 3rd District residents.

24 We've participated in dozens of
25 meetings and events to discuss this bill

1 with neighbors. We attended community
2 meetings and we also held pop-ups at
3 parks and on commercial corridors,
4 tabling at PlayStreets and rec center
5 events and phone banking. We've reached
6 out to every single registered community
7 organization in my District multiple
8 times, even those whose boundaries
9 weren't proposed to be in the overlay.

10 I took this outreach very
11 seriously because this is the most
12 expansive zoning bill I've ever
13 introduced since becoming a
14 Councilmember. I'm proud of what my
15 team and I were able to accomplish in
16 spreading the word and soliciting
17 feedback about this important land use
18 policy, even amidst the countless
19 day-to-day demands put on our District
20 Council Office. I truly believe our
21 outreach on this bill was unprecedented.

22 And the reason we did all that
23 is because of the ever increasing risk
24 of displacement that our low-income
25 Black and Brown communities are facing.

1 We can't just sit back and watch our
2 housing crisis happen to us. We as
3 policymakers need to intervene to chart
4 a different course, to try whatever we
5 can to alleviate the pressure on
6 low-income residents.

7 An inclusionary zoning is a
8 proven mechanism that already exists in
9 literally hundreds of municipalities
10 across the nation, to get new housing at
11 significantly below market rate and in
12 turn to preserve mixed-income
13 neighborhoods.

14 I think I speak for both
15 Councilmember Sanchez and myself when I
16 say that keeping our neighborhoods
17 affordable for the individuals and
18 families who live there for generations
19 is our number one priority. I look
20 forward to hearing from witnesses and
21 discussing this important legislation
22 with all of you. Thank you so much.

23 COUNCILMAN JOHNSON: You're
24 welcome. Thank you, Councilmember
25 Gauthier.

1 Councilwoman Maria Quinones-
2 Sanchez.

3 COUNCILWOMAN QUINONES-SANCHEZ:
4 Thank you, Mr. Chair.

5 And I'll be brief because I
6 think my Council colleague Councilmember
7 Gauthier captured the spirit in which
8 we're working. I wanted to thank her as
9 Chair of the Housing Committee for
10 understanding that diverse mixed income
11 communities don't happen by themselves,
12 but they happen because of aggressive
13 public policy stance.

14 I want to thank the Planning
15 Commission, the BIA, the community
16 stakeholders, our CDCs and others who
17 have engaged us as she outlined in the
18 conversation. Today is about another
19 toolbox, not a perfect one, but one that
20 can help the City using incentivized
21 private markets to create public
22 housing.

23 Over the last years, the
24 private market has recognized more and
25 more that they have a responsibility to

1 help create the affordable housing so
2 desperately necessary in the City of
3 Philadelphia. Whether it's the BIA
4 Affordable Housing Committee, the
5 Developers Workshop, everyone
6 understands now that the incentivized
7 housing market has to do more. And they
8 have come up with many creative ideas
9 which will also become part of our
10 toolbox for creating affordable housing.
11 You'll hear some of those ideas today.
12 This is not about an either-or. This is
13 about an and and an and an and.

14 Many cities have several
15 toolboxes that they utilize in creating
16 affordable housing. So today is not the
17 answer to affordable housing. It is
18 about toolboxes. And the 3rd as in the
19 7th, we appreciate and work closely with
20 our CDC partners to make sure that we're
21 creating affordable housing in a very
22 aggressive way.

23 But as Councilmember Gauthier
24 highlighted, the private market and
25 their scale is unbearable in some of

1 these neighborhoods. In neighborhoods
2 like South Kensington and my own
3 neighborhood of Norris Square, we see
4 massive development happening. And we
5 see residents trying to be as
6 accommodating as possible, but asking
7 the question what about us.

8 This pilot will be measured and
9 with other toolboxes will be adjusted to
10 ensure that we are pro-development, but
11 that we are unapologetic about being
12 pro-development that is diverse and it
13 is not a displacement tool, but one that
14 creates opportunities for the current
15 residents living in the neighborhood.

16 Similar to the 3rd District, we
17 were very intentional in the geography
18 that we chose because we understand
19 those markets and those market values.
20 But we also see speculation and folks
21 overcharging in those neighborhoods,
22 creating a challenge for affordability.
23 And we want to ensure that as we're
24 building this equitable design, the
25 market is also adjusting and not just

1 taking advantage of the incentives
2 currently in place.

3 The City did not have an
4 opportunity to review all of the
5 designations of opportunity zones. I
6 had three days to look at this. And so,
7 we want to be very intentional ensuring
8 that where there's incentives already on
9 land all the way to 2050, that we're
10 maximizing those incentives.

11 As I mentioned earlier, the
12 City uses several toolboxes, mandatory
13 housing, other toolboxes in this
14 affordable landscape. For the residents
15 of Kensington, many of which have been
16 designated and are covered on this
17 legislation, they believe we've broken
18 Kensington because we're going to
19 gentrify it and kick people out. So
20 this is one way that we can demonstrate
21 to the residents of Kensington that the
22 development and recovery of Kensington
23 is not only for new folks, but for also
24 the residents that are there.

25 So I want to thank everyone who

1 has participated, the RCOs and all of
2 the folks who have participated in the
3 conversations around this. And I look
4 forward to my colleague support. I look
5 forward to its implementation as we
6 sharpen another toolbox in our quest to
7 make Philadelphia and stop being the
8 most segregated city in the country, the
9 most poverished city in the country, but
10 one where equitable development happens
11 because we're bold in our thinking and
12 our willingness to help those most in
13 need.

14 Thank you, Mr. Chair.

15 COUNCILMAN JOHNSON: Thank you
16 very much, Councilwoman Maria Quinones-
17 Sanchez.

18 Will the Clerk please call the
19 first panel.

20 COUNCILMAN JONES:
21 Mr. Chairman.

22 COUNCILMAN JOHNSON: I want to
23 acknowledge Councilman Curtis Jones.

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

1 I'm going to Harrisburg on
2 Council business dealing with the stolen
3 and lost gun court case, but I will
4 attempt to log on in the car. But I'm
5 voting aye on all bills.

6 COUNCILMAN JOHNSON: Thank you,
7 Councilman Jones.

8 COUNCILMAN JONES: Thank you.

9 COUNCILMAN JOHNSON: You're
10 welcome. Will the Clerk please call the
11 first panel.

12 THE CLERK: Paula Brumbelow
13 Burns.

14 MS. BRUMBELOW BURNS: Good
15 morning, members of the Rules Committee.
16 I am Paula Brumbelow Burns, Director of
17 Legislation for the Philadelphia City
18 Planning Commission. I'm here to
19 testify on Bill No. 210633, which was
20 introduced into City Council on June 24,
21 2021 by Councilmembers Gauthier, Johnson
22 and Quinones-Sanchez.

23 Bill No. 210633 amends Title 14
24 of The Philadelphia Code, entitled
25 "Zoning and Planning," by amending

1 certain provisions of Chapter 14-500,
2 entitled "Overlay Zoning Districts," by
3 creating the MIH, Mixed Income
4 Neighborhoods Overlay District, revising
5 certain provisions of Chapter 14-702,
6 entitled "Floor Area, Height and
7 Dwelling Unit Density Bonuses," and by
8 making related changes, all under
9 certain terms and conditions.

10 The bill processes a new
11 overlay district that covers portions of
12 the 3rd and 7th Council Districts.
13 Within this overlay, developments which
14 contain at least 10 units or more and
15 have a minimum of 25 percent of the
16 total square footage of the building
17 dedicated to residential use will be
18 subject to a mandatory inclusionary
19 housing requirement. Affected
20 properties will be required to provide
21 affordable dwelling units.

22 The developer can select
23 between providing 20 percent of dwelling
24 units as affordable or 10 percent of
25 dwelling units affordable along with a

1 payment into the Housing Trust Fund.
2 The first 10 percent of affordable units
3 must be onsite. The developer needs to
4 provide either a payment to the
5 Philadelphia Housing Trust Fund or the
6 additional percentage of affordable
7 units onsite or within one-half mile of
8 onsite units for the second 10 percent.

9 For the affordable units,
10 rental households earning up to 40
11 percent of the Area Median Income and
12 owner-occupied households earning up to
13 60 percent of the Area Median Income,
14 monthly housing cost should not exceed
15 30 percent of gross income. The bill
16 proposes the filing of an economic
17 opportunity plan before zoning permits
18 are issued to demonstrate efforts for
19 representative opportunities in a
20 diverse workforce for any project.

21 To offset the cost of mandatory
22 affordability requirements, the overlay
23 provides for relaxed dimensional parking
24 and use standards, largely in keeping
25 with the bonuses currently provided as a

1 part of the mixed income housing bonus.
2 This overlay as written will only apply
3 to designated areas within the 3rd and
4 7th Districts.

5 The City Planning Commission at
6 its meeting of September 23, 2021
7 recommended Bill No. 210633 for approval
8 with proposed amendments, most of which
9 have been addressed in the amendments
10 that are being addressed today. I'll be
11 happy to answer any questions at this
12 time.

13 COUNCILMAN JOHNSON: Thank you
14 very much.

15 Any questions or comments from
16 members of the Committee?

17 (No response.)

18 COUNCILMAN JOHNSON: Hearing
19 none, thank you for your testimony.

20 Will the Clerk please call the
21 next panel.

22 THE CLERK: Rasheedah Phillips,
23 Dr. Davarian Baldwin.

24 COUNCILMAN JOHNSON: Thank you
25 very much. Can you state your name for

1 the record and you can begin your
2 testimony.

3 MS. PHILLIPS: Good morning.
4 My name is Rasheedah Phillips. I'm the
5 Managing Attorney of Housing Policy at
6 Community Legal Services of
7 Philadelphia. We're grateful to have
8 worked with City Council for several
9 decades to support and advocate on
10 behalf of tenants and to promote safe
11 and affordable housing. Thank you for
12 the opportunity to testify on Bill No.
13 210633, Mixed Income Neighborhoods
14 Overlay District legislation introduced
15 by Councilmembers Gauthier, Quinones-
16 Sanchez and Johnson.

17 In Philadelphia, your zip code
18 is the strongest determinant of your
19 health and life expectancy where
20 children born in neighborhoods only 5
21 miles apart in Philadelphia face up to a
22 20-year difference in life expectancy.
23 Children living in high poverty areas of
24 our City are having their futures cut
25 short and threatened by something they

1 cannot control, where they lay their
2 heads, eat and play.

3 Mixed income neighborhoods are
4 one way to address these inequalities.
5 Research has consistently shown that
6 children living in mixed income
7 neighborhoods have brighter futures and
8 are better able to successfully break
9 cycles of poverty in their families.

10 Unfortunately, most naturally occurring
11 affordable housing as well as most
12 government-supported affordable housing
13 is in low-income neighborhoods that
14 don't have the benefits and amenities of
15 their higher income or higher
16 opportunity neighbors, some of which may
17 be in the same or a neighboring zip
18 code. Mixed income housing policies are
19 one of the few proven to create lower
20 cost housing in higher opportunity
21 neighborhoods.

22 These policies can ensure that
23 long-term residents who are dedicated to
24 their neighborhood and their community
25 are able to stay in their communities

1 even as rapid development occurs and
2 takes advantage of their community's
3 growth. It means that young families
4 are able to remain in communities they
5 have grown up in and want to stay in or
6 return to, to be close to family members
7 and jobs.

8 In a city like ours with
9 growing housing demands at all income
10 levels and a significant decline in the
11 availability of federal subsidies for
12 publicly-funded housing, we have to
13 leverage all available resources. Mixed
14 income housing serves as a form of value
15 exchange between the City and developer
16 who are able to produce housing that
17 aligns with community interest and needs
18 and contribute to the demand for
19 recently priced homes.

20 In exchange for meeting those
21 community needs, developers obtain a
22 number of benefits, including adopting
23 existing bonuses, reducing parking
24 requirements and relaxed parking and use
25 standards which work to reduce the

1 overall cost per unit to build and
2 minimize procedural barriers to new
3 development or otherwise allow for
4 significant contributions to the Housing
5 Trust Fund to support the creation of
6 affordable housing.

7 Mixed income housing policies
8 can be found in over 734 jurisdictions
9 across 31 states and the District of
10 Columbia. Overwhelmingly, these
11 policies have been found to benefit
12 entire communities, not just the people
13 accessing affordable homes. For
14 example, mixed income neighborhoods help
15 to create workforce housing near job
16 centers and transit corridors, which in
17 turn helps to reduce greenhouse gas
18 emissions from commuting and free
19 transit ridership amongst a stable
20 employee base.

21 In the future, we would like to
22 see the program expanded to include more
23 areas of the City and to apply to
24 substantial rehabs and pre-existing
25 structures, which may occur more often

1 in some neighborhoods than new
2 construction where developers are
3 converting old warehouses and industrial
4 buildings into luxury and market rate
5 housing. But in its current form, this
6 legislation has the potential to
7 significantly expand housing
8 opportunities for Philadelphians and
9 help to create integrated neighborhoods
10 with improved health and quality of life
11 between and across generations, making
12 possible a more equitable inclusive
13 future in Philadelphia. And fostering
14 these equitable outcomes, the
15 legislation could mean that a person's
16 racial identity and income level does
17 not have to determine their life
18 opportunities and results, such as
19 access to a safe home and amenity-rich
20 neighborhoods.

21 The legislation is practical,
22 simple to administer, sustainable and
23 balances the needs of developers,
24 housing providers, the individuals and
25 families who will access affordable

1 quality housing and the communities they
2 will all live or play, grow and thrive
3 in. For these reasons, CLS strongly
4 urges to favorably vote this bill out
5 of Committee. We look forward to
6 continuing to work with City Council,
7 housing advocates, developers and
8 community members to continue to support
9 and develop these policies. Thank you
10 very much.

11 COUNCILMAN JOHNSON: You're
12 welcome.

13 Will the next panelist please
14 begin your testimony.

15 MR. BALDWIN: Good morning. My
16 name is Davarian Baldwin. I'm a
17 Professor at Trinity College and
18 Founding Director of the Smart Cities
19 Lab. Thank you so much for giving me
20 the opportunity to speak to you this
21 morning. So we can all agree that
22 cities are back in a very big way. Even
23 during the pandemic we saw building
24 cranes everywhere. But this new era of
25 urban revitalization is not benefiting

1 all of our City's residents equitably.

2 As land values rise and
3 financial portfolios bulge, this raised
4 the housing rates and other costs far
5 above the means of existing residents
6 who survive on minimum wages and/or
7 fixed incomes. And as the tide has
8 turned, the shiny new loft apartments
9 are not for them. The luxury amenities
10 are out of their reach, and long-time
11 residents just count down the time until
12 they are told that the place that they
13 have called home for generations will no
14 longer be their neighborhood.

15 We can see this unfold with the
16 controversy around the University City
17 Townhouses, and this is not just a
18 Philadelphia story. At the Smart Cities
19 Lab, we research and consult on best
20 practices for building equitable urban
21 communities, and the Philadelphia story
22 is a reflection of nationwide trends.

23 In every neighborhood where I
24 travel, residents all say we want
25 development, we want it, but we want to

1 remain to be able to enjoy it. And the
2 only way to raise land values while
3 maintaining affordability is through
4 strong, sustainable public policy. Bill
5 No. 210633 is essential to meet this
6 goal of development without
7 displacement.

8 The general affordable housing
9 overlay here is essential for community
10 sustainability, but most important the
11 option of 60 percent or less Area Median
12 Income to measure affordability is a
13 gamechanger. We know that a typical
14 standard of 80 percent regional AMI
15 means that most affordable housing is
16 hardly affordable. And we also know
17 that areas currently targeted for
18 revitalization do not simply reflect the
19 national law of the market, but will
20 result from a history of many times
21 racially unjust public policy.

22 For example, the Black Bottom
23 area is a right target because City
24 government, local universities and
25 private partners used urban renewal

1 policy to displace over 600 low-income
2 and African-American families from the
3 very same area that is now considered a
4 hot spot of urban revitalization.

5 (Inaudible) Commission had
6 formed in the 1960s agreed to develop
7 scattered site affordable housing
8 throughout what became University City,
9 but that promise was broken. This too
10 is a national trend. And all of today's
11 investors and stakeholders must account
12 for how current investment values that
13 are rising are built on a history of
14 racial inequity. We cannot change this
15 path, but we can alter the course of the
16 future.

17 Bill No. 210633 begins the
18 process of repair by accounting for a
19 history of inequity to create a new
20 vision of equitable planning. Let
21 Philadelphia serve as a beacon to the
22 nation by building out of a vision of
23 urban revitalization where development
24 can happen, yes, and still across a
25 cross-section of the City's residents

1 can remain to enjoy its benefits. Thank
2 you so much.

3 COUNCILMAN JOHNSON: Thank you
4 very much for your testimony.

5 Any questions or comments from
6 members of the Committee?

7 (No response.)

8 COUNCILWOMAN GAUTHIER: I just
9 wanted --

10 COUNCILMAN JOHNSON: Go ahead,
11 Councilwoman Jamie Gauthier.

12 COUNCILWOMAN GAUTHIER: I just
13 wanted to thank both of them not only
14 for their powerful testimony, but for
15 their work on these issues and making
16 sure that we have housing justice in our
17 communities.

18 COUNCILMAN JOHNSON: Any other
19 questions or comments from members of
20 the Committee?

21 COUNCILWOMAN GILMORE

22 RICHARDSON: Mr. Chair.

23 COUNCILMAN JOHNSON: Yes.
24 Councilwoman Gilmore Richardson.

25 COUNCILWOMAN GILMORE

1 RICHARDSON: Thank you. Thank you so
2 much, Mr. Chair. And I wanted to thank
3 the witnesses for their testimony. I
4 wanted to go back to the testimony from
5 Rasheedah Phillips from Community Legal
6 Services. And you mentioned in your
7 testimony about the naturally occurring
8 affordable housing, particularly in
9 these areas.

10 If you can speak to any
11 specific trends that you were seeing
12 even as a result of the release of the
13 Census, the recent Census data, around
14 naturally occurring affordable housing
15 in the City, particularly in these
16 areas?

17 MS. PHILLIPS: Yeah. So I
18 don't have the data in front of me for
19 the specific areas, but I can certainly
20 get that for you. But as the
21 Councilmember talked about in the
22 beginning of the hearing, we are seeing
23 a raise in the rents, a rise in rents in
24 terms of naturally occurring affordable
25 housing, such that where a few years ago

1 an average rent for a one- or
2 two-bedroom home was about \$750 a month.
3 We're now seeing that those prices are
4 at average of about \$1250 a month. So
5 just in a few short years, rents have
6 raised to about over \$500, right. So
7 that sort of trend is happening around
8 the City, and I can certainly get some
9 data for you all and send that to you
10 around the most recent Census data as
11 you suggested.

12 COUNCILWOMAN GILMORE

13 RICHARDSON: Okay. That will be
14 helpful. Thank you very much.

15 And thank you, Mr. Chair.

16 COUNCILMAN JOHNSON: Thank you.

17 And I thank both of you for your
18 testimony.

19 Will the Clerk please call the
20 next panel.

21 THE CLERK: Dr. Johnathan
22 Wilson, Jr., Rikeyah Lindsay, Pastor Jay
23 Broadnax and Dewayne Drummond.

24 MR. DRUMMOND: Is there a
25 specific order?

1 COUNCILMAN JOHNSON: Ladies
2 first.

3 MR. DRUMMOND: Okay.

4 COUNCILMAN JOHNSON: Will the
5 first panelist please begin your
6 testimony.

7 (No response.)

8 COUNCILMAN JOHNSON: Let me
9 take the lead on this then. Reverend
10 Broadnax, can you please begin your
11 testimony.

12 REVEREND BROADNAX: Yes, sir.
13 Can you hear me?

14 COUNCILMAN JOHNSON: Yes, I
15 can. Good morning and it's always good
16 to see you, sir.

17 REVEREND BROADNAX: Good
18 morning. Good morning, everyone. My
19 name is Reverend Jay Broadnax. I'm here
20 to testify for Bill 210633, the Mixed
21 Income Neighborhoods Overlay bill. I am
22 the Pastor of Mt. Pisgah A.M.E. Church
23 at 41st and Spring Garden Streets, and
24 our congregation has occupied that
25 corner since 1942 and have been in

1 what's now the 3rd District since our
2 establishment in 1833.

3 During the course of our
4 existence of what is now West Powelton,
5 we have seen the neighborhood go through
6 many transitions and changes. For years
7 it occupied an area known colloquially
8 as the Black Bottom, a community of
9 working class people. Although like
10 every community, our neighborhood has
11 had its problems, but living there were
12 by and large very proud hard-working
13 decent people. Our congregation has
14 been a staple in this community since
15 its existence.

16 Some of the members of our
17 congregation have relocated to other
18 communities, some by choice, but others
19 because they couldn't afford the tax
20 increases. Others moved out by other
21 affects of gentrification. Now, their
22 children, many of whom would love to
23 return to the places where they once
24 called home, are unable to because of
25 the way gentrification have made

1 properties unattainable.

2 No one is arguing against
3 progress. Clearly, some of the
4 development that's taken place has
5 enhanced the neighborhoods and made them
6 more appealing. What we're concerned
7 about is balance, finding ways that
8 development and opportunities for
9 residents in the neighborhoods allow for
10 a blending of people from a variety of
11 socioeconomic backgrounds.

12 We need legislation that
13 encourages that kind of balance, and I
14 believe that this Mixed Income
15 Neighborhoods Overlay bill is a critical
16 first step in helping to foster that
17 kind of balance. Intentionally creating
18 mixed income neighborhoods will not only
19 create more equity, but I believe it's
20 an important step in diminishing the
21 kinds of frustration that fosters
22 violence and other kinds of social
23 issues.

24 We have to build a sense of
25 ownership, a common destiny in our City

1 that starts in neighborhoods. I think
2 this bill begins to address the
3 loopholes that developers often use when
4 they want to get around the spirit and
5 intention of the zoning process. The
6 more we can do this, the more we can
7 instill in residents a sense of their
8 own agency and power.

9 On another note, quiet as it's
10 kept, homelessness is still a problem in
11 Philadelphia and even in gentrifying
12 areas and neighborhoods like this. If
13 we're really committed to housing
14 security and making sure that
15 homelessness is diminished, we need
16 developers to invest in a stock of
17 housing that's available to people on
18 the lower end of the socioeconomic
19 spectrum that is part of neighborhoods
20 that are mixed in income. Otherwise, we
21 end up creating a city divided with
22 stable neighborhoods for some and folks
23 that are less financially stable moving
24 from place to place, and we can't
25 continue to kick that can down the road.

1 Why should some be able to
2 enjoy community amenities and others be
3 denied them even though their
4 foreparents were perfectly positioned to
5 enjoy them. I recognize this is merely
6 a first step, but I think it's a
7 critical step, and hopefully, we'll
8 begin to use this to exemplify the
9 realization that's needed in this City
10 that residents have the power to
11 recreate a city that's characterized by
12 real brotherly love and honest sisterly
13 affection. So I stand in support,
14 Mr. Chair, of Bill No. 210633. Thank
15 you very much.

16 COUNCILMAN JOHNSON: Thank you
17 very much for your testimony.

18 Will the next panelist state
19 their name for the record and begin your
20 testimony.

21 MS. LINDSAY: How you doing.
22 My name is Rikeyah Lindsay. I am a
23 Mantua resident and my testimony is in
24 support of Bill 210633. As a Mantua
25 resident, we are seeing an enormous

1 amount of development. And again, as a
2 resident we are for development.
3 However, we would like to see
4 development that includes us and is
5 accessible to us, in that this bill
6 begins to shed light on us as people who
7 are already here who may not be able to
8 afford market rate value housing, but
9 would very much like to maintain
10 positions in our neighborhoods, grow our
11 families here and build into the
12 neighborhood that we have been a part of
13 for most of our generations.

14 And so, this requirement for
15 developers to have to include us in
16 their ideas of building in our
17 neighborhoods begins the process of them
18 coming into the neighborhood as good
19 neighbors. And so, that's my testimony.

20 COUNCILMAN JOHNSON: Thank you
21 very much for your testimony.

22 Will the next panelist please
23 state your name for the record and begin
24 your testimony.

25 MR. DRUMMOND: My name is

1 Dewayne Drummond. I am the President of
2 the Mantua Civic Association. Thank
3 you, Mr. Chair, for giving me the
4 opportunity to testify on Bill No.
5 210633. I'm going to be short and I'm
6 going to be brief because I know this is
7 the Rules Committee and we need to get
8 this to the Whole Committee, City
9 Council, so I'm just thankful for
10 everybody who presented this bill.

11 I'm thankful for Councilwoman
12 Gauthier for her community outreach
13 efforts. And like I said before, we
14 support this bill and it's time for some
15 action. So thank you so much for this
16 opportunity.

17 COUNCILMAN JOHNSON: You're
18 welcome, Mr. Drummond. You keep up the
19 good work too. I follow you, young man,
20 and very aware of the work you're doing
21 out there in Mantua.

22 Will the next panelist please
23 state your name for the record and begin
24 your testimony. I see you, my former
25 Ward Leader, Bernadette. How are you?

1 MS. WHITE: (Muted).

2 COUNCILMAN JOHNSON: You're on
3 mute, Bernadette.

4 MS. WHITE: Okay.

5 COUNCILMAN JOHNSON: Good
6 morning. How are you?

7 MS. WHITE: Oh, good morning.
8 Good morning.

9 COUNCILMAN JOHNSON: Always
10 good to see you. Just state your name
11 for the record and go ahead and begin
12 your testimony.

13 MS. WHITE: Bernadette White,
14 Ward Leader of the 24th Ward. In my
15 ward, we have a lot of development going
16 on. And it's -- the rate of the
17 apartments are going up. We tried to
18 see when a developer develops something
19 could we get --

20 (Background interruption.)

21 MS. WHITE: Hello?

22 COUNCILMAN JOHNSON: Can
23 everyone please put their phone or
24 computer on mute if they're not
25 speaking. Go ahead, Ms. Bernadette.

1 MS. WHITE: Okay. I have seen
2 developers come in. Majority of them
3 are building apartments, and we are
4 asking at least for them to put some
5 affordable apartments in their units
6 that they are building. I heard -- I
7 don't know how true it is -- that on
8 39th Street near Fairmount where they're
9 building homes or apartments, I heard
10 they're supposed to be affordable. I
11 heard that from one developer, but I'm
12 going to quote him on that. I will call
13 him up to find out more about that,
14 because to mix people together is a good
15 thing. And I believe they shouldn't be
16 moved out, and I believe there should be
17 affordable houses for people that can't
18 afford \$1200 a month rent, kind of high.
19 But I'm for the bill. Oh, I should say
20 the Bill No. I'm for Bill 210633. Is
21 that the bill?

22 MR. JOHNSON: That's bill.

23 MS. WHITE: Okay.

24 COUNCILMAN JOHNSON: Well,
25 thank you very much, Bernadette, for

1 your testimony. Again, always good to
2 you see you.

3 MS. WHITE: Good to see you
4 too.

5 COUNCILMAN JOHNSON: Next
6 panelist, Dr. Wilson. Can you state
7 your testimony.

8 DR. WILSON: Greetings. My
9 name is Dr. Johnathan Wilson, and I'm
10 the Executive Director of the Fathership
11 Foundation. The Fathership Foundation
12 operates in the 51st Ward and there's a
13 lot of development going on. We support
14 Bill 210633 and all the efforts of City
15 Council, specifically Councilwomen
16 Gauthier and Sanchez, as they have
17 authored this bill.

18 I think it's a great bill to
19 mix people together and we support all
20 the efforts to sustain the housing in
21 the area. And it's not to exacerbate
22 the education of health and wealth
23 disparities that already exist there,
24 but we thank you so much and we stand in
25 support of the bill.

1 COUNCILMAN JOHNSON: Thank you
2 very much. And as always, good to see
3 you, Dr. Wilson, on the case on the
4 front line. So good to see you, sir.

5 DR. WILSON: Good to see you as
6 well.

7 COUNCILMAN JOHNSON: I want to
8 thank everybody for their testimony.

9 Will the Clerk please call the
10 next panel.

11 THE CLERK: Ryan Spak, Mo
12 Rushdy, Andy Toy, Ben Connors, Jamal
13 Johnson, Lauren Gilchrist, Karen Harvey
14 and Marques Brown.

15 COUNCILMAN JOHNSON: Thank you
16 very much.

17 Will Karen please begin by
18 stating your name officially for the
19 record and begin your testimony.

20 (No response.)

21 COUNCILMAN JOHNSON: Is Karen
22 Harvey available? If not, can I have
23 Lauren Gilchrist to please state her
24 name for the record and begin her
25 testimony.

1 MS. HARVEY: Yes. Good
2 morning. My name is Karen Harvey.

3 COUNCILMAN JOHNSON: Please
4 begin your testimony.

5 MS. HARVEY: Thank you. I'm
6 the Director of the Philadelphia Rent
7 Control Coalition, a lead organizer with
8 TURN and a Philadelphia tenant. I am
9 testifying in support of Bill No.
10 210633. 1619 is the earliest recorded
11 date when ships carrying kidnapped men,
12 women and children from Central African
13 nations arrived on American shores.
14 While it is not my intent to give you a
15 history lesson, my point is that I
16 envisioned the hollow hopeless looks in
17 the eyes of many of the young Black
18 males and females in my West
19 Philadelphia community, which I see far
20 too often, would have matched the eyes
21 of the newly enslaved ancestors of the
22 majority of the people in this hearing
23 today when they emerged from the ships
24 of our Middle Passage.

25 Then as now, many Black youth

1 in this nation are feeling discarded.
2 For today's purpose, I ask you to narrow
3 your gaze to the ever landscape that is
4 Philadelphia where the hopeless eyes on
5 my block see a system that offers them
6 no solution. In the book-long poem by
7 Langston Hughes, Montage of a Dream
8 Deferred, the author describes and
9 defines a 24-hour day in the life in
10 Harlem in 1951 of a people whose doors
11 to the dreams of their fathers were
12 being slammed shut with Black folk on
13 the outside.

14 I do not overdramatize when I
15 say that for young Black people in
16 Philadelphia, the guns and violence in
17 this City are in great part due to
18 dreams crushed. I need you to see
19 gentrification that way. The taking
20 over of our neighborhoods by young White
21 and affluent college students and
22 Millennials looks and feels like the
23 flame of the candle, which like any
24 dreams of hope being snuffed out.
25 Standing on my porch f a clear view of

1 the 52nd Street corridor, it bears no
2 resemblance of the 52nd Street of my
3 youth.

4 I grew up in the '60s. Some of
5 you may know a little something about
6 Mr. Silk's and the Nixon and Capital
7 Movie Theaters. It's interesting that
8 as the University of Pennsylvania and
9 Drexel University began moving on up
10 from Market Street to Baltimore Avenue
11 and 34th to 52nd Street, Black people
12 began to being pushed out of our
13 communities.

14 With each shiny new building,
15 people's homes were bought out from
16 under them, leaving our young people and
17 seniors whose incomes did not or had not
18 progressed at the same rate as those
19 bright and shiny White faces, who now
20 gladly put their keys in the doors of
21 those who used to call their
22 neighborhood home.

23 Two years ago the -- sorry, two
24 years ago the only thing many White
25 people knew about 52nd Street was as an

1 El stop where they then clutched their
2 purses, briefcase and pearls sighing in
3 relief when the train doors closed.
4 Now, those of us who have managed to
5 hang on watch as they exit the
6 turnstiles and watch down the streets
7 oblivious to their surroundings, armed
8 with the assumption that soon and very
9 soon the old neighborhood will look
10 nothing like it does today. In a
11 minute, the ominous stares of those
12 hopeless eyes will be gone as the now 35
13 to 45 percent of their income which goes
14 to rent will make its way up to 50 and
15 60 percent, rendering them unable to
16 afford to live in the only place they
17 call home, but where to go.

18 Without clearly drawn
19 boundaries on how much of the
20 neighborhood you take to give to those
21 without investment in our community,
22 there will only be hopelessness, which
23 produces more guns, violence and vacant
24 stares, dreams deferred. I strongly
25 under you to adopt the proposed changes

1 being presented in this hearing so that
2 young Black Philadelphians, families and
3 seniors in my neighborhood can afford to
4 remain where our roots are, where we do
5 have an investment. Bring your urban
6 renewal, but don't push us out in the
7 process. As always, I thank you for the
8 opportunity to speak my truth.

9 COUNCILMAN JOHNSON: Thank you
10 very much for your testimony.

11 Ms. Lauren Gilchrist, state
12 your name for the record and begin your
13 testimony.

14 MS. GILCHRIST: Hi, everyone.
15 My name is Lauren Gilchrist and I'm the
16 immediate past President of NAIOP
17 Greater Philadelphia as well as the
18 Co-chair presently of the Government
19 Affairs Committee. NAIOP is a 501(c)(6)
20 organization that represents the
21 commercial real estate development
22 community in Philadelphia. And we are
23 also a founding member of the
24 Philadelphia Real Estate Alliance.

25 Thank you to Chairman Johnson

1 and the rest of the Committee for
2 permitting us to provide testimony on
3 Bill 210633. The membership of NAIOP
4 understands that affordable housing is
5 an important issue in the City, that the
6 public and business communities
7 collectively need to address with a
8 comprehensive and holistic solution.
9 The proposed bill which utilizes zoning
10 to dictate social policy in two targeted
11 districts fall short of what we would
12 deem a holistic approach.

13 The proposals will likely have
14 the unintended consequences actually of
15 limiting additional affordable housing
16 and could also result in foregone job
17 creation and loss economic growth.
18 NAIOP is highly supportive of equitable
19 inclusive growth. The City of
20 Philadelphia cannot take for granted the
21 growth in real estate and other
22 industries that we've realized over the
23 last 20-plus years that has brought more
24 people to the City, created more jobs,
25 increased tax revenues and brought

1 opportunities to every corner of the
2 region.

3 Sustained growth has provided
4 Philadelphia with resources to address
5 many of its intractable historical
6 problems and has helped those who have
7 lived in underserved communities. This
8 growth has also led to substantial new
9 tax revenue for the City. As an
10 industry, the commercial real estate
11 community relies on predictability of
12 land use and, therefore, cannot support
13 district-by-district mandates that do
14 not include a public process. Zoning is
15 meant to be a guide in a thoughtful and
16 balanced way -- is meant to guide in a
17 thoughtful and balanced way the path to
18 development and growth while considering
19 the social policy objectives of the
20 City, which are extremely important.

21 A holistic zoning policy can
22 absolutely achieve the objectives of
23 growth as well as equity. Zoning needs
24 certainty and should only be altered or
25 modified with a thorough and

1 deliberative and robust process
2 involving input from all parties,
3 public, private as well as community.

4 Philadelphia is a city with a
5 high poverty rate, which we must
6 acknowledge, high construction costs
7 which are also important when we think
8 about the development landscape and low
9 rents when compared to other cities.

10 With the combination of these factors,
11 government policy alone will not correct
12 the affordable housing shortage in
13 Philadelphia.

14 NAIOP understands that the
15 Councilmembers want to do something in
16 their districts to make housing more
17 affordable. Unfortunately though, the
18 proposed legislation as it's currently
19 drafted can have the opposite effect by
20 restricting the amount of affordable
21 housing developed in the proposed
22 district.

23 The affordability requirements
24 proposed in the bill are not in line
25 with even the most stringent of public

1 incentives, such as low income housing
2 tax credits which require 20 percent of
3 units at 50 percent AMI or 40 percent of
4 units at 60 percent AMI. Even with
5 these subsidies, affordable housing is
6 challenging to finance and construct
7 even more so now in light the phasing
8 out of the 10-year tax abatement and the
9 high inflation environment that the
10 United States finds itself in.

11 With the added additional
12 requirements of the proposed bill, these
13 districts will not attract the necessary
14 support and capital investment from the
15 investment and lending communities for a
16 new project, resulting in even less
17 affordable housing. Affordable housing
18 requires public subsidy in almost any
19 jurisdiction. This subsidy can come in
20 many forms, including inexpensive land,
21 tax benefit or direct public capital
22 investment.

23 The City has the tools to shape
24 an effective, affordable program that
25 would incentivize both public and

1 private investments and affordable
2 housing. NAIOP and the Philadelphia
3 Real Estate Alliance are supportive in
4 engaging with the City to provide more
5 transparent and streamlined mechanisms
6 to direct these resources. In this way,
7 we can develop a holistic and
8 comprehensive plan that connect to
9 revenues derived through the new
10 construction tax to directly support new
11 affordable housing development, create
12 affordable housing, utilize the untapped
13 land resources in the Land Bank and find
14 additional opportunities to ensure
15 housing affordability is achieved.

16 Without such a functioning
17 city-wide approach, earnest attempts to
18 address housing affordability at a
19 district-by-district level are
20 incomplete and unfortunately
21 insufficient. NAIOP and the
22 Philadelphia Real Estate Alliance
23 sincerely wants to be a part of the
24 solution to the balance of equitable
25 growth and affordable housing, and we

1 would like to work together with you.

2 Thank you for your consideration.

3 COUNCILMAN JOHNSON: Thank you
4 very much.

5 Will the Clerk please call the
6 next witness. I see Ben. I see Mo. I
7 see Andy. Either one of you want to
8 move forward. Mr. Johnson.

9 (No response.)

10 COUNCILMAN JOHNSON: Not
11 everybody at one time. Ben Connors, go
12 ahead. Start your testimony, sir.

13 MR. CONNORS: Yes, sir. Well,
14 good morning. I'm Ben Connors,
15 President and CEO of the General
16 Building Contractors Association. GBCA
17 is one of the nation's oldest and
18 largest commercial contractor
19 associations with a membership of over
20 300 commercial, industrial,
21 institutional general contractors,
22 subcontractors, material suppliers and
23 construction service firms throughout
24 the Greater Philadelphia region. We
25 would like to thank Chairman Johnson and

1 all Committee members for allowing us to
2 testify today on Bill No. 210663.

3 Affordable housing is a vital
4 issue for the City of Philadelphia, with
5 far too many of our citizens not able to
6 be provided adequate housing for their
7 families. While we all recognize this
8 critical issue, we believe the piecemeal
9 approach offered today will not combat
10 the shortage of affordable units
11 throughout the City.

12 While we took issue with how it
13 was funded, GBCA did support the concept
14 of Neighborhood Preservation Initiatives
15 in part because it took steps to address
16 this issue for the City as a whole.

17 Imposing inclusionary zoning of
18 multi-family construction in two
19 Councilmanic Districts is not a
20 comprehensive plan and may in fact
21 result in a decrease in affordable
22 housing units.

23 Additionally, the legislation
24 if passed will result in further
25 uncertainty at a time when we need to be

1 building stability for families and job
2 creators to lift our City beyond the
3 impacts of the global pandemic. The
4 construction tax, the abatement
5 reductions and the near elimination of
6 the mixed income housing bonus program
7 have all been passed during the pandemic
8 and have not yet had an opportunity to
9 be fully absorbed by the market.

10 Most of the projects currently
11 underway were in the pipeline prior to
12 the start of the pandemic. The
13 uncertainty only serves to divert new
14 projects from entering that pipeline,
15 thereby slowing the future growth in our
16 City. In recent years, Philadelphia has
17 significantly increased regulatory
18 imposed costs on construction at a pace
19 that has been a counterweight to growth
20 and has contributed to Philadelphia's
21 lagging behind other peer cities.

22 These cost increases and
23 burdensome regulations also further
24 incentivize some to build illegally
25 without City oversight, taxes, permits

1 and fees, thereby creating new safety
2 and enforcement challenges and costs
3 that do not previously exist.

4 Philadelphia has dramatically less
5 construction activity than other peer
6 cities and suffers greatly as a result.

7 With more construction, we will
8 see more opportunities for small local
9 businesses, which would lead to more
10 poverty-reducing job opportunity. With
11 more construction, we would encourage
12 more population growth, giving residents
13 help to lift the City through tax
14 revenue, to provide higher funding
15 levels needed for school and eroding
16 infrastructure.

17 With more construction
18 activity, our existing housing market
19 would be forced to turn affordable units
20 into those that pay market -- or
21 wouldn't be forced to turn affordable
22 units into those that would pay market
23 rate, but instead build new affordable
24 housing units.

25 In order to have more

1 construction activity in Philadelphia,
2 we need the right conditions for growth.
3 We request that City Council rethink
4 imposing a piecemeal restriction on
5 development and instead ask that you
6 work with GBCA and the Philadelphia Real
7 Estate Alliance to come up with
8 solutions that encourage construction
9 activity while addressing the needs of
10 the City.

11 This City needs private
12 development to produce the housing that
13 currently new residents want and to
14 create the jobs and tax revenue that are
15 so badly needed to effectively run the
16 City. Mandating what can or cannot be
17 built in an entire Councilmanic District
18 will have adverse consequences, not just
19 on those in the district, but on the
20 conditions for growth in our entire
21 City.

22 GBCA's members employ tens of
23 thousands of workers in the Philadelphia
24 region. They are family-sustaining
25 living wages to our union workforce and

1 consequently also paid millions of
2 dollars in taxes. For over 130 years,
3 our membership has helped to build this
4 City. We want to see it succeed, but
5 creating inclusionary zoning mandate
6 will drive away investment and thousands
7 of jobs that have a choice on where they
8 will ultimately land. We want them to
9 land here in Philadelphia. Thank you
10 for your time and consideration.

11 COUNCILMAN JOHNSON: Thank you
12 very much for your testimony, Ben.

13 Next I'm going to call up Mo
14 Rushdy. Mo, you can begin.

15 MR. RUSHDY: Good morning,
16 Mr. Chairman. My name is Mo Rushdy.
17 Can you hear me?

18 COUNCILMAN JOHNSON: Yes, I
19 hear you. Begin.

20 MR. RUSHDY: All right. My
21 name is Mo Rushdy and I serve as
22 Treasurer of the Building Industry
23 Association of Philadelphia, a trade
24 association of mostly residential
25 developers working throughout

1 Philadelphia, along with professionals
2 who provide them with products and
3 services. I also Co-chair the BIA's
4 Affordable Housing and Diversity, Equity
5 and Inclusion Committees and serve as a
6 leadership member of the Philadelphia
7 Real Estate Alliance. I want to thank
8 Chairman Johnson and the rest of the
9 Committee for allowing me to provide
10 testimony today on Bill No. 210663.

11 The BIA also recognizes the
12 urgent need for affordable housing
13 options in Philadelphia and has worked
14 with Council in good faith to craft
15 policies that will ensure new
16 development that helps replace the units
17 lost over time and provides
18 opportunities for homeownership and
19 prosperity in the neighborhoods where we
20 build.

21 Bill No. 210663 moves the City
22 in the wrong direction, however. The
23 scope of this bill means that 20 percent
24 of the City will have dramatically
25 different rules for multi-family

1 construction than the rest of the City
2 and preclude private sector developers
3 from helping Council achieve its goals
4 for equity.

5 As currently proposed, the
6 bill's inclusionary zoning rules will
7 grind all such construction to a halt in
8 those districts, driving many millions
9 of dollars in investment and thousands f
10 of jobs. It doesn't have to be this
11 way. Every thriving city needs a mix of
12 affordable and market housing. Most
13 market rate developers cannot overcome
14 the high cost of construction in
15 Philadelphia that would allow them to
16 include affordable units in their
17 projects.

18 The idea of trading more
19 density for more affordability always
20 made sense, and the mixed income housing
21 bonuses would have worked sufficiently
22 but for the recent changes. The BIA
23 proposed amendments based on careful
24 analysis that would have incentivized
25 and prioritized the delivery of

1 affordable units on site over payments
2 into the Housing Trust Fund. These
3 bonuses were a key component of
4 overcoming Philadelphia's high
5 construction costs in neighborhoods that
6 would not otherwise see investment.
7 Instead Council chose to effectively gut
8 the program.

9 We have demonstrated repeatedly
10 that the BIA support strategies to
11 increase the number of affordable units
12 being built by the private sector, but
13 the math must work. The BIA provided
14 Council detailed development models to
15 inform and guide this legislation. But
16 by decreasing the incentives and
17 increasing the requirements as in Bill
18 No. 210633, very few affordable units
19 will be built.

20 The Trust Fund will not get the
21 funds it needs, and City Hall will be
22 sending a clear signal to the real
23 estate community to invest elsewhere.
24 If the goal is to force the private
25 market to take part in equity, this

1 policy will not achieve that. You can't
2 mandate anyone to build in Philadelphia,
3 and soon maybe no one will.

4 Councilmember Gauthier
5 mentioned today that 3200 permits have
6 been issued, then 640 units would have
7 been built. In reality, if based on
8 this legislation only 20 percent of
9 these 3200 unit jobs would have been
10 developed to begin with, resulting in
11 maybe 100 units of affordable housing
12 that would have been created.

13 Councilwoman Quinones-Sanchez
14 mentioned land prices. We have proven
15 that 20 percent IZ at 40 percent AMI at
16 0 land cost do not work in the
17 neighborhoods that have modest rents and
18 high construction costs, that require
19 affordable housing the most. Another
20 critical issue besides the math is the
21 50-year deed restriction. We understand
22 why the sponsors are critical of shorter
23 restriction, but the fact remains that
24 banks are overwhelmingly unwilling to
25 underwrite projects with such a long

1 restriction. So we suggested 20 years
2 as an alternative. The language as
3 currently proposed will preclude the
4 private sector from providing the
5 affordable units onsite, so no new units
6 will be created.

7 The BIA encourages City Council
8 to review the data we provided with an
9 independent and objective party. We are
10 confident that such analysis will
11 demonstrate what balance of requirement
12 and incentives will work in the context
13 of the reduced bonuses, decreased tax
14 abatement, new construction tax and
15 impending inflation.

16 We also invite City Council to
17 look carefully at the BIA's Blueprint
18 for Affordable Housing. It is
19 frustrating that this dramatic
20 legislation is ostensibly proposed in
21 the name of affordable housing, but the
22 City continues to squander its best
23 opportunities to generate significant
24 quantities of affordable housing for its
25 residents.

1 In the 3rd Councilmanic
2 District, there are 647 public-owned
3 parcels that could be used to house
4 those in need and 1,142 in the 7th
5 District. In the blueprint we argue
6 that the City housing crisis can be
7 resolved if City Hall simply increases
8 its capacity to dispose public land
9 quickly to qualified applicants. The
10 City needs 30,000 affordable houses by
11 2028. You have the land, and the
12 development community knows how to build
13 what you want. And we supported the
14 Neighborhood Preservation Initiative to
15 reach lower AMIs. Imagine how many
16 affordable units could be built on these
17 1,789 parcels in both of these
18 Districts. What are we waiting for.

19 The BIA has provided concrete
20 suggestions on how this bill can work
21 better. Willingly participating in
22 discussions and clearly supporting
23 solutions that would work for all. But
24 as currently written, Bill No. 210663
25 does not work for anyone and will not

1 provide housing relief to the residents
2 you intend to help.

3 Once again, the proposed
4 legislation stands to punish the
5 development community for the shortfalls
6 of its affordable housing policies.

7 This legislation will drive up rent by
8 20 to 30 percent of market rate homes
9 that cannot be sustained in
10 Philadelphia's neighborhoods. This bill
11 will depress housing supply and thereby
12 drive up rents. These overlays will
13 become development deserts.

14 We strongly oppose this bill in
15 its current form and ask that this
16 legislation be held so that we can work
17 further with sponsors to find the right
18 numbers and draft amendments that will
19 achieve Council's goals. Together we
20 can find a solution. Please let us take
21 a step back and work again. Thank you
22 for your consideration.

23 COUNCILMAN JOHNSON: You're
24 welcome.

25 Andy Toy.

1 MR. TOY: Good morning,
2 Chairperson Johnson and members of City
3 Council's Committee on Rules. And thank
4 you. It was great to see you at
5 St. Rita of Cascia in Councilman
6 Squilla's great affordable project for
7 seniors.

8 COUNCILMAN JOHNSON: Always
9 good to see you, Andy.

10 MR. TOY: Yeah. Thank you. My
11 name is Andy Toy and I'm the Policy
12 Director for the Philadelphia
13 Association of Community Development
14 Corporations or PACDC. Thank you for
15 listening to PACDC's testimony in
16 support of Bill No. 210633, which seeks
17 to address Philadelphia's pressing need
18 to provide more affordable homes in the
19 face of many residents experiencing
20 unaffordable rents, homelessness and
21 gentrification pressures pushing them
22 out of their neighborhoods.

23 And thank you to Councilmembers
24 Gauthier and Quinones-Sanchez for your
25 leadership on this challenging and

1 sometimes contentious but critically
2 important issue facing our City. And I
3 agree with Councilwoman Quinones-Sanchez
4 that it's not an either-or as some
5 people might want to put it. It's all
6 the above.

7 As we all know, Philadelphia
8 currently has the highest poverty rate
9 of any large city in the country. We
10 have seen past planning and development
11 policies and events such as the pandemic
12 serve to deepen and reinforce
13 segregation, disinvestment, displacement
14 and inequity in our City.

15 At the same time, we're seeing
16 how some neighborhoods are quickly
17 gentrifying and becoming unaffordable
18 for those who have lived there their
19 whole lifetimes or have been working
20 hard to raise families in a stable
21 place. The data shows that 40 percent
22 or over 500,000 Philadelphians cannot
23 afford their monthly rent or mortgage.
24 It's past time to find an array of
25 strategies to help repair the harm.

1 There are now numerous studies
2 showing that mixed-income neighborhoods
3 create long-term positive opportunities
4 and impacts for residents. I included a
5 link to that in my written testimony. A
6 Mixed Income Neighborhood Overlay
7 District is one very important tool to
8 build more equitable neighborhoods.

9 PACDC, speaking on behalf of
10 more than 60 member community
11 development organizations, strongly
12 supports the implementation of Mixed
13 Income Neighborhoods Overlay Districts.
14 We do understand that there are concerns
15 from some since a mandatory inclusionary
16 housing policy has yet to be tried in
17 Philadelphia. However, such policies
18 are in use in more than 700
19 jurisdictions around the United States,
20 including New Jersey, Massachusetts and
21 California with some "modest but real
22 impact on the overall number of
23 affordable units" according to studies,
24 and I also have a link to that.

25 Our support for this bill comes

1 after years of experience with attempts
2 at incentivizing mixed-income
3 developments on a voluntary basis, which
4 have been insufficient. I was part of
5 the Zoning Code Commission when we put
6 forward the compromise plan to allow
7 developments zoning bonuses with an
8 alternative to pay an in-lieu fee into
9 the Housing Trust Fund, and those have
10 just been insufficient all together.

11 While this policy has resulted
12 in resources to expand and preserve
13 affordable housing opportunities in
14 other neighborhoods, it has not resulted
15 in affordable units being built onsite
16 in market rate developments and stronger
17 real estate markets and changing
18 neighborhoods. Only a mandatory
19 approach will achieve that.

20 The goal of onsite affordable
21 units is important to support
22 mixed-income communities and the
23 opportunities for lower-income residents
24 to live in higher opportunity
25 communities rather than having the vast

1 majority of affordable units being built
2 solely in lower-income communities.

3 We agree that there will need
4 to be adjustments made to this policy
5 over time as market conditions change.
6 But without an initial step, nothing
7 will happen. We believe that the
8 proposal for setting a 40 percent AMI
9 limit for affordable rents and 60
10 percent AMI limit for affordable sales
11 in projects of 10 units or more makes
12 sense. We support density bonuses and
13 other incentives as important offsets to
14 make mixed-income projects financially
15 feasible at these affordable levels. 10
16 units seem to be a good trigger as
17 smaller projects won't be affected. We
18 also support long-term affordability
19 controls to ensure these units are not
20 lost from the affordable housing
21 inventory.

22 Finally, since many of our
23 member CDCs are experienced developers
24 of affordable housing, we think there
25 are opportunities for market-rate

1 developers to partner with them to
2 support marketing and income
3 certification for qualified occupants
4 upon initial lease or for sale, as well
5 as upon resale or re-rental of
6 affordable units. It will also be
7 important to invest in the necessary
8 infrastructure to ensure effective
9 compliance with affordability
10 requirements on an ongoing basis. And
11 thank you again for the opportunity to
12 testify in support of Bill 210633.

13 COUNCILMAN JOHNSON: Thank you
14 very much for your testimony, Andy.

15 Next, we're going to ask for
16 Ryan to state your name for the record
17 and begin your testimony.

18 MR. SPAK: My name is Ryan
19 Spak. Thank you to this entire
20 Committee, Chairperson Johnson and to my
21 Councilmember Jamie Gauthier for
22 allowing me the opportunity to testify
23 this morning. Again, my name is Ryan
24 Spak. I'm one of the principal partners
25 at Spak Group, a company my mom Marsha

1 and I formed 11 years ago in the West
2 Philadelphia neighborhood called Cedar
3 Park.

4 As a local small business in
5 West Philly whose product is rental
6 housing, Spak Group heard the voices of
7 our neighbors regarding inequity,
8 displacement and involvement. So we
9 changed our mission. And in the last
10 five years, Spak Group has proudly
11 brought 91 units to market at 60 percent
12 AMI or less without a single dollar of
13 public subsidy to purchase, renovate,
14 develop or build the apartments. Our
15 model does work but it is not because of
16 any IZ legislation.

17 What makes our developments
18 work without direct subsidy is a
19 creative mix of well-priced land,
20 density, tax abatement, private
21 investment, favorable financing and
22 predictable and properly managed
23 construction cost. At the same time,
24 the Spak Group has successfully
25 implemented its voluntary inclusionary

1 housing model, many factors have
2 threatened our inclusionary housing
3 model, especially over the past year,
4 including expensive updates through the
5 construction code, the 1 percent tax on
6 new construction, the reduction in the
7 10-year tax abatement, which
8 significantly increases annual operating
9 costs, higher contingency requirements
10 by banks for hard costs, additional
11 design and private inspection
12 requirements, increases in land purchase
13 costs, supply chain issues to
14 construction material and inflationary
15 costs that are here to stay and will
16 eventually force higher interest rates,
17 raising again our operating cost.

18 Last week I was honored when
19 the principal architects of Bill 210633
20 asked me to review their legislation and
21 run models to find where we can always
22 find success in building more equitable
23 and affordable options into the real
24 estate developments happening in our
25 neighborhoods.

1 As I understand it, it is the
2 goal of this IZ legislation to have
3 private development build affordable
4 options into their development. I was
5 asked in what scenario does the
6 mandatory inclusionary housing
7 legislation work in the current market
8 conditions. So Spak Group ran scenarios
9 at various percentage levels and at
10 varying levels of AMI under 80 percent
11 against the market, its rents, costs and
12 the factors named before, our findings
13 found that not one scenario financially
14 penciled out with the market rents of
15 non-Center City core neighborhoods, like
16 those in Cedar Park and Kensington.

17 Every analysis found that this
18 legislation is impossible in non-Center
19 City core neighborhoods when combining
20 the factors of today with its
21 requirement no matter the percentage of
22 unit.

23 Even if today's pressures are
24 met, developers and property managers
25 may still have to raise rents to unseen

1 levels in their market units. For
2 example, in one of our modeling
3 scenarios to meet the required 20
4 percent of the units at 40 percent AMI,
5 Spak Group would have to charge \$2,150
6 for a two-bedroom apartment in Cedar
7 Park to be able to meet all development
8 requirements and afford the mandatory
9 inclusionary legislation.

10 This price point is \$500 more
11 than we have ever achieved in my 10
12 years building and managing rentals in
13 Cedar Park, and the market will reject
14 these prices. And as a result, the
15 project will never be financed or
16 constructed and neither will the
17 affordable units. This is not what Spak
18 Group, you or our community wants.

19 The mandatory inclusionary
20 model desired may only work in markets
21 with incredibly affluent market-rents
22 that hover approximately \$1 per square
23 foot more than the neighborhoods were in
24 the past. Because of the additional
25 pressures placed on development by the

1 City, by inflation and soon by banking,
2 the mandatory inclusionary legislation
3 will force developers into two scenarios
4 from what we see. Either developers
5 will move to build only luxury priced
6 units or move out of marketplace
7 entirely.

8 The result of smaller midsize
9 developers like Spak Group will be
10 incredibly harmful on our future
11 liability. As a result, I fear for my
12 11 employees and the negative
13 trickle-down effect through the real
14 estate industry to our colleagues like
15 title companies, realtors and
16 subcontractors.

17 Simultaneously, future
18 affordable options built without direct
19 public subsidy like the 91 units built
20 by Spak Group will not be placed into
21 service in the neighborhoods that need
22 these units the most, thus defeating the
23 entire purpose of this legislation.
24 Many years ago I sat before Council and
25 testified to the flaws, weaknesses and

1 lack of partnerships with developers of
2 the first inclusionary housing
3 legislation.

4 Through the current IZ
5 legislation, only 17 affordable units
6 have been built. Half of them by Spak
7 Group. The other 82 units that we have
8 built of the 91 units that we have put
9 into market were done without IZ
10 legislative incentives. This bill can
11 do better.

12 As of right now, no one on this
13 Committee has seen a single study
14 showing how many units this legislation
15 will create for our neighborhoods or its
16 impacts of the real estate development
17 community in Philadelphia. For Spak
18 Group now that we are aware of this
19 legislation, we have put every
20 inclusionary housing development we had
21 in this overlay that was planned for '23
22 and '24, we have put on hold.

23 I plead to this Committee to
24 not pass this legislation out of
25 Committee today or in the near future

1 and instead study it properly,
2 understand the numbers more thoroughly,
3 work with developers like myself to find
4 a model in today's market climate that
5 will actually build more affordable
6 options from every private development.
7 Spak Group has shown this can be done,
8 but it cannot be done under today's
9 pressures coupled with this legislation.
10 I appreciate the time. Thank you very
11 much for the testimony.

12 COUNCILMAN JOHNSON: Thank you
13 very much for your testimony. Ryan, I
14 have a quick question.

15 MR. SPAK: Yes, sir.

16 COUNCILMAN JOHNSON: For the
17 affordable units that you have provided
18 to date, what's the average rent?

19 MR. SPAK: So it depends on the
20 size of the apartment. I can give you
21 an idea of the last two projects that we
22 built. At 5050 Baltimore Avenue, we
23 worked with the community that
24 surrounded that project as well as the
25 local congregations, and we built a

1 building that was double the size that
2 we would have been allowed by zoning.

3 As a result, we were able to
4 put three more affordable options into
5 that project. One of those units is a
6 handicapped accessible apartment, a
7 one-bedroom apartment for \$795 a month.
8 The other units were at 950 and 1,040.
9 Those two units were actually provided
10 in partnership with PHMC. PHMC placed
11 two single families in each one of those
12 units who were previously homeless who
13 are only paying 10 percent of their
14 income.

15 In the other project that we
16 did, we saved 44 units that were coming
17 out of an affordability restriction they
18 were previously at affordable housing
19 development from the '90s. We put a
20 25-year deed restriction on the
21 affordability of those units. A
22 two-bedroom is \$875. A three-bedroom is
23 \$970 to \$1,000. And I don't believe
24 there's four units in that project, but
25 that's the average.

1 Most of the folks that live in
2 that development are actually receiving
3 some kind of subsidy through PHMC or
4 Valley Youth House or Delta or one of
5 our numerous partners to help folks with
6 housing insecurities.

7 COUNCILMAN JOHNSON: Thank you
8 very much for your testimony.

9 Before I call on Jamal Johnson,
10 Mo, I just wanted to ask a question in
11 regards to BIA. Thus far, how many in
12 terms of your Affordable Housing
13 Committee how many units would you say
14 BIA has produced thus far to date,
15 right, prior to the preservation
16 legislation that we recently passed, but
17 just on the strength of is this a
18 socially good thing to do, right, and
19 that's the mission that y'all are
20 working on? Can you give us an idea of
21 how many units BIA and your subcommittee
22 have provided thus so far to date? And
23 also, on average what the rent costs are
24 for a one-bedroom, two-bedroom
25 apartment?

1 MR. RUSHDY: That's a great
2 question, Mr. Chairman. I would say
3 that close to 80 percent of all new
4 development that has happened to
5 Kensington thus far are all affordable
6 units. If I take my company as an
7 example, the Riverwards Group, we are
8 currently developing about 300 units and
9 we have about 850 units in the pipeline.
10 100 percent of these units are
11 considered affordable units that lie
12 between 75 percent and 85 percent AMI.

13 And I say that because the
14 market-rate units as Ryan has just
15 stated, and Ryan and I have very similar
16 models, we deal with very similar
17 investors and we deal with the same
18 capital stack, senior debt that finances
19 these, the market rate units in these
20 deep neighborhoods or outlier
21 neighborhoods or new and upcoming
22 neighborhoods are low enough to meet the
23 standards of affordability and they're
24 not at 120 percent AMI. Again, we're
25 talking about an average of 80 percent

1 AMI for 100 percent of the units.

2 COUNCILMAN JOHNSON: That was
3 just a thought that came to my mind.
4 Before I call on Jamal Johnson,
5 Councilman Domb has a question.

6 COUNCILWOMAN GAUTHIER: A point
7 of information; is that okay?

8 COUNCILMAN JOHNSON:
9 Absolutely. To the sponsor of the bill.

10 COUNCILWOMAN GAUTHIER: I
11 wanted to respond to what Mo said that
12 the majority of his units were at 75 to
13 85 percent of AMI. My office did an
14 affordable housing study for the 3rd
15 District just to see what the state of
16 affordable housing is and where people
17 were. The average 3rd District resident
18 is at 34 percent of AMI.

19 And so, the gap between 34
20 percent and 85 percent of AMI is so huge
21 that it doesn't make sense to call that
22 affordable for many of our communities.
23 Thank you.

24 MR. RUSHDY: And I agree with
25 the Councilwoman. And hence, our plan

1 that we have presented for both the 3rd
2 and 7th District to create 300
3 affordable homeownership wealth-creating
4 single family homes on public land that
5 will go to constituents in the 3rd and
6 7th Districts at numbers that are \$750
7 using NPI money and leveraging public
8 land, which both these districts have
9 close about 2,000 (inaudible).

10 COUNCILWOMAN GAUTHIER: We're
11 open to that proposal, but I just
12 wanted -- the original question from the
13 Councilman was what BIA had produced in
14 terms of affordable housing. And I
15 thought it was really important to make
16 sure that that was in context to what
17 people can afford and where they're at.

18 MR. RUSHDY: If I may add one
19 thing, Mr. Chairman, to your question.
20 Okay. This is -- not only is the BIA
21 sincere about that affordable home
22 issue, we have a plan to build 12,000
23 units. And I have reached to every
24 District Councilmember personally to
25 sent them the proposal, and this is not

1 literature. This is not us coming in
2 with some grandiose plan. This is
3 actually proven by applications
4 currently sitting with capital stack of
5 tens of millions of dollars in the Land
6 Bank to produce affordable housing in
7 every district.

8 So the question becomes for us
9 is what is the opportunity cost of
10 losing projects that would otherwise
11 work without inclusionary zoning. What
12 is the opportunity cost. I will give
13 you this one simple example and then
14 I'll give it back to you.

15 There's 162-unit job on Lehigh
16 Avenue where all housing was sub 100
17 percent AMI, anywhere ranging between 60
18 percent to 100 percent AMI, \$50 million
19 job, \$220 million in economic impact.
20 \$1.5 million in transfer tax with the
21 10-year tax abatement generating
22 \$100,000 in real estate taxes, created
23 400 jobs. That is a project that for it
24 to work with the 20 percent of 40
25 percent AMI, the land cost would have to

1 be for that 5 acres negative 2.5
2 million. Someone would have to hand us
3 money to purchase that land for us to be
4 able to have that built, work its way
5 through that, and that is with numbers
6 of construction costs two years ago. In
7 today's world, it's a completely
8 different story and (inaudible). Back
9 to you.

10 COUNCILMAN JOHNSON: Thank you
11 very much.

12 Councilman Allan Domb.

13 COUNCILMAN DOMB: Thank you,
14 Mr. Chair. I want to thank the bill
15 co-sponsors for this legislation.

16 I just had a question. I'm
17 trying to listen to both sides and
18 understand. I think everyone's goal is
19 the same. I think the question is how
20 do we get to the goal. And so, I have
21 asked for today a fiscal impact
22 statement on this legislation. I'm
23 trying to understand what the impact is
24 so we can make an intelligent decision
25 when I guess it comes to Council.

1 But if anyone has any other
2 thoughts, if they've done an impact
3 statement because I'm hearing one side
4 say one thing and another side say
5 another, I would love for them to share
6 it with us today.

7 Thank you, Mr. Chair.

8 COUNCILMAN JOHNSON: Thank you.
9 I'm going to call on Councilwoman Maria
10 Quinones-Sanchez.

11 COUNCILWOMAN QUINONES-SANCHEZ:
12 Thank you, Mr. Chair.

13 I just want to again be very,
14 very clear and I think I said this from
15 the beginning. This is not a perfect
16 tool as none of our toolboxes are
17 perfect tools. And I appreciate the
18 BIA's work. And as Councilmember
19 Gauthier said, we intend to work with
20 them around some of the projects related
21 to the Land Bank.

22 In fact, I will be doing a
23 groundbreaking in a couple of weeks of
24 100 affordable units in an entire
25 neighborhood in a public-private

1 partnership unlike anything we've seen
2 in the City of Philadelphia. As I've
3 repeated from the beginning, this
4 legislation is meant to help us do
5 several things, which everyone has
6 talked about.

7 We have an inflated market in
8 some these neighborhoods and it will
9 help us control some of the inflation as
10 it relates to land, and the fact that
11 speculation and speculators are flipping
12 these properties making the
13 affordability challenging.

14 To Councilwoman Gauthier's
15 point around the AMI, we are operating
16 in neighborhoods where 30 to 40 percent
17 AMI is the reality of the neighborhood.
18 We recognize that if the private sector
19 can help us build affordable units, we
20 will have to do what Ryan has talked
21 about, right, how does PHA come in, how
22 is the pathway to housing, how does the
23 Shallow rent to get to fixed income
24 housing, how do we do that.

25 So what we're trying to do here

1 is -- and again, I'll push back on this
2 notion that this is an isolated
3 situation. We've done several different
4 toolboxes that we're all sharpening to
5 come to a more comprehensive view around
6 how neighborhoods get developed. We
7 understand the increase of the value of
8 construction cost. There's a lot of
9 unintended consequences as it relates to
10 the prevailing wage and the high cost of
11 construction, right, but all of the
12 members on this crew use it as the quiet
13 elephant in the room, won't talk about
14 it and won't lobby for the affordable
15 housing rate in order to make some of
16 these projects pencil more.

17 So again, I appreciate the
18 work. We will work on the
19 implementation. I appreciate
20 Councilmember Domb asking for a fiscal
21 statement. This is a pilot program.
22 And so, we are committed to working with
23 all of the stakeholders in measuring,
24 reviewing, and evaluating this. But
25 when you have the inability to pass a

1 city-wide mandatory inclusionary piece,
2 it's harder to measure, right. So no
3 one is going to get to a measurement
4 tool tomorrow or next week. We're going
5 to have to put this in place with the
6 other toolboxes, measure it, evaluate
7 it.

8 And as everybody on this call
9 knows, particularly Mo and others who've
10 worked in Kensington, we have made
11 projects work, right, in the most
12 impossible circumstances because we're
13 committed to this. But we need more
14 tools and these tools are not perfect,
15 but they are going to push the
16 conversation along as we work for again
17 that diverse mixed-income housing.

18 The reason we have the
19 voluntary 10 percent affordability in
20 Kensington is because developers know if
21 they're coming into this neighborhood,
22 they know what is a policy because of
23 the policy that I've set and the tone
24 that I've set around inclusionary
25 housing. And even with that, you get

1 folks who come in who are bad actors
2 around trying to make sure that we're
3 respecting some of the characters of
4 some of these neighborhoods that we're
5 operating.

6 And so, again this is not the
7 end of the conversation. This is not
8 the beginning of the conversation. This
9 is the middle of a conversation and I
10 look forward again to its
11 implementation, its review, and if
12 necessary, its changes as we move this
13 conversation along. But we're doing all
14 different types of pilots to get to the
15 point.

16 We understand that whether it's
17 PHA, whether it's Shallow Rent, all of
18 these toolboxes could be utilized with
19 the support of the private development
20 to get to those lower AMIs to meet those
21 critical needs and the harder needs of
22 those hard-to-reach communities.

23 Thank you, Mr. Chair.

24 COUNCILMAN JOHNSON: Thank you
25 very much.

1 Jamal, just be patient with me.

2 I'm going to call on just two
3 Councilmembers who have questions, and
4 then we'll wrap up this panel.

5 Councilman David Oh and then
6 Councilwoman Cindy Bass.

7 COUNCILMAN OH: Thank you very
8 much, Chairman.

9 I'm just responding to some of
10 the conversation about better
11 understanding the bill and the
12 information, the data. I've received
13 nothing. I've received no information
14 about this. And apparently, I guess
15 conversations and information has been
16 shared with Councilmembers, but
17 certainly not with me and it sounds like
18 not with the rest of the At-large
19 members.

20 I do appreciate a call from
21 Councilmember Quinones-Sanchez who has
22 given me her perspective. That's the
23 only perspective I have received. I do
24 try to understand the bills. But if no
25 one is providing me data or information,

1 I rely on my staff and that's about what
2 I have. So just for the public to
3 understand, these are complicated issues
4 and whoever has this information has not
5 shared it with me, so I will be voting
6 today. So it's a little late for me to
7 start understanding what you're saying.
8 Thank you.

9 COUNCILMAN JOHNSON:

10 Councilwoman Cindy Bass.

11 COUNCILWOMAN BASS: Good
12 morning, everyone. Good morning. I've
13 been listening to all the testimony and
14 I just really wanted to add in my
15 perspective. And I agree with
16 Councilmember Maria Quinones-Sanchez
17 that this offering is not the end-all.
18 It's not going to immediately fix
19 everything, but it is a start. It's
20 imperfect as she stated.

21 But we're at a point where
22 action is required. So I really just
23 want to applaud my colleagues for
24 bringing this piece of legislation
25 forward, knowing that it's a step in the

1 right direction. But I also want to
2 encourage the development community, the
3 groups and also individual developers at
4 a later date to give us something we can
5 live with.

6 I keep hearing that now is not
7 the time and that we should talk about
8 it, we should think about it. I think
9 from Council's side we've been talking
10 and thinking and hoping and wishing for
11 a very long time now. So we really need
12 you guys at the table to help develop
13 the programs and the housing that we
14 need for our constituents.

15 So I just wanted to say this
16 isn't a new problem. We've been
17 discussing it for all of the years I've
18 been on Council. It's not a new
19 situation so I just really wanted to
20 encourage the development community to
21 really get in the game on this and to,
22 you know, let's see what you're working
23 with, let's see what ideas you have.

24 The idea that we should
25 continue, continue to delay while we

1 wait for a solution is not realistic for
2 us. So I just wanted to add my thoughts
3 in there, Mr. Chairman. And again, many
4 thanks to my colleagues for this pilot
5 program. Again, this is a pilot. So
6 again, I think the idea that we try
7 something new, try something different
8 is important. But what we cannot do is
9 continue to think that we can do the
10 same thing and we can get a different
11 result somehow.

12 So thank you, Mr. Chairman.

13 COUNCILMAN JOHNSON: Thank you
14 very much.

15 I'm going call on at this time
16 Jamal Johnson and next Nicole Westerman.

17 MR. JOHNSON: Thank you,
18 Mr. Chairman. My name is Jamal Johnson.
19 I am the General Manager of the Comcast
20 Technology Center. However, I'm here
21 today in my capacity as Chair of the
22 Building Owners and Managers Association
23 of Philadelphia commonly referred to as
24 BOMA. I would like to thank Chairman
25 Johnson and the Committees on Rules for

1 this opportunity to testify on Bill No.
2 210633.

3 As corporate members of this
4 community, BOMA and its member
5 buildings firmly support affordable
6 housing, both conceptually and
7 practically. Philadelphia's economic
8 and social vitality depends upon an
9 adequate stock of affordable housing
10 throughout the City. While recognizing
11 the ongoing need for affordable housing,
12 especially in these financially unstable
13 times, we do not support the provisions
14 of Bill No. 210633.

15 Philadelphia is a city with a
16 high poverty rate and correspondingly
17 low rate revenues compared to other
18 cities. Add high construction cost and
19 an expiring tax abatement and inflation
20 to the mix, and it becomes all too
21 apparent that the concept of
22 inclusionary zoning as proposed by this
23 bill is completely unrealistic to
24 implement.

25 The zoning proposals contained

1 in this bill can very well devalue the
2 developments addressed herein, which
3 would in turn negatively impact the
4 value of affordable housing that Council
5 is seeking to protect. The business
6 community -- excuse me, the business
7 community realized on predictability and
8 this aspect of the legislation will
9 negatively impact landowner's ability to
10 control their land use within existing
11 parameters.

12 We encourage Council to take a
13 more holistic approach in this regard.
14 Neither business development or
15 affordable housing operate in a vacuum.
16 Rather they must operate in tandem in
17 order to be effective. We support, for
18 example, the creation of wealth for
19 disenfranchised communities by
20 establishing affordable housing on
21 public land, of which the City has an
22 abundance. At the same time, this can
23 very well provide a myriad of
24 opportunities to support business
25 development and job creation throughout

1 the City, which could support further
2 wealth creation for all.

3 Affordable housing is an
4 integral component of the City's
5 economy. Without it, the work is upon
6 whom our businesses depend will leave
7 the City in search of areas where they
8 can find safe, comfortable and
9 reasonably priced homes for their
10 families. All of our residents deserve
11 affordable housing. Sadly, Bill No.
12 210633 as written would preclude most
13 housing projects from receiving the
14 required financing. This in turn will
15 lead to a loss of the very jobs upon
16 which Philadelphia's economy depends.
17 Thank you Council, and thank you,
18 Chairman Johnson, for your time.

19 COUNCILMAN JOHNSON: Thank you
20 for your testimony.

21 Nicole Westerman, please state
22 your name and title for the record and
23 begin your testimony.

24 MS. WESTERMAN: Hi. Good
25 morning. Nicole Westerman, New

1 Kensington CDC Director of Economic
2 Development. Thank you, Chairperson
3 Johnson and members of the rules
4 Committee, for holding this hearing.
5 Thank you to Councilmembers Gauthier and
6 Quinones-Sanchez for their leadership on
7 this bill. I'm here today to testify on
8 behalf of New Kensington CDC in support
9 of Bill No. 210633.

10 Requiring a portion of
11 developments to be affordable is an
12 important and necessary step in
13 providing housing that average
14 Philadelphians can afford. Philadelphia
15 has the distinction of being the
16 nation's poorest large city year after
17 year after year, where our neighborhoods
18 remain segregated year after year, where
19 zip codes do determine life outcomes to
20 a large extent, no matter how many times
21 City officials create poverty action
22 plans or shared prosperity plans or
23 anti-poverty action committees. So this
24 legislation is long overdue.

25 If passed, this legislation

1 will slow the rate at which
2 Philadelphians are being priced out of
3 their neighborhood. While we support
4 this bill, we also need to be very clear
5 that it is only one of many steps that
6 must be taken to make end roads in the
7 City's affordable housing crisis and
8 change development practices that run
9 over lower income residents. The actual
10 Area Median Income in our primary
11 service area is 31 percent AMI. That's
12 20,600 for a single person household.

13 Here's how things go in our
14 neighborhood: The Land Bank sells City
15 land to developers at deep discounts in
16 exchange for commitments to build a
17 portion of units at 60 to 80 percent
18 AMI. The Zoning Board of Adjustments
19 consistently ignores the recommendations
20 of registered community organizations.
21 The City increases its tax revenues.
22 Developers pay their investors and pat
23 themselves on the back for building
24 affordable housing.

25 That affordable housing is not

1 even close to being affordable for
2 people who live here or used to live
3 here. It's affordable for people from
4 other neighborhoods. They move in and
5 more of our residents move out looking
6 for housing that is truly affordable.
7 So again, this bill should be only the
8 first of many steps we take in
9 Philadelphia to address our affordable
10 housing crisis, one of which is the
11 annual appropriation to the Housing
12 Trust Fund. Here in Kensington we don't
13 need 20 percent of units to be
14 affordable. We need 100 percent of
15 units to be affordable to make up for
16 the hundreds of market rate units and 60
17 to 80 percent AMI units that have been
18 built in recent years.

19 We don't need this legislation
20 to apply only to developments with 10 or
21 more units. We need to apply to smaller
22 developments as well. We don't need
23 this legislation to apply only to the
24 few areas defined in this bill, but to
25 all of Philadelphia. I would also

1 address some of the concerns of the
2 other speakers about uneven practices
3 across the City. Thank you again for
4 considering this important bill. Please
5 vote this bill out of Committee. Please
6 make sure it becomes law and please
7 continue to work towards laws to benefit
8 the Philadelphians who are burdened with
9 high rents and mortgages who are looking
10 for affordable places for their families
11 to live, who are in danger of losing
12 their homes, who are being pushed out of
13 their neighborhood. Thank you.

14 COUNCILMAN JOHNSON: Thank you
15 very much for your testimony. Always
16 good to see you, Nicole. In your new
17 role, taking care of business as usual,
18 good to see you.

19 MS. WESTERNMAN: Thank you.

20 COUNCILMAN JOHNSON: Any
21 questions or comments from members of
22 the Committee?

23 (No response.)

24 COUNCILMAN JOHNSON: Okay.
25 Just in wrapping up, Mo Rushdy or Karen,

1 I know y'all were having the back and
2 forth in the chat. Do you want any
3 last-minute comments before we call the
4 next panel?

5 MR. RUSHDY: Councilman,
6 Mr. Chairman, my only comment was to
7 Councilwoman Quinones-Sanchez when she
8 spoke about the land prices and that we
9 ran the numbers at 0 land cost in
10 today's construction cost, and the
11 numbers don't work. And the only reason
12 is that the study relied by -- the 2018
13 study relied by and was done by PHCDC
14 with I think Director of Equitable
15 Development in Councilwoman Jamie's
16 office has based on construction costs
17 that \$60 per square foot less than what
18 it is and ran it based on operating
19 expenses on 5 percent for operating
20 apartment buildings, while banks
21 underwrite it at 19 percent.

22 So I just wanted to put it on
23 record out there that that circulating
24 study is a study that has many faults,
25 and we would encourage a third party

1 that would look at this legislation and
2 really evaluate with no bias on how this
3 can work for the City. Thank you very
4 much, Mr. Chairman.

5 COUNCILMAN JOHNSON: You're
6 welcome. Karen.

7 MS. HARVEY: Yes.
8 Mr. Chairman, I would like folks to
9 consider the entire community when
10 deciding to make adjustments in housing.
11 As I said in my chat, I think it's
12 racially insensitive for developers who
13 don't know the community to assume that
14 what all that we're looking for is
15 low-income housing for folks who may be
16 eligible for vouchers.

17 We also need to look at in
18 terms of maintaining the community,
19 people who live in that community but
20 whose incomes do not make them eligible
21 for vouchers, we are no less valuable
22 for those who do. And to assume that
23 you make housing available for the
24 lowest income on the income rung is, as
25 I said, racially insensitive. Just to

1 consider those things. Thank you.

2 COUNCILMAN JOHNSON: Thank you,
3 Ms. Karen.

4 Any other questions or comments
5 from members of the Committee?

6 Ryan.

7 MR. SPAK: I just wanted to let
8 Karen know and this Committee know how
9 Spak Group operated 5050 Baltimore
10 Avenue, so that you are aware that the
11 community had the same desire that you
12 did. They wanted to ensure that the
13 units that were available, that they
14 went to community members. When we
15 filed on our Wade Flats project, which
16 is currently under construction at 53rd
17 and Whitby, we had the same goal in
18 mind.

19 To ensure that that happened,
20 we worked with the Planning Commission.
21 We worked with the community that all of
22 the more affordable units were made
23 available through local congregations
24 within a mile of the project before they
25 went to the general public. The goal

1 was that, one, we didn't violate any
2 housing laws, but simultaneously made
3 sure that the units were made available
4 to those in the community through the
5 organizations.

6 After four weeks of marketing
7 these units at Baltimore Avenue, we did
8 not receive a single application from
9 the 15 congregations we reached out to,
10 we then sent it to the registered
11 community organizations within a half a
12 mile. After we did that and did not
13 receive any applications, we sent it to
14 our Councilmember's office, to our state
15 rep's office. The whole purpose of us
16 doing this without publicly putting it
17 out there or going to our partners at
18 PHMC or Valley Youth House was simply to
19 ensure that it went to the community.

20 When Wade Flats opens in 12
21 months, we will do the exact same thing
22 to ensure that the more affordable units
23 stay within the community. Displacement
24 is a real thing. Our model tries to
25 ensure that that doesn't happen, so we

1 aren't aiming for the bottom. And in
2 most scenarios as the current IZ bill
3 legislates, you can't rent the unit for
4 any more than you have deed-restricted
5 the apartment for. So in the current IZ
6 bill, a two-bedroom apartment is \$1,026.

7 If you look at what PHA
8 vouchers would pay for a two-bedroom
9 apartment in a newly constructed
10 building, it is more than what the IZ
11 bill would even allow. Therefore, we
12 cannot accept the top of the market for
13 a voucher, even though by law I can't
14 turn anybody away with a voucher. When
15 we asked the Planning Commission what to
16 do about this, no one had an answer yet.
17 So we're going to cross that bridge when
18 that building opens.

19 But I can tell you that we do
20 not build our units, the 91 units that
21 we have built, they are not built for
22 vouchers. But sometimes folks with
23 vouchers come and rent those units. And
24 by law, we are not allowed to turn them
25 away and we will never do so as a

1 company. So I just want to let you know
2 that that has never been our aim. We
3 have worked tirelessly to ensure it
4 stays within the neighborhood.

5 The downside to this is that
6 today's market conditions coupled with
7 this legislation doesn't get us what we
8 need and it destroys projects that Spak
9 Group would have put to market, and that
10 is very, very, very sad.

11 MS. HARVEY: Okay. I would
12 love the opportunity to sit down and
13 talk with you.

14 MR. SPAK: It will be my honor.

15 MS. HARVEY: Okay. I'll be
16 touch. Thank you.

17 MR. SPAK: Looking forward to
18 it.

19 MS. HARVEY: And thank you to
20 the Committee for allowing me.

21 COUNCILMAN JOHNSON: Thank you
22 very much.

23 Mo, I just want to ask one
24 other question. I know you talked about
25 doing 100 units in the Kensington area.

1 Is there a similar strategy where you
2 and your team try to target local
3 residents first before you open it up to
4 the wider public?

5 MR. RUSHDY: We have a very
6 specific marketing plan that was
7 developed with Council President
8 Clarke's office for the housing
9 development that was done in 2015 that
10 we built. And that marketing plan is
11 very detailed, where we approached close
12 to about 30 different RCOs, churches,
13 congregations, unions. We went out
14 there and we were able to sell, and
15 these were all for-sale homes and sold
16 100 percent of the units from these
17 meetings without going to market. We
18 gave a chance for 90 days before going
19 to market and we were successful in
20 selling these to people in the
21 community, and that is the same
22 marketing plan that we're using in every
23 application that goes out there to the
24 Land Bank for affordable housing.

25 COUNCILMAN JOHNSON: Okay.

1 Thank you very much.

2 Any other questions or comments
3 from members of the Committee?

4 (No response.)

5 COUNCILMAN JOHNSON: Okay.
6 Hearing none, thank you everyone for
7 your testimony.

8 Will the Clerk please call the
9 next panel.

10 COUNCILMAN DOMB: Councilman
11 Johnson, I had a question.

12 COUNCILMAN JOHNSON: I'm sorry.
13 Councilman Allan Domb.

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

16 I just have a couple quick
17 questions. Can one of the developers
18 respond to what is the typical
19 construction cost price per square foot?
20 I just want to make sure I understand
21 the numbers.

22 MR. RUSHDY: We are currently
23 at \$160 a square foot for a three-story;
24 \$170 a square foot for a four-story;
25 \$185 a square foot for a podium plus

1 four, Councilman.

2 COUNCILMAN DOMB: And just as
3 an example I want to understand, two
4 years ago, would you have those numbers
5 from two years ago?

6 MR. RUSHDY: We were about \$20
7 a square foot less than what they are
8 today.

9 COUNCILMAN DOMB: Okay. I was
10 listening and I was curious as to what
11 35 percent of AMI in Councilmember
12 Gauthier's District, what would the rent
13 be for that type of property, 35
14 percent?

15 MR. RUSHDY: Well, at 40
16 percent AMI one bedroom goes for
17 according to the PA Housing Authority,
18 one-bedroom for \$725; a two-bedroom for
19 a 40 percent AMI is \$870 and a three-
20 bedroom goes for \$1,005, and that's for
21 a 40 percent AMI.

22 COUNCILMAN DOMB: Okay. And
23 that's all based on today's interest
24 rates, correct?

25 MR. RUSHDY: That is correct.

1 Today we are able to finance jobs,
2 Councilman, especially in the areas of
3 Kensington. There are major
4 Philadelphia banks that are using CRE
5 money to finance these jobs and are very
6 low interest rates, but in the current
7 climate we're expecting anywhere between
8 1 to 2 points over the next coming two
9 to three years due to inflation.

10 COUNCILMAN DOMB: Okay. Thank
11 you very much.

12 Thank you, Mr. Chair.

13 MR. SPAK: Councilman Domb,
14 just to add to Mo's comment, in Cedar
15 Park which is one of the neighborhoods
16 in the 3rd District, our most expensive
17 apartment in our entire portfolio in
18 Cedar Park is a \$1650 two-bedroom. Our
19 rent at the highest of our market is
20 around \$2 a square foot. That reduced
21 rate at the 35 to 40 percent AMI mark
22 puts it at \$1.18, \$1.15 to \$1.18 a
23 square foot.

24 And so, what this bill is
25 asking is for every 9th and 10th product

1 to have a \$0.75 cent per square foot or
2 \$0.85 per square foot reduction where
3 the incentives don't make up for that
4 loss.

5 COUNCILMAN DOMB: Okay. And
6 have you actually met with lenders to
7 see if it's feasible if this legislation
8 did pass that financing would be
9 available under the scenario?

10 MR. SPAK: I can tell you what
11 happened when we built Wade Flats which
12 broke ground eight months ago. When we
13 got financing on that project, we had
14 four deed-restricted units in that
15 project all at 50 percent AMI, deed-
16 restricted for the next 50 years. Our
17 building had a \$9.2 million appraisal.

18 The bank underwrote the loan at
19 8.8 million, so we took a hit on what we
20 could finance because of the reduction
21 in rents. And the reality of the
22 situation for us is that we had other
23 units that we were voluntarily -- that
24 were not deed-restricted placing at
25 lower AMIs. We have two units in that

1 building that are at 60 percent AMI.
2 Part of that was part of our
3 conversations with the local community.

4 The reality is they all got
5 underwritten at lower rents because the
6 bank wasn't going to underwrite it at
7 top value, which meant our borrowing
8 power was less. And two years ago when
9 we started this process and 18 months
10 ago when we started looking at financing
11 at the construction cost that we were
12 looking at, it looked really, really
13 good. Over the last six months, we've
14 had our rear-ends handed to us and we've
15 had to modify a great deal of things in
16 trying to keep the market rents as low
17 as possible without blowing up the
18 market. It's been a crazy, crazy dance
19 of Whac-A-Mole.

20 COUNCILMAN DOMB: I guess my
21 question --

22 MR. RUSHDY: And, Councilman,
23 if I may add to this just one thing, is
24 that going down from Ryan's 1650 market
25 rate rent which is already at 80 percent

1 AMI, going down to the 40 percent AMI
2 two-bedroom to \$870 is basically a
3 subsidy of \$800 per unit, but per year
4 that's \$10,000.

5 If you have 100-unit job
6 sitting on an acre of land, you're
7 talking about 20 units being subsidized
8 by \$200,000 a year which has a value in
9 market value of \$3 million. When you're
10 talking about 1 acre of land in
11 Kensington going for 1.25 and 1.5 and
12 the \$3 million per acre, your \$3 million
13 subsidy has nothing to do with land
14 prices. You need to be at a negative
15 land value to make the deal work.

16 In the neighborhoods where I am
17 putting Kensington Courts that you have
18 honored us by doing the groundbreaking
19 two years ago up on Lehigh or going to
20 Somerset Avenue where we're going in
21 areas that have not seen development
22 where we are underwriting these deals at
23 1550 and \$1600 for a two-bedroom and
24 building podium-plus on \$185, and no
25 offense against my friends and allies at

1 GBCA where's it's 30 percent-only units
2 or 40 percent units, it doesn't work.

3 If it's 100 percent, we would
4 put this another 50 to 60 bucks for a
5 foot. What I'm trying to say is the
6 pressures on these deals with the
7 expiring tax abatement, the high
8 construction costs, even at low land
9 prices, even at low land prices and the
10 very increasingly demanding bank
11 requirements of basically 30 percent
12 equity requirements, high and very low
13 loan-to-cost is putting the pressure
14 that we can't make a 6 percent
15 cash-on-cash or a 7 percent cash-on-cash
16 on deals work, and the reality is while
17 we all want affordable housing, at the
18 end of the day these units cannot be
19 built without the financing and hence,
20 are pushing for public land, this
21 position to solve that issue along with
22 our support to MPI because together we
23 think we can put 10,000 to 12,000 homes
24 in five years easily.

25 COUNCILMAN DOMB: I guess my

1 question is financing is such a big part
2 of the equation here, should we have the
3 banks at the table to see what they can
4 do? Maybe they can do something that's
5 preferred that would benefit and
6 accomplish the goals of my colleagues
7 here so we can make this thing work.
8 Maybe that's an option. I don't know.

9 Thank you, Mr. Chair. And
10 thank you for your testimony --

11 COUNCILWOMAN QUINONES-SANCHEZ:
12 Point of information. I just wanted for
13 the record, again we are willing and we
14 will review and evaluate and we're
15 willing to look at some sort of
16 assessment to look at this. But I just
17 want to say for the record that most of
18 the properties that we've identified are
19 opportunity zoned land property where
20 people can use OZ money, federal
21 designated money that they can defer to
22 2050.

23 I don't want to get into the
24 nuances around the capital stack. I'm
25 just saying that there is a way it can

1 work. We will continue that
2 conversation. But when you don't add
3 the fact that folks could have access to
4 opportunity-zoned fund money,
5 particularly in these designations where
6 residents in Kensington did not have a
7 say of those designations happening, I
8 believe some of this stuff will be
9 doable and I'm willing again to continue
10 to work with the BIA as we hopefully
11 pass this and implement it.

12 Thank you, Mr. Chair.

13 COUNCILMAN JOHNSON: Thank you,
14 Councilwoman Maria Quinones-Sanchez.
15 Thank you, everybody for their
16 testimony.

17 Will the Clerk please call the
18 next panel.

19 THE CLERK: Pam Andrews, Debra
20 McCarty, Kelly Buchanan, Jackie
21 Williams, Purple Blackwell and Nadine
22 Livingston.

23 COUNCILMAN JOHNSON: Thank you
24 very much. Will the Clerk please call
25 the first panelist.

1 How you doing, Debra. Always
2 good to see you. Welcome back.

3 MS. McCARTY: Good to see you
4 as well.

5 COUNCILMAN JOHNSON: You can go
6 ahead and start your testimony.

7 MS. McCARTY: Okay. Good
8 morning, Councilmember Johnson,
9 Councilmembers of the Rules Committee
10 and Councilmember Gauthier. My name is
11 Debra McCarty and I am Co-chair of the
12 Powelton Village Civic Association
13 Zoning Committee. I'm here today to
14 testify in support of Bill No. 210633.

15 Some of the features which may
16 be one to purchase a home in Powelton
17 Village back in 1985 were the attractive
18 low-rise porch-fronted Victorian homes,
19 the diversity of the neighborhood, tree-
20 lined streets and its affordability.
21 Much has changed since then. Today I do
22 not believe that I could afford to
23 purchase a comparable home in Powelton.
24 This is especially true for many
25 neighbors less fortunate than I. Our

1 civic association has worked and is
2 working to preserve the attributes which
3 made me want to live here.

4 Those efforts include obtaining
5 a neighborhood conservation overlay,
6 pressuring developers to include
7 affordable units in their projects when
8 they need a zoning variance, which is
9 our sole leverage, seeking an historic
10 designation, to name just a few
11 initiatives. Unfortunately, these
12 efforts have not yielded the results one
13 would hope.

14 It is our belief that Bill No.
15 210633 will address one of the most
16 challenging issues we have faced by
17 getting more affordable housing stock in
18 the neighborhood. It will ensure that
19 affordable choices are available for
20 people of all incomes. With the
21 amendments, the bill addresses concerns
22 regarding respecting the current NCO
23 requirements and it will honor any new
24 stipulations that accompany an historic
25 district designation. For those

1 reasons, Powelton Village supports Bill
2 No. 210633.

3 And before I conclude, I would
4 like to point out that this legislation
5 is only as good as its enforcement. We
6 continue to face challenges in getting
7 various City departments to adequately
8 enforce City code. This is incredibly
9 frustrating. We, therefore, encourage
10 Council and the Administration to devote
11 the required resources to ensure
12 compliance once the legislation is
13 enacted. This concludes my testimony on
14 behalf of the Powelton Civic
15 Association, and we respectfully request
16 that Bill No. 210633 be voted out of
17 Committee. Thank you for this
18 opportunity to testify on this
19 legislation.

20 COUNCILMAN JOHNSON: Thank you
21 very much for your testimony.

22 Next, I'm going to ask Saj
23 Purple Blackwell to please state your
24 name for the record and begin your
25 testimony.

1 MS. BLACKWELL: Greetings. My
2 name is Sajda Purple Blackwell, and I am
3 here representing Blackwell Cultural
4 Alliance, a West Philadelphia
5 organization, and I am pleased to be
6 here with you all today to testify.

7 COUNCILMAN JOHNSON: Please
8 begin your testimony.

9 MS. BLACKWELL: Okay. I am a
10 new homeowner in West Philadelphia off
11 of 52nd Street and Sampson. And in
12 purchasing -- in this experience in
13 purchasing a house in West Philadelphia,
14 it was absolutely horrible. We were
15 victims of predatory land ownership and
16 predatory developers who then originally
17 tried to sell our house three times the
18 worth. So we feel like being priced out
19 of affordable housing is an
20 understatement in West Philadelphia.

21 As our property originally was
22 77,000 for the cost, but they ended up
23 trying to sell it to us for \$286,000 in
24 West Philadelphia. Who can afford those
25 prices? So we are the voice of the

1 people and we see this going on every
2 day. Prices are jumping and tripling
3 just for sales in our neighborhood. So
4 right now we know that the housing is
5 not affordable and we would like to
6 definitely support this bill, Bill No.
7 210633 presented by Council. We want to
8 thank Councilwoman Gauthier for
9 including us in this hearing and just to
10 let people know that the reality is
11 something different than what's being
12 spoken about.

13 COUNCILMAN JOHNSON: Thank you
14 very much, Purple, for your testimony.
15 Always good to see you as well. Keep up
16 the good work.

17 MS. BLACKWELL: Thank you.

18 COUNCILMAN JOHNSON: Will the
19 Clerk please call the next witness.

20 THE CLERK: Mr. Chair, the next
21 witness is Kelly Buchanan.

22 COUNCILMAN JOHNSON: Kelly,
23 just state your name and title for the
24 record and begin your testimony.

25 MS. BUCHANAN: Good morning,

1 members of the Committee on Rules and
2 guests. My name is Kelly Buchanan, and
3 I live in West Philadelphia in the
4 Haddington, Cobbs Creek and Harrow Park
5 communities. I am the RCO Chair for
6 Achievability RCO, and I'm here today to
7 testify in support of Bill 210633. The
8 bill creates a Mixed Income
9 Neighborhoods Zoning Overlay in sections
10 of the 3rd and 7th Council Districts.

11 If this bill is passed, it will
12 be the first and only part of the
13 Philadelphia zoning code that requires
14 affordable housing from new development
15 projects. The passing of this bill is
16 important to me personally as well as to
17 my community counterparts for many
18 reasons. Many of them we have heard
19 discussed this morning, but I will
20 highlight three of them here.

21 This bill is important because
22 it ensures people don't get priced out
23 of the neighborhoods they grew up in
24 where they're seeing a lot of new
25 constructions and changes in

1 demographics. People of all incomes
2 deserve the right to have access to safe
3 and affordable housing where there are
4 jobs, transit, parks and also access to
5 health care right where we live in our
6 communities.

7 This bill is also important
8 because it gives an opportunity for
9 former members who have already been
10 displaced to come back. At this time,
11 we know there's much construction in
12 newly rehabbed homes costing more than
13 most people who live in these
14 communities can reasonably afford. Just
15 as Purple Blackwell mentioned, the
16 reality is different than the numbers
17 that we're seeing on the paper. I'm
18 sure there's some way we can come to
19 terms in figuring out how developers can
20 build properties without costing an
21 exuberant amount of money.

22 A one-bedroom apartment on
23 Germantown Avenue is going for \$1100 per
24 month, and a newly rehabbed three-
25 bedroom house on South 50th Street is

1 going for \$1700 per month. I have
2 family members and friends who are
3 renting, and the rent increase has
4 caused major financial distress and even
5 displacement. Since over 2018, 3,000
6 housing units in these types of
7 buildings new rehabbed projects have
8 been approved in the 3rd District and
9 none of them were designated as
10 affordable.

11 If this bill had been in place
12 in 2018, the City would have secured 600
13 new homes with restricted rents for 50
14 years. That means a lot to families and
15 people in our neighborhoods that are
16 getting gentrified. They're looking
17 better, but the people who live there
18 cannot afford to pay these rents.

19 In closing, this bill does more
20 than stop people from getting displaced.
21 It also provides an opportunity for
22 people to come back to Philadelphia.
23 Councilmembers Gauthier and Sanchez have
24 decided that we just cannot do nothing
25 about this housing crisis. We have to

1 try something different. It's time to
2 stop watching and waiting and hoping.
3 We have to take action. Having no
4 affordability requirement in the zoning
5 code will just lead to more of what we
6 have now, which does not help the people
7 of my community. For these reasons and
8 my testimony, I hope that this Committee
9 will give a supportive vote to this
10 bill. Thank you for the opportunity to
11 speak to you this morning.

12 COUNCILMAN JOHNSON: Thank you
13 very much. Thank you very much,
14 Ms. Buchanan.

15 Will the Clerk call the next
16 witness.

17 THE CLERK: Mr. Chair, the next
18 witness is Jackie Williams.

19 MS. WILLIAMS: Yes. Good
20 afternoon. My name is Jackie,
21 Jacqueline Williams. I'm with Lancaster
22 Avenue Business Association, 21st
23 Century Business Association CDC and we
24 are also an RCO. Again, good afternoon
25 to all Councilmembers, and I am so happy

1 to be able to speak in support of this
2 Bill 210663, overlay bill.

3 As a business association, a
4 CDC and RCO we have in the last 10 years
5 seen an increased development on
6 Lancaster Avenue, particularly between
7 34th to 40th Streets. While development
8 brings economic development to the
9 Avenue, the development has not been
10 inclusive and we all know that progress
11 comes with some pain. It's
12 unfortunately that the pain that some of
13 this progress has caused is for the
14 current residents in the area.

15 This bill is an attempt to
16 address some of the social injustice
17 that happens when development is rampant
18 and it is not accountable as it could
19 be, and we do understand that developing
20 housing is expensive. However, it
21 should not be at the expense of the
22 people who have helped this City to grow
23 and to become the best city that it can
24 be.

25 We do have our challenges and

1 we will continue to have our challenges,
2 but we know that Philadelphia
3 historically has been a place of
4 inclusiveness that includes diverse
5 populations, so it is important to
6 continue that history of inclusiveness
7 and not to become exclusive because of
8 the continuing development. So we would
9 as a business association like to see
10 this Bill 210633 voted out of Committee
11 and into law. Thank you so much for
12 having my testimony.

13 COUNCILMAN JOHNSON: Will the
14 Clerk please call the next witness.

15 THE CLERK: Mr. Chair, the last
16 witness is Nadine Livingston.

17 (No response.)

18 THE CLERK: Mr. Chair, it
19 appears that Ms. Livingston was
20 disconnected. That was the last
21 witness.

22 COUNCILMAN JOHNSON: Okay. Any
23 other questions or comments from members
24 of this Committee?

25 COUNCILWOMAN GAUTHIER: I --

1 COUNCILMAN JOHNSON:

2 Councilwoman Jamie Gauthier.

3 COUNCILWOMAN GAUTHIER:

4 (Muted).

5 COUNCILWOMAN QUINONES-SANCHEZ:

6 You're on mute.

7 COUNCILWOMAN GAUTHIER: Did we
8 miss Pam Andrews or is she not going
9 today?

10 THE CLERK: Councilmember, I
11 was informed that Ms. Andrews had
12 technical difficulties and --

13 UNIDENTIFIED SPEAKER: She's
14 back online now. She said it was back
15 online. She called me. I don't see her
16 again, so I guess she's still having --

17 THE CLERK: I don't see her as
18 connected. Councilmember, we're making
19 an attempt to add her to public comment
20 so she can testify by phone.

21 COUNCILWOMAN GAUTHIER: Okay.
22 Thank you. I just wanted to take an
23 opportunity to thank everybody from my
24 community that testified today in
25 support of the bill and in support of

1 equity and justice in our neighborhoods,
2 and thank you all for also the work that
3 you do and the service that you provide
4 to our neighborhoods every single day.

5 COUNCILMAN JOHNSON: Thank you.
6 Is there anyone else here to testify on
7 the bill whose name has not been called?

8 (No response.)

9 COUNCILMAN JOHNSON: Hearing
10 none at this time, the Committee will
11 take a brief pause to allow members of
12 the public who have registered for
13 public comment to be called into this
14 virtual meeting.

15 We will now hear the testimony
16 of those who have signed up for public
17 comment. The Clerk will call your name.
18 And once called, please state your name
19 for the record and proceed with your
20 testimony.

21 Will the Clerk please call the
22 first witness for public comment.

23 THE CLERK: Mr. Chair, if I
24 could just confirm with Council Support
25 that they've connected witnesses for

1 public comment.

2 COUNCILMAN JOHNSON: Sure.

3 COUNCIL TECH SUPPORT: Yes, we
4 are still working. We're going to need
5 a few more minutes to get the public
6 comment participants online.

7 (Brief recess.)

8 COUNCILMAN JOHNSON: Thank you
9 very much. We will now hear the
10 testimony of those who have signed up
11 for public comment. The Clerk will call
12 your name and once called, please state
13 your name and proceed with your
14 testimony.

15 THE CLERK: Eli Specter.

16 (No response.)

17 THE CLERK: Eli Specter.

18 (No response.)

19 COUNCILMAN JOHNSON: If he's
20 not available, Joshu, please call the
21 next individual.

22 THE CLERK: Abdul Rahim
23 Muhammed.

24 MR. SPECTER: Hello. Can you
25 hear me? This is Eli Specter. I am a

1 resident of 51st Street and Kingsessing,
2 Philadelphia. My comment is that I
3 believe that this is a really great
4 piece of legislation. We've had a
5 voluntary affordability provision that
6 had really low participation for the
7 last two years, and I think
8 affordability is one of the key
9 challenges for the City's continued
10 growth and vibrance, both economically
11 and in terms of diversity.

12 And I think that there's still
13 plenty of demand even after 20 percent
14 affordability. Obviously, you're still
15 recouping some of your investment as a
16 developer even off of affordable units.
17 And there's so much demand for housing
18 in these areas. I believe it's most
19 important for us to incentivize
20 affordability. And if the developers
21 who are used to not having to have
22 affordability and getting really record
23 profits are unhappy about that, I think
24 that's a cost the City can bear. And if
25 they're not going to develop, that's

1 also a cost the City can bear, because
2 there's other people who will come and
3 develop at those profit margins. So
4 that's my comment, and I hope the
5 reception was fine and everything. So I
6 really hope City Council sees fit to
7 approve this legislation moving forward.

8 COUNCILMAN JOHNSON: Thank you
9 very much.

10 MR. SPECTER: I have no idea
11 if --

12 COUNCILMAN JOHNSON: Thank you
13 very much.

14 MR. SPECTER: -- started
15 talking.

16 COUNCILMAN JOHNSON: It's okay.
17 But we heard you loud and clear. Thank
18 you very much.

19 Will the Clerk please call the
20 next witness.

21 THE CLERK: Abdul Rahim
22 Muhammed.

23 (No response.)

24 THE CLERK: If witnesses are
25 muted, they can press star 6 to unmute

1 themselves.

2 COUNCILMAN JOHNSON: Joshu,
3 let's keep moving forward. Can you call
4 the next witness.

5 THE CLERK: Yvonne Haskins.

6 (No response.)

7 THE CLERK: Yvonne Haskins.

8 COUNCILMAN JOHNSON: Modesto,
9 is something wrong with the system or is
10 it something wrong with signing on?

11 COUNCIL TECH SUPPORT: Yes, our
12 system is fine. It may be that
13 they're --

14 MS. HASKINS: Hello. I heard a
15 beep and I hope that I'm --

16 COUNCILMAN JOHNSON: Yes. Who
17 am I speaking to?

18 MS. HASKINS: My name is Yvonne
19 Haskins. I'm a real estate attorney.
20 I've been an owner of affordable housing
21 in Germantown for over 30 years. I'm
22 calling today out of deep respect for
23 the two Councilmembers who have proposed
24 this legislation and even deeper respect
25 for the community people who testified

1 in favor of it. I do think that there
2 are serious flaws in the approach that's
3 being taken here, and I don't think that
4 we're being as smart as we can be in
5 trying to address affordable housing in
6 Philadelphia.

7 My biggest question, as a real
8 estate attorney whenever I see another
9 overlay, I'm worried that the zoning
10 code, and I didn't hear anybody testify
11 to this today and that's why I'm focused
12 on this. I'm worried that we will soon
13 think of the zoning code as a
14 comprehensive planning document.

15 It is very difficult to look at
16 various overlays in each of the 10
17 districts and understand what is
18 required even today. And now, we're
19 going to put another overlay on two
20 districts with the others not being
21 impacted, and I just wonder how many
22 times are we going to approach in proving
23 the zoning code by tinkering, by
24 changing a District's overlay here and
25 there.

1 The second concern I have is
2 with affordable housing as prescribed
3 here, I don't see how it can be
4 enforced. I have had the experience of
5 getting low-income housing tax credit
6 for a small development that we did 20
7 years ago, and I know that even the
8 state with all of its apparatus has
9 limited opportunities to monitor the
10 low-income housing tax credit projects
11 in Philadelphia, I am very concerned
12 that there's no way this can be enforced
13 and it's a 50-year proposal.

14 And so, I'm asking that we sit
15 back a minute and we consider what we
16 need to do in Philadelphia. I think in
17 Philadelphia we need to bring housing
18 experts, economic experts as well as the
19 developers to the table. I don't think
20 banks will help at all, but I do think
21 that understanding a way to produce
22 affordable housing and be honest about
23 it is what we need here in Philadelphia.

24 I understand that probably my
25 comments will not be heeded and my

1 comments will not have any significance
2 for this proceeding because I know this
3 Councilmanic prerogative is strong and
4 well in City Council, but I thought that
5 I should at least add my voice to the
6 concern I have about the balkinizing of
7 the zoning code and the lack of
8 enforceability here.

9 Finally, I would say that I
10 don't understand what the Area Median
11 Income is here that we're addressing.
12 Are we talking about a region or are we
13 talking about Philadelphia? Some of the
14 rents that I've heard are pretty high
15 and they certainly wouldn't address the
16 poverty level incomes that we have in
17 Philadelphia. Thank you for letting me
18 speak, and I don't know what to do
19 except to I guess hang up. Thank you.

20 COUNCILMAN JOHNSON: Yes, you
21 can hang up, but thank you very much for
22 your testimony.

23 Will the Clerk please call the
24 next person to provide public comment.

25 THE CLERK: Danielle Jones.

1 MS. JONES: Good morning. My
2 name is Danielle Jones. I'm a resident
3 in the Philadelphia area in Mantua for
4 the last five years and have seen a
5 tremendous amount of development that's
6 happening in the neighborhoods. Coming
7 from the New York area where the
8 neighborhood I lived in was quickly
9 developed, gentrified, the whole nine,
10 seeing this here now in my new
11 neighborhood was not necessarily
12 unfamiliar and I don't think that
13 development has to necessarily be a bad
14 thing, but I think that it does need to
15 be a very thoughtful process as it's
16 coming and respecting the people that
17 have been in the neighborhood and have
18 allowed for this development to sort of
19 get to this point.

20 I do think that this still is a
21 good opportunity to address some of the
22 affordable housing issues. I think it's
23 a good starting point. I don't think
24 that it is all inclusive, but I think
25 it's an opportunity for us to try

1 something and be able to have a point of
2 measure and see something hopefully
3 positive come out of it.

4 I will express a similar
5 concern though about accountability. I
6 think the lady that was just speaking
7 brought up a good point. If we're going
8 to do something like this, then we have
9 to make sure that there are true
10 measures in place to make sure that
11 people are abiding by these rules so
12 that they make sense and we can really
13 truly see something fruitful from that,
14 so that's my piece. Thank you.

15 COUNCILMAN JOHNSON: Thank you
16 very much.

17 Will the Clerk please call the
18 next person for public comment.

19 THE CLERK: Sophia Poe.

20 (No response.)

21 THE CLERK: Sophia Poe.

22 COUNCILMAN JOHNSON: Will the
23 Clerk please call the next person to
24 provide testimony.

25 THE CLERK: Andrea James

1 Johnson.

2 MS. JOHNSON: Hi. This is
3 Andrea Johnson. I am a community
4 activist from Girl You Can Do It, Inc.
5 as well as a talk show host for Black
6 and Blessed in the Morning. I'm calling
7 in support of the amendment to the Bill
8 210633. I want to say plainly stated,
9 the lack of affordable housing in
10 neighborhoods of color plays a
11 significant role in our City's ongoing
12 systematic racial inequalities.

13 As an obstacle to economic
14 advancement, the lack of affordable
15 housing and the health and economic
16 challenges that come with us falls
17 disproportionately on people of color.
18 There has to be accountability across
19 the board with regards to how these
20 developers are able to come into these
21 neighborhoods and displace people from
22 their homes and then build these
23 properties that no one can afford to
24 live in.

25 Again, the numbers that was

1 stated in regards to inflation and
2 abatement and all, why couldn't that
3 have been given to the residents here in
4 our City so that these residents can
5 afford housing. Remember, the Governor
6 was just on earlier today talking about
7 health care. Well, housing is health
8 care. If you don't have housing in your
9 city, your foster care system increases,
10 your homeless population increases. All
11 these things increase.

12 Now, when people are priced out
13 or have no place to live, you have more
14 instances of residents in your own city
15 that you see living outside of their
16 cars. The rates of HIV and AIDS
17 increased. The rates of COVID
18 increased, so we have to do better as a
19 city because there is a serious social
20 injustice that's being done to persons
21 to the average persons.

22 The latest Philadelphians I
23 want to say that can't afford that works
24 very hard to make sure they help to
25 maintain their city, so I am really in

1 favor of this amendment to this bill to
2 add that pricing -- I mean, the
3 amendment to make these housing more
4 affordable. Again, those numbers that
5 was given out earlier they need to
6 really -- the City needs to really check
7 on those numbers to make sure that
8 that's actually what's happening.
9 Because if you listen to the community,
10 these apartments are not going for as
11 cheap as they're being told, a lot of
12 them that were being told on this
13 session today. So thank you for
14 listening, and I really appreciate this
15 bill being drafted up even though it's
16 only starting in the 3rd and 7th
17 Districts. Hopefully, this is something
18 city-wide that can happen so that way
19 residents from Philadelphia can continue
20 to afford to live in their city. Thank
21 you.

22 COUNCILMAN JOHNSON: Thank you
23 very much.

24 Will the Clerk please call the
25 next person for public comment.

1 THE CLERK: Marcos Lomeli.

2 MR. LOMELI: Buenas tardes.

3 Good afternoon. Can you hear me?

4 COUNCILMAN JOHNSON: Yes, we
5 can hear you.

6 MR. LOMELI: Thank you,
7 Mr. Chairman. Buenos tardes. My name
8 is Marcos Lomeli. I'm the Program
9 Director at Ceiba, a coalition of Latino
10 community-based organizations in
11 Philadelphia. Thank you for giving us
12 the opportunity to testify today on Bill
13 No. 210633. This bill is important to
14 Latinos, the poorest ethnic group in the
15 nation's poorest big city.

16 The establishment of the
17 minimum amount of affordable housing
18 developments in certain mixed income
19 neighborhood overlay districts will help
20 preserve the diversity and vibrancy of
21 our Latino neighborhoods. Latinos face
22 an affordable housing crisis. The
23 median household income in the 19133 zip
24 code, which is the heart of the Latino
25 community and the center of one of the

1 proposed overlay zones, is less than
2 \$15,000 a year. For a working family of
3 four, that's just not enough to keep the
4 lights on. Furthermore, less than 50
5 percent of households in that zip code
6 own their own home.

7 Ceiba is heartened to see that
8 City Council once more takes steps to
9 rise to the challenge of solving this
10 affordable housing crisis. We express
11 our support for the passage of Bill
12 210633, but respectfully request that
13 you consider the following changes to
14 the bill.

15 Number one, adjusting the
16 requirements for affordable rental units
17 by either using the AMI of a smaller
18 geographical unit than the HUD-defined
19 metropolitan area or by lowering the
20 income limits to 20 percent. As it
21 stands right now, the affordable rental
22 units would have a monthly cost of about
23 \$945 for a family of four. Sad to say
24 that there are many families in our
25 community for whom this is just not

1 affordable. By lowering the income
2 limits to 20 percent, a family of four
3 earning \$18,900 would be able to make
4 use of these units. This is more
5 affordable.

6 Number two, increasing the
7 value of the payments in lieu from
8 Section 3 Subsection B back up to \$18
9 multiplied by service area or \$28,800
10 per unit as was in the original bill.
11 There will be, as you well know, massive
12 developments coming to our neighborhoods
13 in the next few years. And by doing
14 this, Council can help ensure that those
15 who have built and preserved these
16 neighborhoods can still live in them
17 when the development does come.

18 We are glad to see language
19 introduced to Section 2 Subsection B,
20 the definition of a residential housing
21 project, to encourage those seeking to
22 do for-profit development in several
23 different parts of our neighborhood on a
24 smaller scale to also contribute to the
25 affordable housing stock. It is only

1 fair that we all do our part to preserve
2 the diversity and vibrancy of our
3 neighborhoods.

4 We are also glad to see
5 amendments made to the bill in Section 3
6 Subsection C that will protect other
7 affordable housing developers such as
8 community-based organizations from being
9 further burdened by this bill. We want
10 to once again thank Council for taking
11 up the challenge or preserving
12 affordable housing for our City. We
13 look forward to continue to work
14 together to find solutions for the
15 housing affordability crisis in our
16 City. Muchas gracias.

17 COUNCILMAN JOHNSON: Thank you
18 very much for your public comment.

19 Will the Clerk please call the
20 next individual for public comment,
21 please.

22 THE CLERK: Abdul Rahim
23 Muhammed.

24 (No response.)

25 THE CLERK: Abdul Rahim

1 Muhammed.

2 (No response.)

3 MR. MUHAMMED: Hello.

4 COUNCILMAN JOHNSON:

5 Mr. Muhammed, is that you?

6 MR. MUHAMMED: Yes. I'm not
7 clear if I got this thing set up right
8 or not.

9 COUNCILMAN JOHNSON: You have
10 it set up right. Just state your name
11 for the record and begin your public
12 comment.

13 MR. MUHAMMED: I mean, the
14 thing is I'm not clear. When I'm
15 talking, are you just recording me or
16 something and then playing it or is it
17 live? Because I'm listening to this
18 phone and I'm hearing people talking,
19 but it ain't the same people that's
20 talking on this webinar I'm looking at.

21 COUNCILMAN JOHNSON: But this
22 is live, sir. And if you start your
23 testimony, we will hear you.

24 COUNCIL TECH SUPPORT: Can you
25 turn down --

1 COUNCILWOMAN GAUTHIER:

2 Mr. Chair, he may have his TV on. He
3 may be also watching on his TV, which is
4 confusing.

5 COUNCILMAN JOHNSON: Okay.

6 Turn your TV down, Mr. Muhammed.

7 MR. MUHAMMED: Say that again.

8 COUNCILMAN JOHNSON: Want to
9 turn to your TV down.

10 MR. MUHAMMED: I mean, I can
11 hear you. I'm asking you. When I'm
12 talking to you on this phone, is this
13 voice communications going on this TV?

14 COUNCILMAN JOHNSON: Yes. You
15 want to start your testimony, sir.

16 MR. MUHAMMED: You want me to
17 start talking?

18 COUNCILMAN JOHNSON: Yes, sir.

19 MR. MUHAMMED: Yes. My name is
20 Abdul Rahim Muhammed, and I'm the
21 Director of the New Africa Center CDC
22 located at 4243 Lancaster Avenue. I am
23 really happy to have this opportunity as
24 a resident of the Belmont community. My
25 family has been in the community for

1 over 125 years, and I support this Bill
2 210633 because it's mandating that
3 affordable housing be made available to
4 the residents of this community. And
5 there's a housing crisis in the
6 community and I applaud the
7 Councilmembers for designing this bill.

8 I understand that the
9 developers have issues about pricing,
10 and I also understand that the community
11 is in a crisis with a need for
12 affordable housing, so there's a need
13 for the developers and the City to
14 partner in such a way that affordable
15 housing can be made available to the
16 community.

17 The New Africa Center CDC
18 actually has a community development
19 project on the 4200 block of Lancaster
20 Avenue where we're looking to develop
21 affordable housing. We've also
22 rebranded that community as the New
23 Freedom District and designed a historic
24 tour about the early African-American
25 community and its rich cultural history

1 and legacy, and that legacy and history
2 must be preserved. And with the
3 gentrification going on in our community
4 today, you may not know in another 25
5 years that African-American people even
6 lived in that community.

7 So I strongly support the bill
8 and I strongly support developing
9 affordable housing for this community
10 and I compliment the Councilmembers for
11 their vision and designing this new
12 inclusionary zoning bill. Thank you.

13 COUNCILMAN JOHNSON: Thank you
14 very much, Mr. Muhammed.

15 MR. MUHAMMED: Thank you.

16 COUNCILMAN JOHNSON: Will the
17 Clerk please call the next person for
18 public comment.

19 THE CLERK: Michael Cunningham.

20 MR. CUNNINGHAM: Good morning.
21 Good morning, Councilmembers. My name
22 is Michael Cunningham. I am testifying
23 this morning on Mixed Income
24 Neighborhoods Overlay Bill 210633. I'm
25 the current President of the

1 Philadelphia Chapter of the American
2 Society of Appraisers.

3 I commend Councilwomen Gauthier
4 and Quinones-Sanchez for their attention
5 to supporting affordable housing. My
6 concern is that the proposed legislation
7 does not take into account differences
8 between Philadelphia and areas where
9 mixed income legislation has been
10 successful. Mixed income requirements
11 have been successful in areas where Area
12 Median Incomes are much higher than in
13 their neighborhoods where they are
14 proposed to be applied under this
15 legislation.

16 In addition, the proposed
17 affordable requirements of 20 percent of
18 units in residential buildings of 10
19 units or less do not support increasing
20 the goal of increasing the number of
21 affordable units because the legislation
22 does not consider the market as a whole.
23 In particular, the low AMI that is
24 required in affordable units under this
25 legislation will make multi-family

1 projects with fewer than 200 units
2 economic unfeasible. Given that the
3 majority of newer units in Philadelphia
4 come from medium-sized, small or multi-
5 family buildings, this legislation is
6 likely to reduce the number of multi-
7 family units customary construction,
8 which will have a negative impact on
9 residential supply and as a result will
10 actually increase gentrification in the
11 rowhouse neighborhoods of Cobbs Creek,
12 Parkside and Mantua.

13 In addition, the boundaries and
14 the requirements on Lancaster and
15 Baltimore Avenue will negatively impact
16 construction along our most (inaudible)
17 oriented streets where we need to have
18 more density. In addition, the proposed
19 boundaries in the 7th District are
20 likely to promote gentrification and
21 developments will be unfeasible. What
22 most concerns me about this proposal is
23 that there is no evidence that City
24 Council has performed the necessary
25 analysis to understand how this proposed

1 legislation will impact the economic
2 feasibility of multi-family development
3 in the 3rd District and the 7th District
4 going forward. Thank you.

5 COUNCILMAN JOHNSON: Thank you
6 very much for your public comment
7 testimony.

8 Will the Clerk please call the
9 next person for public comment.

10 THE CLERK: David Feldman.

11 MR. FELDMAN: Good afternoon,
12 Chairman Johnson, Councilmembers
13 Sanchez, Gauthier and members of the
14 Council's Committee on Rules. My name
15 is David Feldman and I serve as
16 Executive Director of the Development
17 Workshop. Thank you for letting us
18 testify on Bill No. 210633 and for the
19 lively and informative discussion we've
20 heard today on this issue.

21 The development workshop
22 understands Council intends to continue
23 to grow affordable housing options in
24 Philadelphia. The Workshop is proud to
25 have stood with City Council on this

1 issue and has advocated for many past
2 initiatives, including the increase in
3 the real estate transfer tax that's
4 provided \$100 million to the Housing
5 Trust Fund, and the Neighborhood
6 Preservation Initiative.

7 The Development Workshop
8 supports the testimony of the bill we
9 heard today from NAIOP, GBCA, BIA, BOMA
10 and Yvonne Haskins. We do, however,
11 have some specific concerns about the
12 impact of the bill and ever increasing
13 control City government is having over
14 private development projects. There's
15 no question that the legislation will
16 increase development costs as we've
17 heard this morning within the geographic
18 areas set forth in the ordinance.

19 And I'll go over some of --
20 some of that was covered by the earlier
21 testimony. Furthermore, creating onsite
22 units over making contributions to the
23 Housing Trust Fund, Council is
24 effectively outsourcing its affordable
25 housing plan to the private market.

1 Philadelphia needs family-sized units to
2 accommodate affordable housing, not a
3 preponderance of studio and smaller
4 one-bedroom affordable units that the
5 ordinance will likely yield given what
6 the market rate demands are for new
7 larger scale development.

8 Secondly, Development Workshop
9 asks if this ordinance does become law,
10 that Council take time to study its
11 impact as we've heard concerns today
12 before adding any additional
13 neighborhoods to its catchment. We
14 won't know if this legislation is
15 successful for several years following
16 its enactment. It will take time to
17 determine if the ordinance was
18 successful in delivering affordable
19 units to neighborhoods or if it
20 completely cooled off any development,
21 and we appreciate Councilmember
22 Quinones-Sanchez's comments today
23 understanding this concern.

24 Also, there is a concern about
25 the bureaucratic aspect of having a mix

1 of government-regulated income-
2 restricted units in the same project as
3 a primarily privately-owned and managed
4 property. It's unclear what
5 documentation we require each year,
6 which City agencies will have oversight,
7 if that will change going forward and
8 what delays in government processes will
9 add to costs in funding delays and
10 operation of each year.

11 It's also not clear if
12 restrictions will change or terminate if
13 this bill is subsequently changed. So
14 we are encouraging the Committee to hold
15 the bill at this time because there has
16 been three hours of testimony, and a lot
17 of information was clear was not
18 presented previously and we did not have
19 a sort of meeting of those who actually
20 build things over the summer that we
21 thought we'd have. So we need to take
22 time to really look at the information
23 that was provided today, questions that
24 Council raised today, to get those
25 responses before it moves forward

1 because further amendments will probably
2 be necessary.

3 Given the deep level of poverty
4 in this City, rent subsidies are
5 something that are going to need to be
6 part of any project, especially looking
7 at the affordability level that many
8 people have requested because of the
9 poverty level in these neighborhoods of
10 40 percent of AMI. People talked about
11 30 percent and 20 percent. We
12 understand that and agree with that.
13 Those levels can only be reached if
14 there's also subsidies put in.

15 There are a few people who
16 testified that there's 700 jurisdictions
17 where there's mandatory inclusionary
18 zoning. And at least one person
19 testified these are primarily in
20 California and New Jersey and
21 Massachusetts. This is from Lincoln
22 Institute's study of inclusionary
23 zoning. And if you look at that,
24 Lincoln Institute says if you're going
25 to have mandatory inclusionary zoning,

1 you really need to have some combination
2 of four elements which is free land as
3 the BIA laid out very clear this morning
4 and others, real estate tax exemptions
5 in excess of other places, and we have
6 actually had the real estate tax
7 exemption starting the first of this
8 coming year, zoning bonuses which is the
9 one thing this does address or public
10 subsidies, which again several people
11 have spoken about and require if you're
12 going to get down to the level of AMI
13 that are needed in these neighborhoods
14 and that clearly communities want, but
15 doesn't financially work in projects the
16 way this bill is laid out.

17 There's a reason that landlords
18 have been selling off properties in
19 Philadelphia at a higher rate than any
20 city in the United States as studied by
21 the University of Pennsylvania
22 (inaudible) and by Pew, so I won't take
23 any more time to go into that detail as
24 well. I welcome any questions at this
25 time if there are any Councilmembers who

1 have questions about -- sorry, I also
2 gave you detailed testimony, but it's an
3 incredibly complex bill. So thank you
4 for allowing me to present this
5 testimony today. And again, if there
6 are any questions, I will hold on and
7 wait and see.

8 COUNCILMAN JOHNSON: Thank you
9 very much, David.

10 Is there anyone else here to
11 testify on the bill whose name has not
12 yet been called?

13 (No response.)

14 COUNCILMAN JOHNSON: Thank you
15 very much. This concludes the hearing.
16 We will now go into a public meeting.
17 If you are on the line for a public
18 comment, you can now please disconnect
19 while we go into the official public
20 hearing. I want to thank all of the
21 panels of witnesses for their
22 participation today. We value your
23 input. I will now invite again all
24 panels of witnesses to please disconnect
25 from the hearing before we go into our

1 public meeting. We will now pause the
2 proceeding briefly as multiple
3 participants leave the hearing.

4 COUNCIL TECH SUPPORT:
5 Mr. Chair, we do have Pam online.

6 COUNCILMAN JOHNSON: Okay.
7 Pam, will you please state your name for
8 the record and please go ahead with your
9 public comment before we wrap up and go
10 into a public meeting.

11 MS. ANDREWS: Thank you so
12 much. My name is Pam Andrews and I am
13 the Chair of West Powelton/Saunders Park
14 RCO and I thank you for the opportunity
15 to speak on this matter which is vital
16 to my community. I'm in support of the
17 Councilperson's stand on protecting
18 affordable housing.

19 Nationwide affordable housing
20 is an issue. Here in my community
21 development is a reality. The economics
22 of development have meant that families
23 here have been for generations displaced
24 from their local roots, churches and
25 schools. Development should not equal

1 displacement. On the matter of funds to
2 offset the effects of development do not
3 necessarily return to the area being
4 affected.

5 In West Powelton, the
6 development trend is to convert single
7 family homes into multi-family apartment
8 units. Developers pay into the Housing
9 Trust Fund. And in exchange, they
10 construct taller, denser buildings which
11 are unaffordable to even medium-income
12 Philadelphians and are incongruent with
13 the existing housing stock, and there
14 are no assurances that money paid into
15 the fund will be returned to the
16 community and will not be used to
17 further displace someone else somewhere
18 else in the City. Therefore, I applaud
19 Councilwoman Gauthier's efforts to
20 ensure a mixed income community is
21 maintained in West Powelton. Thank you
22 so much for your time.

23 COUNCILMAN JOHNSON: Thank you
24 very much.

25 This concludes the public

1 hearing of the Committee. We will now
2 go into a public meeting to consider the
3 action to be taken on the bill before
4 this Committee. I want to also make
5 sure that there is no one else who is on
6 the line for public comment. If not, I
7 want to make sure that everyone
8 disconnects before we go into our public
9 meeting.

10 We will now convene the public
11 meeting. Will the Clerk please call the
12 roll to take attendance. Members that
13 are in attendance will please indicate
14 that they are present when their names
15 are called. Also, please say a few
16 brief words when responding so that your
17 image will be displayed on screen when
18 you speak.

19 Joshu, before you call the
20 roll, is Councilman Curtis Jones
21 present -- is Councilman Curtis Jones
22 connected?

23 (No response.)

24 THE CLERK: Councilman, I
25 believe that he remained logged in, but

1 departed the meeting to attend to other
2 business.

3 COUNCILMAN JOHNSON: His Chief
4 of Staff Mr. Cohen, do you want to check
5 with your Councilman to see if he wants
6 to participate in this vote?

7 (No response.)

8 COUNCILMAN JOHNSON: Can the
9 Clerk please call the roll.

10 THE CLERK: Councilmember
11 Squilla.

12 COUNCILMAN SQUILLA: Good
13 afternoon, Mr. Chair and colleagues.
14 Present.

15 THE CLERK: Councilmember Oh.

16 COUNCILMAN OH: Good afternoon,
17 Council Chair and colleagues. I'm
18 present as well.

19 THE CLERK: Councilmember Bass.

20 COUNCILWOMAN BASS: Good
21 afternoon to everyone. I am present.

22 THE CLERK: Councilmember
23 Gilmore Richardson.

24 COUNCILWOMAN GILMORE

25 RICHARDSON: Good afternoon, Mr. Chair

1 and colleagues. I am present.

2 THE CLERK: Councilmember
3 Henon.

4 (No response.)

5 THE CLERK: I don't believe
6 Councilmember Henon is present.

7 Councilmember Quinones-Sanchez.

8 COUNCILWOMAN QUINONES-SANCHEZ:
9 Good afternoon. I am present, and thank
10 you for your patience.

11 THE CLERK: Councilmember Jones
12 requested that he be recorded as voting
13 aye.

14 Councilmember O'Neill.

15 COUNCILMAN O'NEILL: Yes, I'm
16 here. Good afternoon, everyone. A
17 little trouble with the computer. Thank
18 you.

19 THE CLERK: Mr. Chair, a quorum
20 is present.

21 COUNCILMAN JOHNSON: Thank you.
22 We will now go into our public meeting,
23 the public meeting to amend Bill No.
24 210633.

25 The Chair recognizes Councilman

1 Mark Squilla for a motion on the
2 amendment to Bill No. 210633.

3 COUNCILMAN SQUILLA: Thank you,
4 Mr. Chair.

5 I offer an amendment to Bill
6 No. 210633. A copy of the amendment has
7 been circulated to all members of the
8 Committee. I move that the amendment to
9 Bill No. 210633 be approved.

10 COUNCILWOMAN QUINONES-SANCHEZ:
11 Second.

12 COUNCILMAN JOHNSON: The Chair
13 notes for the record that Councilmember
14 Maria Quinones-Sanchez seconds the
15 motion. It has been moved and properly
16 seconded that the amendment to Bill No.
17 210633 be approved.

18 All those in favor of the
19 motion will signify by saying aye.

20 (Aye.)

21 COUNCILMAN JOHNSON: Those
22 opposed?

23 (No response.)

24 COUNCILMAN JOHNSON: The ayes
25 have it and the motion carries. The

1 amendment to Bill No. 210633 has been
2 approved.

3 The Chair recognizes Councilman
4 Mark Squilla for a motion on Bill No.
5 210633 as amended.

6 COUNCILMAN SQUILLA: Thank you,
7 Mr. Chair.

8 I move that Bill No. 210633 as
9 amended be reported from this Committee
10 with a favorable recommendation and
11 further move that the rules of Council
12 be suspended as to permit the first
13 reading of this bill at the next session
14 of Council.

15 COUNCILWOMAN QUINONES-SANCHEZ:
16 Second.

17 COUNCILMAN JOHNSON: Who
18 seconded that? Can I get a second?

19 COUNCILWOMAN QUINONES-SANCHEZ:
20 Quinones again.

21 COUNCILMAN JOHNSON: The Chair
22 notes for the record that Councilwoman
23 Maria Quinones-Sanchez seconds the
24 motion. It has been moved and properly
25 seconded that Bill No. 210633 as amended

1 be reported from this Committee with a
2 favorable recommendation and further
3 move that the rules of Council be
4 suspended to permit first reading of
5 this bill at the next session of
6 Council.

7 All those in favor of the
8 motion will signify by saying aye.

9 (Aye.)

10 COUNCILMAN JOHNSON: Opposed?

11 (No response.)

12 COUNCILMAN JOHNSON: The ayes
13 have it and the motion carries.

14 This concludes the meeting if
15 there are no additional remarks. This
16 concludes all business in front of the
17 Committee on Rules today.

18 I want to take a moment to
19 thank all my colleagues for being
20 patient through this four-hour hearing
21 and staying online so we can do a
22 quorum, but I also want to acknowledge
23 the hard work of my two colleagues
24 Councilwoman Maria Quinones-Sanchez and
25 Councilwoman Gauthier to address the

1 issue that is very critical and very,
2 very important in a city which we all
3 recognize is a tale of two cities. A
4 tale where some folks are doing great
5 and a tale where some people aren't
6 doing too great, and I'm pretty
7 confident this will get us to the next
8 level as we look at a comprehensive
9 overall strategy to address the issue of
10 affordable and workforce housing here in
11 the City of Philadelphia.

12 I do want to acknowledge the
13 two of you for your hard work and your
14 dedication. This is not like
15 legislation that just happened
16 overnight. And so, I just want to
17 acknowledge the two of you for your due
18 diligence.

19 COUNCILWOMAN GAUTHIER: Thank
20 you, Mr. Chair and to the Committee and
21 my partner in this, Councilmember
22 Quinones-Sanchez.

23 COUNCILMAN JOHNSON: Thank you
24 everyone, and have a good day.

25 (Committee on Rules concluded)

at 1:58 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 CARROLL
Court Reporter - Notary Public

(The foregoing certification of
this transcript does not apply to any
reproduction of the same by any means,
unless under the direct control and/or
supervision of the certifying reporter.)

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