

Committee on Licenses & Inspections
June 6, 2016

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COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LICENSES AND INSPECTIONS

Room 400, City Hall
Philadelphia, Pennsylvania
Monday, June 6, 2016
1:25 p.m.

PRESENT:

COUNCILWOMAN MARIA D. QUINONES-SANCHEZ, CHAIR
COUNCILWOMAN CINDY BASS
COUNCILWOMAN JANNIE L. BLACKWELL
COUNCILMAN ALLAN DOMB
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN MARK SQUILLA
COUNCILMAN AL TAUBENBERGER

BILLS 160115, 160245, 160249, 160303, 160365,
160468, and 160469

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1
2 COUNCILWOMAN SANCHEZ: The
3 Committee on Licenses and Inspection will
4 now come to order, having established a
5 quorum. To my far left, Councilman
6 Jones. To my close left, Councilman
7 Greenlee. To my right, the Vice Chair of
8 this Committee, Councilman Domb.

9 And with that, we are going to
10 begin with Commissioner Perri on Bill No.
11 160115 and Bill 160468. Oh, wait. No.
12 We're going to start with 468 and 469.

13 Will the Clerk read the title
14 of those two bills, please.

15 THE CLERK: Bill No. 160468, an
16 ordinance amending Title 4 (The
17 Philadelphia Building Construction and
18 Occupancy Code), Subcode "A" (The
19 Philadelphia Administrative Code) of The
20 Philadelphia Code, by revising signage
21 requirements related to construction and
22 demolition projects; all under certain
23 terms and conditions.

24 Bill No. 160469, an ordinance
25 amending Title 4 (The Philadelphia

1 6/6/16 - L&I - BILL 160115, etc.
2 Building Construction and Occupancy
3 Code), Subcode "A" (The Philadelphia
4 Administrative Code) of The Philadelphia
5 Code, by revising requirements relating
6 to construction and demolition projects,
7 including the expiration of permits; all
8 under certain terms and conditions.

9 COUNCILWOMAN SANCHEZ: Thank
10 you.

11 Before the Commissioner starts,
12 I introduced these two bills, and I
13 really appreciate the collaboration of
14 the Department of Licenses and
15 Inspections and their willingness to work
16 with the BIA and others. These are minor
17 amendments that clearly do not limit the
18 ability of Licenses and Inspections to do
19 what they initially intended to do, which
20 was protect the public safety around
21 demolition sites.

22 So with that, I'll let the
23 Commissioner.

24 COMMISSIONER PERRI: Good
25 afternoon, Chairwoman Quinones-Sanchez

1 6/6/16 - L&I - BILL 160115, etc.

2 and members of the Committee on Licenses
3 and Inspections.

4 I'm sorry. Excuse me a second.

5 MS. SWANSON: Sorry about that.

6 We have some bill confusion. I have 468.

7 Good afternoon, Chairwoman

8 Quinones-Sanchez and members of the
9 Committee on Licenses and Inspections.

10 My name is Rebecca Swanson. I am the
11 Planning Director for the Department of
12 Licenses and Inspections. Today I am
13 here to provide testimony on Bill No.
14 160468, which, if enacted, would amend
15 the Philadelphia Administrative Code by
16 revising signage requirements for certain
17 construction and demolition projects.

18 Construction and demolition
19 projects are required to maintain certain
20 signage containing specific information
21 about the project on site. Major
22 buildings, which is defined as more than
23 three stories in height or 10,000 square
24 feet, must display a large project
25 information panel, which all other

1 6/6/16 - L&I - BILL 160115, etc.
2 buildings -- while all other buildings
3 must display a smaller project
4 information sign. The essential
5 information to be included on both sides
6 is the same.

7 The intent of this requirement
8 was to distinguish large projects such as
9 commercial construction and the
10 construction of multiple residential
11 units from smaller residential and
12 mixed-use projects, and require that the
13 large projects display a larger sign
14 appropriate for the size of the
15 construction site. One- and two-family
16 residential construction is not thought
17 of as a large project in this sense, but
18 because most new residential construction
19 exceeds three stories, they are, by
20 definition, major buildings and,
21 therefore, must display the large project
22 information panel.

23 The Department believes that
24 construction and demolition projects
25 consisting of fewer than three one- or

1 6/6/16 - L&I - BILL 160115, etc.
2 two-family dwellings should not be
3 considered major buildings for the
4 purposes of the sign requirement and that
5 it is more appropriate to require the
6 smaller but still fully informative
7 project information sign for these
8 projects. These signs are more likely to
9 fit on the site and provide more than
10 sufficient notice to the community as to
11 the particulars of the project. Larger
12 residential projects that include three
13 or more one- or two-family dwellings
14 would still be considered major buildings
15 because of the size of the project site
16 and would still require the project
17 information panel.

18 The Department supports this
19 bill and is prepared to enforce its
20 provisions should it become law.

21 Thank you for the opportunity
22 to provide the Department's testimony.
23 Happy to answer any questions at this
24 time.

25 COUNCILWOMAN SANCHEZ: I'm

1 6/6/16 - L&I - BILL 160115, etc.

2 going to have you read 469 and then I'm
3 going to have a representative from BIA
4 here.

5 MS. SWANSON: Good afternoon,
6 Chairwoman Quinones-Sanchez and members
7 of the Committee on Licenses and
8 Inspections. My name is Rebecca Swanson.
9 I'm the Planning Director for the
10 Department of Licenses and Inspections.
11 Today I'm here to provide testimony on
12 Bill No. 160469, which, if enacted, would
13 amend the Philadelphia Administrative
14 Code by revising requirements related to
15 the expiration of demolition permits.

16 Under the current code, all
17 building permits become invalid if the
18 permitted work does not begin within six
19 months of the issuance of permit and no
20 extension is requested through the formal
21 extension procedure, which allows for one
22 six-month extension at the discretion of
23 the Department. The exception to this is
24 demolition permits, which become invalid
25 if the permitted work does not begin

1 6/6/16 - L&I - BILL 160115, etc.
2 within 45 days of the issuance of the
3 permit or an extension, which is limited
4 to 30 days, is not requested.

5 This bill would change this
6 expiration date for demolition permits
7 for buildings not classified as
8 imminently dangerous from 45 days from
9 issuance to six months from issuance,
10 bringing it in line with the expiration
11 timeframe for all other building permits.
12 It would also afford demolition permits
13 the same six-month extension period as
14 all other building permits. The
15 Department believes that this change is
16 necessary in order to afford demolition
17 contractors the opportunity to address
18 outstanding issues with the property,
19 including the evacuation of occupants, as
20 well as to afford the general contractor
21 or property owner time to retain a new
22 demolition contractor if desired after
23 the permit is issued.

24 This change does not affect
25 permits for the demolition of imminently

1 6/6/16 - L&I - BILL 160115, etc.
2 dangerous buildings. Those demolitions
3 must still begin within ten days of the
4 issuance of the permit. It also does not
5 affect the requirements that a demolition
6 not be suspended or abandoned once
7 started.

8 The Department supports this
9 bill and is prepared to enforce its
10 provision should it become law.

11 Thank you for the opportunity
12 to provide the Department's testimony.
13 Happy to answer any questions at this
14 time.

15 COUNCILWOMAN SANCHEZ: Could I
16 ask Brian Emmons of the BIA.

17 (Witness approached witness
18 table.)

19 MR. EMMONS: Good afternoon.
20 My name is Brian Emmons and I'm the
21 President of the Building Industry
22 Association of Philadelphia. The BIA
23 represents the Philadelphia region's
24 residential home builders, contractors,
25 and suppliers. We would like to thank

1 6/6/16 - L&I - BILL 160115, etc.
2 the Chair and the members of the
3 Committee for the opportunity to testify
4 before you today, and we especially want
5 to thank Councilwoman Sanchez for
6 introducing Bill Nos. 160468 and 160469
7 at the BIA's request. These two bills
8 amend the City's Building Construction
9 Code making changes in terms of signage
10 requirements and permit length that will
11 serve to simplify and streamline
12 construction in Philadelphia.

13 Bill No. 160469 changes the
14 length of time for demolition permit
15 expiration. Under the current code, once
16 a permit is issued by L&I, the developer
17 has 60 days to pick up the permit before
18 it lapses. Then once the demolition
19 permit is picked up from L&I, the
20 developer has 45 days to begin work
21 before the permit expires, with the
22 option to request one single 30-day
23 extension from L&I on this permit. This
24 limited length of time and delays in the
25 L&I approval process often make it

1 6/6/16 - L&I - BILL 160115, etc.
2 difficult for safely -- to safely begin
3 demolition work before the permit
4 expires, creating a difficult and
5 time-consuming process for the developer.

6 This bill would extend the
7 length of time before demolition permits
8 expire from six months from the date it
9 is picked up from L&I. This brings the
10 permit length for demolition projects in
11 line with other City permits and
12 elsewhere in the state, simplifying the
13 process for everyone involved. It is
14 important to also note that this does not
15 impact any new safety regulations put in
16 place by Council over the last year, as
17 it only applies to discretionary
18 demolition, not L&I mandated demolition
19 of dangerous structures that have
20 different and much shorter timeframes.

21 Bill No. 160468 revises signage
22 requirements related to construction and
23 demolition projects by exempting small
24 one-family and two-family dwelling
25 projects from the signage requirements

1 6/6/16 - L&I - BILL 160115, etc.
2 that apply to construction, alteration or
3 demolition of major buildings. This
4 change will help smaller developers
5 working on residential projects in the
6 City intended for one and two families as
7 long as the project consists of two or
8 less one-family or two-family dwellings.
9 The developer can follow the signage
10 requirements for smaller projects instead
11 of the stricter requirements for major
12 buildings.

13 The BIA supports Bills No.
14 160468 and 160469, and we encourage the
15 Committee to report these bills out with
16 a favorable recommendation.

17 Thank you for your time.
18 COUNCILWOMAN SANCHEZ: Thank
19 you.

20 Let the Chair recognize that
21 Councilman Taubenberger and Councilman
22 Squilla have now joined the panel.

23 Anybody here to testify on
24 either one of these two bills?

25 (No response.)

1 6/6/16 - L&I - BILL 160115, etc.

2 COUNCILWOMAN SANCHEZ: Seeing
3 none, thank you.

4 The Clerk will now read the
5 title of Bill -- we're finished now,
6 Brian. You're good.

7 MR. EMMONS: What's that?

8 COUNCILWOMAN SANCHEZ: We're
9 finished. You're good.

10 MR. EMMONS: Okay.

11 COUNCILWOMAN SANCHEZ: We're
12 going to move to Bill 160115. I know
13 that the bill sponsor, Councilwoman Bass,
14 is here. I want to recognize her for
15 opening comments after the Clerk has read
16 the title of the bill.

17 THE CLERK: Bill No. 160115, an
18 ordinance amending Title 9 of The
19 Philadelphia Code, entitled "Regulation
20 of Businesses, Trades and Professions,"
21 by creating a new chapter to hold
22 business owners responsible for nuisance
23 behavior occurring on the business
24 premises and within the immediate
25 vicinity of the business, to provide for

1 6/6/16 - L&I - BILL 160115, etc.
2 enforcement and penalties, and to provide
3 for business owner meetings with
4 Registered Community Organizations with
5 respect to certain appeals, all under
6 certain terms and conditions.

7 COUNCILWOMAN SANCHEZ: Thank
8 you.

9 The Chair recognizes
10 Councilwoman Bass.

11 COUNCILWOMAN BASS: Thank you,
12 Madam Chair. I wanted to start out by
13 thanking the members of the Committee on
14 Licenses and Inspections and, in
15 particular, the bill's co-sponsors,
16 Councilmembers Jones, Squilla, and
17 Blackwell. And I also want to recognize
18 and acknowledge Committee Chair Maria
19 Quinones-Sanchez for her and her staff's
20 assistance in fine-tuning amendments.
21 This was truly a collective effort. And
22 I would be remiss if I didn't also thank
23 the Law Department and Commissioner Perri
24 for their invaluable assistance.

25 And one of the things about

1 6/6/16 - L&I - BILL 160115, etc.
2 this bill is really -- the aim is to get
3 at a problem that has been existing in
4 many of our neighborhoods for a very long
5 time. It's been unaddressed. In some
6 areas it's unheard of, and the behavior
7 that we face by some of our businesses is
8 truly outrageous. There are businesses
9 that are, quote/unquote, called stop and
10 go businesses. There are businesses that
11 are not stop and go's, but otherwise are
12 not good business operators in the
13 neighborhoods in which they operate. And
14 we all know that we need good businesses
15 to keep our neighborhoods vibrant. We
16 need them to keep our neighborhoods
17 thriving. And unfortunately some of the
18 businesses that we have in our
19 communities do not act as model members
20 of the community.

21 This bill comes as a result of
22 many years of community members trying to
23 get our government to be responsive to
24 the concerns of nuisance behavior in and
25 around businesses, that the business does

1 6/6/16 - L&I - BILL 160115, etc.
2 not only adequately address such issues
3 as loitering, illegal consumption of
4 alcoholic beverages, illegal drug
5 activity and so much more, it actually
6 gives L&I and the community a vehicle to
7 engage these businesses or have them shut
8 down.

9 And I want to add on here.
10 Often I've heard from some businesses,
11 Well, I can't control what happens on my
12 sidewalk, I can't control what happens
13 outside of my business. But I'm
14 responsible, Cindy Bass is responsible,
15 for what happens on her sidewalk for the
16 property that she owns, and business
17 owners are not to be held at any
18 different standard.

19 I am grateful for the diverse
20 support for this bill not only from the
21 Administration but from the Pennsylvania
22 Restaurant Association and even the City
23 of Chicago and their Department of
24 Business and Regulatory Affairs, which
25 passed similar legislation in place since

1 6/6/16 - L&I - BILL 160115, etc.
2 2007.

3 And so in conclusion, I am
4 asking for your approval of the amended
5 version of this Bill No. 160115 with a
6 suspension of the rules as to permit
7 first reading at our next Council
8 session.

9 Thank you.

10 COUNCILWOMAN SANCHEZ: Thank
11 you.

12 The Chair would recognize
13 Councilman Jones.

14 COUNCILMAN JONES: Thank you,
15 Madam Chair. I just want to applaud the
16 prime sponsor of this legislation. As
17 Chair of Public Safety, there are
18 statistics that support this bill,
19 whether you look at some of the areas in
20 my district where crime correlates with
21 the location of some of these stores, and
22 victims and witnesses find themselves at
23 a crossroads at that store where they're
24 on their own. I remember a video of an
25 elderly man being drop-kicked in the back

1 6/6/16 - L&I - BILL 160115, etc.
2 and his meager change taken from him by a
3 young roughie, and I remember and see a
4 lot of times young men take advantage of
5 merchants and force them to passively
6 participate in their criminal activity by
7 letting them hide things, by letting them
8 stand in shelter in the cold.

9 This is a problem, and I
10 applaud you for making folks step up and
11 take responsibility for the space that
12 they live in.

13 And I just want to also
14 piggyback and say that we are -- I just
15 sent a letter to the Mayor requesting on
16 those high-instance corridors where these
17 occurrences happen, that they get
18 prioritized for surveillance cameras;
19 that in addition to the legislation that
20 holds them responsible, that we as a
21 municipality take some initiative to make
22 sure those corridors are covered.
23 Twenty-Seventh and Allegheny comes to
24 mind. It took us in the last
25 Administration four years to get cameras.

1 6/6/16 - L&I - BILL 160115, etc.

2 Now, is it a panacea? No, and that's why
3 this legislation is so important.

4 Thank you, Councilwoman Bass.

5 COUNCILWOMAN BASS: Thank you.

6 Thank you, Councilman.

7 And the only other thing I did
8 want to add is, I wanted to thank my
9 staff, Patrick Jones, who really worked
10 very, very hard on this piece of
11 legislation.

12 COUNCILMAN JONES: Thank you,
13 Madam Chair.

14 COUNCILWOMAN SANCHEZ: Thank
15 you, Councilwoman. I will add as
16 Councilman Jones was talking about it,
17 you know, here in the City, we make
18 investments on facade improvements so
19 people can make their businesses more
20 attractive and windows and all the
21 necessary things. We have tax credit
22 programs for cameras, which you spoke
23 about. We invest in our corridors'
24 support, and we've allowed certain
25 activities to happen around some of these

1 6/6/16 - L&I - BILL 160115, etc.
2 corridors because we want businesses,
3 particularly good businesses, to thrive.

4 It is unfortunate that we get
5 to these places where everybody wants to
6 point the finger. We all know the amount
7 of time that police and L&I have to spend
8 using our limited tools to get bad actors
9 to behave well, and we hope that this
10 becomes another tool in the toolbox so
11 that we can protect people.

12 I had a recent death on Wyoming
13 Avenue from a young person, a
14 17-year-old, that was in a social private
15 club. He shouldn't have been there. It
16 had been reported. We've had problems.
17 The police was on top of it. And I just
18 hope that by us saying to folks,
19 everybody is somewhat responsible for
20 this stuff, that we can prevent those
21 types of activities. I like the barber
22 shops, but it's not a liquor store. I
23 know for a fact I have many of them on my
24 corridors that it's 11 o'clock at night
25 and I know the men now do these weekly

1 6/6/16 - L&I - BILL 160115, etc.
2 clean-ups and stuff, but 11 o'clock, 12
3 o'clock for a barber shop to be open
4 should not be acceptable. And even
5 though commercial corridors don't have a
6 lot of residential, we know they become
7 nuisance.

8 So I also want to thank the
9 bill sponsor for her willingness to allow
10 our office to work so that it can become
11 the tool that we need in our district but
12 all over the City.

13 So with that, I want to thank
14 the Commissioner and his team for working
15 with us on that and allow him to testify.

16 Commissioner.

17 COMMISSIONER PERRI: Good
18 afternoon, Chairwoman Quinones-Sanchez
19 and members of the Committee on Licenses
20 and Inspections. I am David Perri,
21 Commissioner of the Department of
22 Licenses and Inspections. Today I am
23 here to provide testimony on Bill No.
24 160115, as proposed to be amended, which,
25 if enacted, will amend Title 9 of The

1 6/6/16 - L&I - BILL 160115, etc.
2 Philadelphia Code by establishing a
3 separate offense for businesses that are
4 repeatedly found to be engaged in or
5 responsible for nuisance behavior.

6 The Department thanks the
7 sponsor, Councilwoman Bass, and her staff
8 for their tireless work on this bill. We
9 support this bill and share Council's
10 goal of holding businesses accountable
11 for nuisance behavior that affects the
12 quality of life in our neighborhoods.

13 There is a citywide problem
14 with businesses that consistently engage
15 in nuisance behavior and/or promote or
16 are responsible for nuisance behavior in
17 or near their businesses that negatively
18 affect the health, safety, and welfare of
19 residents in the surrounding community.
20 Sometimes these behaviors are crimes,
21 such as prostitution or drug activity,
22 and other times these behaviors are
23 quality of life issues, such as littering
24 and the parking of vehicles on the
25 sidewalk. Either way, these behaviors

1 6/6/16 - L&I - BILL 160115, etc.

2 have a serious impact on the community
3 and must be addressed.

4 The Department currently has no
5 authority under The Philadelphia Code to
6 address these chronic nuisance businesses
7 absent a separate Fire, Property
8 Maintenance or Zoning Code violation.

9 While violations of certain life safety
10 provisions of these codes can lead the
11 Department to issue an order of intent to
12 cease operations or an order to cease
13 operations to a business, chronic
14 nuisance activity in and of itself does
15 not warrant similar action. Therefore,
16 the Department has no direct ability to
17 require that businesses that repeatedly
18 are involved in nuisance behavior take
19 steps to remediate the behavior or face
20 closure.

21 This bill gives the Department
22 the authority to address these businesses
23 by establishing chronic nuisance behavior
24 as a code violation for which the penalty
25 can be a cease operations order issued by

1 6/6/16 - L&I - BILL 160115, etc.
2 the Department. For a building to be
3 classified as a chronic nuisance, it must
4 receive a violation notice or citation
5 from the Philadelphia Police Department,
6 L&I, the Health Department or other City
7 agency for nuisance behavior occurring in
8 or around the premises of the business
9 more than three times in 60 days or seven
10 times in a year. If a business reaches
11 this violation threshold, the agency that
12 issued the violations will inform the
13 Department via a manual referral process
14 currently and a potential automated
15 electronic referral system in the future
16 that the business may qualify as a
17 chronic nuisance under this code section.
18 The Department may then, based upon the
19 referral and an independent
20 investigation, inform the business owner
21 that it has been deemed a chronic
22 nuisance and issue a notice of intent to
23 cease operations of the business.

24 After receiving the
25 Department's notice of its intent to

1 6/6/16 - L&I - BILL 160115, etc.
2 cease the operations of the business, the
3 business owner has the opportunity to
4 meet with the Department to enter into a
5 plan to remediate the identified nuisance
6 behaviors. The owner must contact the
7 Department within five days of the
8 receipt of the notice of the intent to
9 cease and schedule an administrative
10 proceeding with the Department. At that
11 proceeding, the business owner will have
12 the opportunity to demonstrate that
13 appropriate measures have already been
14 taken to prevent future reoccurrence of
15 the underlying nuisance behavior. The
16 owner will also have the option to enter
17 into a nuisance abatement plan with the
18 Department through which the owner agrees
19 to take specific action to reduce or
20 prevent reoccurrences of the nuisance
21 behaviors. This nuisance abatement plan
22 would be negotiated with the Department
23 and would include remediation specific to
24 the underlying behaviors, such as the
25 installation of security cameras to

1 6/6/16 - L&I - BILL 160115, etc.
2 address loitering or engaging in ongoing
3 communication with the Police Department
4 to address criminal activity. When
5 determining the appropriate remedial
6 measures to be included in the nuisance
7 abatement plan, the Department may
8 consider written testimony of nearby
9 residents and community members with
10 knowledge of the nuisance behavior at the
11 business or of remedial measures being
12 taken. If a nuisance abatement plan is
13 agreed upon, the Department would
14 continue to monitor the business to
15 ensure that the agreed-upon remedial
16 measures are being taken.

17 If the business owner does not
18 contact the Department within five days
19 of the receipt of the notice of intent to
20 cease operations or if the business owner
21 does not contact the Department but --
22 does contact the Department but is
23 unwilling or unable to demonstrate any
24 remedial action or enter into a nuisance
25 abatement plan, the Department may

1 6/6/16 - L&I - BILL 160115, etc.
2 proceed with the issuance of a cease
3 operations order. A cease operations
4 order would effectively bar the business
5 from operating in any capacity until such
6 time as the business is considered to
7 have remediated the violation.

8 The business owner, as always,
9 retains the right to appeal the notice of
10 the intent to cease operations or the
11 order to cease operations to the Board of
12 Licenses and Inspection Review or the
13 Court of Common Pleas.

14 We believe that the additional
15 authority given to the Department to
16 cease the operations of chronic nuisance
17 businesses will allow us to better hold
18 business owners accountable for what goes
19 on in or around their property. This, in
20 turn, will create safer and more livable
21 communities for all City residents.

22 Thank you for the opportunity
23 to provide the Department's testimony on
24 Bill No. 160115. I am happy to answer
25 any questions at this time.

1 6/6/16 - L&I - BILL 160115, etc.

2 COUNCILWOMAN SANCHEZ:

3 Councilwoman Bass, do you have any
4 questions for the Commissioner?

5 COUNCILWOMAN BASS: No, I don't
6 have any questions, but I do want to
7 thank the Commissioner again and L&I for
8 their strong support of this bill and for
9 other anti-nuisance blight behavior that
10 has been occurring throughout the City
11 with the donation bins and all of those
12 sorts of things that he has really
13 stepped up and paid attention to and
14 addressed in our neighborhoods to make
15 our City better. So I really do want to
16 thank you for all that you've done.

17 COMMISSIONER PERRI: Thank you.

18 COUNCILWOMAN SANCHEZ: Thank
19 you.

20 The Chair recognizes Councilman
21 Domb.

22 COUNCILMAN DOMB: Thank you,
23 Madam Chairwoman.

24 And good afternoon,
25 Commissioner. Question just on the

1 6/6/16 - L&I - BILL 160115, etc.
2 technicality of it. The adequate
3 remedial measures, how do you go about
4 measuring those -- taking those proper
5 measures? How is your department going
6 to measure that?

7 COMMISSIONER PERRI: Well, it
8 depends on the exact plan that the
9 specific business would propose. For
10 instance, maybe the behavior is related
11 to staying open late at night. If the
12 business agrees to close at an earlier
13 hour, that's something that we can easily
14 monitor and enforce. It could be the
15 installation of security cameras. That's
16 a physical improvement to the premises
17 that, again, is easily inspected and can
18 be enforced by the Department.

19 COUNCILMAN DOMB: The other
20 comment that was under 9-4403, I think it
21 is, Paragraph 2, we're giving the owner
22 five days, and I understand why, because
23 we want it fixed, but can we as an L&I
24 department or city handle that kind of
25 issuance of the notice of intent to cease

1 6/6/16 - L&I - BILL 160115, etc.

2 operations to schedule a review hearing
3 in like five days? Are we able to
4 accommodate that?

5 COMMISSIONER PERRI: Well, that
6 section would require the business owner
7 to notify us, and as long as the business
8 owner notifies us within the five days,
9 we will then schedule a hearing at the
10 mutual convenience of both the Department
11 and the business owner. So it may be a
12 week or it may two weeks later depending
13 upon what the schedules are and what the
14 specific issues may be. But we're
15 willing to work with the business owner.
16 We want to see that they step up,
17 acknowledge the fact that we've issued
18 this intent to cease, and that they're
19 serious about working with us.

20 COUNCILMAN DOMB: Okay. Thank
21 you.

22 COUNCILWOMAN SANCHEZ: Thank
23 you.

24 The Chair recognizes Councilman
25 Jones.

1 6/6/16 - L&I - BILL 160115, etc.

2 COUNCILMAN JONES: Thank you,
3 Madam Chair.

4 Would those provisions also
5 include things like already existing
6 things on the law? Like when a store
7 covers more than 50 percent of their
8 window space in order to provide cover
9 often for illegal transactions in that
10 space, will this ordinance kind of
11 address that in conjunction?

12 COMMISSIONER PERRI: That's an
13 interesting aspect with some of these
14 businesses. It's not specifically listed
15 as a particular nuisance. We would have
16 to look at that probably from a zoning
17 perspective in terms of the amount and
18 coverage of signage that would appear at
19 a given business.

20 COUNCILMAN JONES: So the
21 intent of this is to say -- to not put
22 anybody out of business, but it is for
23 them to be good neighbors. If I can
24 speak as a co-sponsor on this, my intent
25 was to make sure that we take into

1 6/6/16 - L&I - BILL 160115, etc.
2 account the existing laws that we already
3 have and then take the initial step to
4 say if somebody is beating the crap out
5 of somebody in front of your spot and
6 you, A, decide to not tell anybody; B,
7 not make an anonymous call to any of the
8 five tip lines, that after a while and
9 every other week we're coming to that
10 site, what are the measures you're going
11 to take to try to safeguard the voters,
12 customers, taxpayers that come to your
13 establishment and to move that needle a
14 little in the right direction to say
15 that, No, you don't have a right to allow
16 your business to be the conduit for bad
17 criminal activity. And when I tell you
18 that senior citizens are afraid to go to
19 stores, that's a reality that a lot of
20 neighborhoods find themselves in, because
21 the operators feel like it's not my
22 problem, it's not my business to get
23 involved in any kind of way. And, no, I
24 don't want to legislate good citizenship,
25 but I'll be doggoned if we let them in

1 6/6/16 - L&I - BILL 160115, etc.
2 addition get away with all these other
3 things, selling loosies, selling liquor
4 by the drink, doing those things that
5 create the environment that these crimes
6 happen in. And it shouldn't be
7 legislated by zip code. It should be
8 uniformed, that if I can't get away with
9 that in Chestnut Hill, which is a fine
10 neighborhood in the 8th District, it
11 shouldn't happen at 27th and Allegheny
12 either.

13 COMMISSIONER PERRI: You're
14 exactly correct, Councilman. Two things.
15 The purpose is to change behavior and to
16 get a positive outcome in terms of having
17 these administrative hearings. And then
18 in addition, if in fact the windows are
19 blocked up and that's leading folks to
20 behave in a less than suitable manner
21 with inside the business, then the
22 remediation could be, well, open up all
23 your windows, make sure they're clear,
24 make sure people can see in and out.
25 Because more eyes that you have on any

1 6/6/16 - L&I - BILL 160115, etc.
2 given situation out there, the more safe
3 the situation becomes and the more
4 comfortable people will feel either being
5 in the store or out on the street.

6 COUNCILWOMAN SANCHEZ: Thank
7 you.

8 I know that, again, we can't
9 legislate for the bad guys. Bad actors
10 are bad actors. But I think to the
11 extent that -- and that's what I
12 appreciate around the amendments around
13 again the activity we'd like to see is,
14 we want to encourage people to put up
15 cameras. We want to encourage them to be
16 part of their community-based
17 organizations. We want to encourage them
18 to be participants of the corridor
19 businesses association. So there's a lot
20 of different options we give folks. If
21 they feel that they are wrongly being
22 targeted for their behavior, there's a
23 lot of different ways people can
24 demonstrate that they're trying to be a
25 better business provider.

1 6/6/16 - L&I - BILL 160115, etc.

2 I think that we don't want to
3 set up false expectations to the
4 community about what we can and cannot
5 do, but clearly the business models that
6 some of the businesses have -- it's a
7 conversation I've had with the Chinese
8 Restaurant Association. When you start
9 with the bulletproof piece, you've
10 changed your model around what you allow
11 in your office -- I mean, in your place
12 of business. And we want people to be
13 safe, but it's your setup that allows
14 certain things to continue to happen.

15 So I think we want
16 businesses that are friendly to the
17 customers and to the neighborhood, and I
18 think that's where we're trying to get.
19 So I appreciate it.

20 Councilwoman, did you have
21 something else to add to that?

22 COUNCILWOMAN BASS: I just
23 wanted to add on to a point that
24 Councilman Jones was making about folks
25 being afraid to go to the store, go near

1 6/6/16 - L&I - BILL 160115, etc.
2 the store. And as a matter of fact, we
3 had a meeting -- it just brought to mind
4 a meeting that we had in the community
5 with Thera Martin, who I acknowledge is
6 here, and one of the seniors at the
7 meeting said how when she would get off
8 of the bus to go home, she would walk a
9 full block to avoid having contact with
10 the establishment or anyone who was at
11 the establishment. She would go
12 completely out of her way to avoid any
13 sort of contact because of what was
14 happening in these locations. And we
15 just can't have it. And if we're going
16 to keep it real, as they say, then we
17 know that these businesses really only
18 operate in this fashion, have this model
19 in particular neighborhoods. They really
20 only operate primarily in neighborhoods
21 that are of color, that are primarily --
22 there's a high concentration of poverty
23 and there's a feeling that we can go in
24 and do anything that we want to do.

25 And so, again, I just thank you

1 6/6/16 - L&I - BILL 160115, etc.
2 for stepping up and saying that that's
3 not acceptable, that the quality of life
4 of the residents of those neighborhoods
5 really could be improved by what the
6 stores decide their model is going to be.
7 So I just wanted to mention that.

8 COUNCILWOMAN SANCHEZ: Thank
9 you.

10 For the record, I am going to
11 leave the rest of the hearing to my Vice
12 Chair, Councilman Allan Domb, and he's
13 going to be fine, but thank you very
14 much.

15 I'm going to -- if there's no
16 other questions for the Commissioner, I'm
17 going to release the Commissioner,
18 because I'm sure he's busy and has other
19 stuff to do. The rest of the panel that
20 is scheduled to testify -- for the
21 record, Bill 160245 has been held by the
22 bill sponsor. The next panel is Thera
23 Martin Milling and Ingrid Shepard.

24 For the record, Melissa Bova
25 from the Pennsylvania Restaurant and

1 6/6/16 - L&I - BILL 160115, etc.
2 Lodging Association has written testimony
3 in our packets, and Barbara Gressel,
4 Deputy Commissioner, Department of
5 Business Affairs and Consumer Protection
6 from the City of Chicago, has also
7 submitted written testimony.

8 So we will now hear from our
9 next panel of Thera Martin Milling,
10 Ingrid Shepard. If there's anyone else
11 scheduled or who wants to speak on this
12 bill, they should prepare after this next
13 panel.

14 Thank you, Commissioner.

15 COMMISSIONER PERRI: Thank you.

16 (Witnesses approached witness
17 table.)

18 MS. MILLING: Good afternoon,
19 Chairwoman Quinones, who had to leave,
20 and to Mr. Allan Domb and all the members
21 of the Committee on Licenses and
22 Inspections and a special good afternoon
23 to my City Councilwoman, Cindy Bass. My
24 name is Thera Martin Milling and I'm the
25 North 22nd Street Business Corridor

1 6/6/16 - L&I - BILL 160115, etc.
2 Manager. I also want to acknowledge the
3 fact that Mr. Charles Carn is here. He's
4 the 13th Ward Chairman. And Derise
5 Williford (ph) is here. She's the
6 President of Community Action Group.
7 These are just two of a number of
8 organizations that came together with the
9 North 22nd Street Business Association
10 recently to hold a meeting with the Asian
11 American Licensed Beverage Business
12 Association to talk about our concerns
13 with some of the businesses along our
14 business corridor.

15 Now, I also work for the
16 Allegheny West Foundation, which is a
17 501(c)(3) non-profit organization headed
18 by Mr. Ronald E. Hinton, Jr. Our goal is
19 to support businesses that operate in our
20 service area of North Philadelphia and to
21 promote economic development, jobs, and
22 community strategic planning. When you
23 look at the North 22nd Street business
24 corridor, what you see is 110 businesses
25 opening and operating every day and

1 6/6/16 - L&I - BILL 160115, etc.
2 sometimes with a lot of challenges facing
3 store owners.

4 One of the challenges is trying
5 to have a business corridor that is
6 attractive that will make people want to
7 shop where we are. If you have a
8 business corridor that is constantly
9 littered with trash and you have people
10 loitering outside in front of certain
11 businesses and, worse yet, some people
12 who will relieve themselves outside on
13 the side of certain businesses, that is
14 totally unacceptable.

15 That is why we feel that the
16 responsible business operations bill,
17 160115, is critical to be passed.

18 While we respect the fact that
19 there are well-meaning business owners
20 along the North 22nd Street business
21 corridor who come out and sweep and clean
22 in front of their businesses every day,
23 there are still others yet who you never
24 see cleaning, never see them washing down
25 their windows, never see them sweeping

1 6/6/16 - L&I - BILL 160115, etc.
2 out on the sidewalk in front of their
3 businesses, and never see them trying to
4 move customers along who may choose to
5 hang out outside in front of their
6 businesses.

7 We need all business owners to
8 step up and take care of cleaning outside
9 and inside their businesses. When a
10 person walks into a clean, well-kept
11 business, that sends a message to
12 shoppers and customers that you respect
13 them, you care about them. All business
14 owners should want to send that kind of a
15 positive message to would-be shoppers.
16 Overall, it will make our shopping
17 districts citywide look better once all
18 business owners come into compliance with
19 cleaning up in front of their businesses,
20 complying with all City rules and
21 regulations that have to do with putting
22 trash out properly, recycling properly,
23 and making for sure that people in front
24 of your businesses conduct themselves
25 properly. All of this can add up to a

1 6/6/16 - L&I - BILL 160115, etc.
2 nice-looking business corridor or
3 shopping district or it can be one that
4 will get a failing mark were City
5 inspections given on cleanliness or
6 neatness of a business location.

7 The North 22nd Street Business
8 Association appreciates having a wide
9 variety of businesses along our business
10 corridor. That's a good thing. We want
11 to have a variety of businesses on our
12 corridor so that North 22nd Street has
13 something for everyone. However, the
14 main kinds of businesses that we seem to
15 need to work with the most to get them up
16 to par for standards we want to carry out
17 in Philadelphia are the businesses known
18 as stop and go's that sell the beer and
19 the malt liquor and the wine coolers and
20 some that even sell liquor and also
21 businesses that sell food. They seem to
22 need more monitoring also. Granted, it
23 might not always be the fault of the
24 owner of a business establishment that
25 trash is out in front of their business

1 6/6/16 - L&I - BILL 160115, etc.
2 or that people choose to loiter outside
3 in front of their business, but it is the
4 responsibility of the owner to tell
5 people they are not allowed to hang out
6 out in front of an establishment but for
7 so long. And if a business owner has
8 swept in front of their store and 30
9 minutes later a strong wind comes along
10 and blows more trash in front of their
11 store, guess what? We understand that
12 business owners are still responsible for
13 sweeping it up. It may be annoying on a
14 busy workday. It may be more than
15 annoying, but the bottom line is the
16 responsibility still falls on the
17 shoulders of the business owner and they
18 have to be held accountable if we ever
19 want all of our business corridors in the
20 City of Philadelphia to look as good as
21 Germantown Avenue in Chestnut Hill or
22 Main Street in Manayunk, for example.

23 The 22nd Street business
24 corridor is a melting pot of
25 nationalities who come together at our

1 6/6/16 - L&I - BILL 160115, etc.
2 business association meetings to work in
3 sync with each other. We have Hispanic
4 business owners, Arabic business owners,
5 African business owners, African American
6 business owners, Asians, and even a
7 couple Italian business owners still on
8 22nd Street. When it comes to the stop
9 and go's along our corridor, of which we
10 have four, they are all owned by Asian
11 Americans. Recently, the Business
12 Association, as I noted earlier, met with
13 the President of the Asian American
14 Licensed Beverage Association, AALBA, and
15 some of their members to discuss concerns
16 we have about the stop and go's along
17 North 22nd Street and in that immediate
18 area about their lack of cleanliness,
19 loitering, and people urinating outside
20 on the sides of their buildings.

21 Adam Xue, President of the
22 Asian American Licensed Beverage
23 Association, has made a commitment that
24 stop and go's that are members of his
25 organization will work by a new set of

1 6/6/16 - L&I - BILL 160115, etc.
2 standards and mandates that his
3 organization has come up with to become
4 better neighbors to other businesses and
5 to become better neighbors to the
6 community. We believe that's a great
7 step forward, but we understand that all
8 stop and go's are not members of the
9 Asian American Licensed Beverage
10 Association, and it is those stop and go
11 owners who most of all need to clean up
12 and fix up their businesses and clean up
13 their act.

14 That's a further reason why the
15 North 22nd Street Business Association
16 and the Allegheny West Foundation feels
17 the City needs a new law put into place
18 that has more teeth to it that can put
19 business owners on the hot seat, so to
20 speak, if they don't keep their
21 businesses clean and neat.

22 Getting business owners to take
23 better care of what their business looks
24 like and what the sidewalks look like
25 outside in front of their businesses is

1 6/6/16 - L&I - BILL 160115, etc.
2 more than a notion. We understand that.
3 We get it. But we believe positive
4 change can start with the mindset of the
5 people who live near or on business
6 corridors, and it also has to start with
7 the business owners themselves and their
8 staff. The business owners have to step
9 up to their plate and do their part to
10 help keep our streets clean. We cannot
11 and should not depend on the City of
12 Philadelphia Sanitation Department to do
13 all of the work for us. A part of being
14 in business is cleaning up your business.
15 And so the North 22nd Street Business
16 Association and the Allegheny West
17 Foundation, we are in full support of the
18 responsible business operations bill
19 getting passed into law.

20 I want to thank you for this
21 opportunity to provide this testimony
22 today, and if you have any questions for
23 me, I will try to answer them now.

24 COUNCILMAN DOMB: Thank you
25 very much for your testimony.

1 6/6/16 - L&I - BILL 160115, etc.

2 The next person I guess is
3 Ingrid Shepard.

4 MS. SHEPARD: Good afternoon,
5 members.

6 COUNCILMAN DOMB: Could you
7 identify yourself for the record.

8 MS. SHEPARD: Yes. My name is
9 Ingrid Shepard and I am the Board
10 President of the Germantown Special
11 Services District.

12 Good afternoon, members of City
13 Council. It is my pleasure to speak
14 before you today on behalf of the
15 Germantown Special Services District as
16 the President of the Board. I am here to
17 voice my support for the proposed
18 amendments to Bill No. 160115 that seek
19 to further define what a nuisance
20 business is, identify remedies and
21 assistance for those businesses to better
22 serve and interact with their neighbors
23 in the community, and to clearly state
24 the consequences for businesses that
25 choose to ignore repeated requests and

1 6/6/16 - L&I - BILL 160115, etc.
2 warnings to clean up their own behavior
3 and to monitor the activities of their
4 customers that are directly related to
5 their business and on their property.

6 These amendments are needed
7 because a community and its business
8 district are only as strong, vibrant, and
9 mutually beneficial to each other when
10 all involved are good neighbors and
11 stewards of their properties and
12 responsibilities.

13 Nuisance businesses have a hand
14 in deterring other businesses from coming
15 into a community which has a direct
16 effect on employment opportunities for
17 neighboring residents. Nuisance
18 businesses are often the center of drug
19 and criminal activity, which keeps away
20 potential shoppers from business
21 corridors and drives down economic
22 activity.

23 Nuisance businesses that do not
24 follow the rules and regulations of the
25 City and all of the departments that

1 6/6/16 - L&I - BILL 160115, etc.
2 oversee it create an additional barrier
3 to physically cleaning up neighborhoods
4 and business districts and help cause
5 communities to slide into decline.

6 For neighborhoods like
7 Germantown and its essential business
8 corridor, these proposed amendments would
9 greatly help in revitalizing the
10 community and stimulating economic
11 growth. I urge members of City Council
12 to support and approve these amendments.

13 COUNCILMAN DOMB: Thank you
14 both for your testimony.

15 The Chair would like to
16 recognize Councilman Jones.

17 COUNCILMAN JONES: Thank you.

18 Well, thank you both for your
19 testimony and it's truly appreciated. I
20 can tell you had a long history in
21 communications. You flowed through that,
22 did not pause. It was truly a
23 professional presentation.

24 And yours very sincere as to
25 what the urgency is. And I thank you

1 6/6/16 - L&I - BILL 160115, etc.

2 both for it.

3 I just want members of the
4 Committee to understand that there's a
5 correlation, almost like the broken
6 window theory, when little things happen,
7 bigger things tend to happen too. Within
8 the last six months in West Philly and
9 sections of my district, there have been
10 many instances of crime right on those
11 same corridors within 15 to 30 feet of
12 these said nuisance businesses. There
13 have been two shootings and seven
14 robberies on Haverford Avenue, a business
15 corridor. On City Avenue, one shooting
16 and four robberies on a commercial
17 corridor. On Lancaster Avenue, 17
18 robberies. In Manayunk section and where
19 these businesses are, we had seven
20 robberies. On 24th between 24th and 34th
21 and Allegheny, three aggravated assaults,
22 five robberies, and because of the
23 cameras, no shootings.

24 It is important to understand
25 that there is a ying to this yang and

1 6/6/16 - L&I - BILL 160115, etc.
2 that if we don't take these steps, it's
3 almost like, you know, why do we clean
4 up? Because we don't want people to
5 think that it is an abandoned territory
6 where there's a lawless land. Take care
7 of the little things, big things take
8 care of themselves.

9 Thank you, Mr. Chairman.

10 COUNCILMAN DOMB: Thank you.

11 Can I ask a question. 22nd
12 Street business corridor, what are the
13 boundaries of that corridor?

14 MS. MILLING: It is from 22nd
15 and Allegheny down to 22nd and Lehigh.

16 COUNCILMAN DOMB: Okay.

17 MS. MILLING: So it's a
18 five-block area.

19 COUNCILMAN DOMB: Thank you.

20 Are there any other questions?

21 (No response.)

22 COUNCILMAN DOMB: No? Thank
23 you for your testimony today.

24 MS. MILLING: Thank you.

25 MS. SHEPARD: Thank you.

1 6/6/16 - L&I - BILL 160115, etc.

2 COUNCILMAN DOMB: Is there
3 anyone else wanting to testify on 160115?

4 You can come forward.

5 Everybody can come forward at the same
6 time. We'll try to keep it brief,
7 because it sounds like everybody is in
8 favor of this.

9 (Witnesses approached witness
10 table.)

11 COUNCILMAN DOMB: Everyone who
12 wants to testify, come on up and we'll
13 try to keep it as brief as possible, but
14 please state your name for the record.

15 MR. BRICE: Yes. Good
16 afternoon. My name is Eric Brice. I'm
17 with the 35th District Town Watch. The
18 35th Police District extends from
19 Cheltenham Avenue to Roosevelt Boulevard,
20 from Tacony Creek all the way to Wister
21 in the upper north section of
22 Philadelphia.

23 First of all, welcome -- I
24 mean, thank you for letting me come,
25 Councilmembers, Councilwoman Bass. I

1 6/6/16 - L&I - BILL 160115, etc.
2 just got this piece of information about
3 this bill this morning, and I had to do a
4 quick study real quick, but nuisance
5 properties, especially businesses, are
6 something that's close to my heart in
7 terms of our organization, our community
8 organization. We are constantly hearing
9 complaints about nuisance businesses that
10 don't feel as though they have a
11 significant investment in our community.
12 They just want to come in, do their
13 business and leave our communities, and
14 they don't really care about what our
15 investment is.

16 I support this bill. I hope it
17 is enforced to the measure that it's
18 described, because the problem is when
19 you have good pieces of legislation
20 that's not timely enforced, it sort of
21 defeats the purpose.

22 I looked at the timelines for
23 compliance. I think they could be
24 tweaked a little bit, in my opinion,
25 because L&I -- I wish the Commissioner

1 6/6/16 - L&I - BILL 160115, etc.
2 was still here, because I'd like to ask
3 him how is he going to enforce this
4 legislation, because L&I is overwhelmed
5 we hear all the time, because we always
6 get L&I complaints.

7 The other thing I'd like to
8 express is the lack of community input in
9 the legislation. The communities are the
10 ones that are impacted by these nuisance
11 businesses, and some of the things that
12 they do, the community needs to have
13 involvement, needs to have a say in
14 making sure that they comply with this
15 really good piece of legislation.

16 So I support it wholeheartedly,
17 and I just hope that more good
18 legislation comes from City Council, and
19 I know more good legislation is coming
20 from Cindy Bass, because she's just
21 getting started.

22 Thank you.

23 COUNCILMAN DOMB: Thank you for
24 your testimony.

25 Would everybody else come up to

1 6/6/16 - L&I - BILL 160115, etc.
2 the front table, please, here who wants
3 to testify. We want to try to keep this
4 within 60 seconds, if we can.

5 MS. BAH: You got it.

6 My name is Tonya Bah and I'm a
7 parent, community member, and taxpayer,
8 and I support Bill 160115 and
9 specifically the authority to address
10 nuisance properties, and I appreciate
11 Cindy Bass, our Councilperson, for
12 listening to our community.

13 It is literally impossible to
14 roll a wheelchair for my special needs
15 teen across the snow, and some of the
16 nuisance properties that we have are
17 nuisance properties not just because of
18 the stop and go, the shot glasses that
19 are allowed to be purchased of liquor on
20 Broad Street between the Broad and Olney
21 corridor, but because it is difficult as
22 a pedestrian to walk on ice, to walk on
23 snow, to wheel a wheelchair across it,
24 and when the nuisance properties -- and
25 that's what they are when they're not

1 6/6/16 - L&I - BILL 160115, etc.
2 responsible business operations -- choose
3 not to adhere to the needs of the
4 community, there needs to be somebody
5 that steps up and authority needs to be
6 given, and time is of the essence.

7 I appreciate what Eric Brice
8 said, because I can't go another winter
9 trying to wheel my son out into the
10 street because the local Sneaker Villa,
11 or whatever that store is, chooses not to
12 remove the snow. In addition to that,
13 just blocks -- not blocks but buildings
14 down from that, my daughter has to pass
15 the stop and go to get the subway, and
16 she's been accosted on one occasion, and
17 this is from people coming out of the
18 stop and go that are publicly drunk.
19 There are shots that are sold during the
20 school hours, and this is something that
21 the 35th Police District department
22 cannot oversee while they're taking care
23 of the other crimes that are going on in
24 our 35th Police District. So we do need
25 this to be considered timely. This needs

1 6/6/16 - L&I - BILL 160115, etc.
2 to be considered timely, and I support it
3 and I appreciate that you're listening to
4 it, and I appreciate Councilman Curtis
5 Jones and specifically Cindy Bass for
6 everything that you're doing around this
7 bill.

8 COUNCILMAN DOMB: Thank you.

9 MS. BAH: Did you have any
10 questions for me?

11 COUNCILMAN DOMB: Any
12 questions?

13 (No response.)

14 COUNCILMAN DOMB: No. We're
15 good.

16 MS. ESTHER: Good afternoon.

17 COUNCILMAN DOMB: Please
18 identify yourself for the record.

19 MS. ESTHER: Okay. My name is
20 Lucia Esther and I'm Chair of the West
21 Powelton/Saunders Park RCO.

22 COUNCILMAN DOMB: Can you
23 repeat that again.

24 MS. ESTHER: Lucia, L-U-C-I-A,
25 Esther, E-S-T-H-E-R, and I'm Chair of

1 6/6/16 - L&I - BILL 160115, etc.
2 West Powelton/Saunders Park RCO. Thank
3 you very much for working on this
4 legislation. We appreciate it very much
5 and we appreciate your efforts. We would
6 just like to somehow have the community
7 input maybe through the RCO so that when
8 we have these nuisances, we can identify
9 them, call in to a particular place where
10 we can register the complaints, and then
11 have a return reply of what action was
12 taken. And we did turn in a statement,
13 but it was in reply to the pink pages.
14 So we'll take the new one home and read
15 it.

16 Thank you.

17 COUNCILMAN DOMB: Okay. Thank
18 you.

19 MR. BODE: Thank you. My name
20 is Chuck Bode. I'm also with the West
21 Powelton/Saunders Park RCO, and I have
22 two points to make.

23 The first is, for the record,
24 the original bill had requirements for
25 RCOs. The Planning Commission is having

1 6/6/16 - L&I - BILL 160115, etc.
2 at this very same time a meeting changing
3 all the rules for RCOs. So most of the
4 RCOs that might otherwise be here
5 testifying are at the Planning
6 Commission. We think that should be on
7 the record.

8 My main point concerns, I guess
9 we might say, the scope and the reach of
10 the bill, and I will cite 40th and Market
11 Street to explain. For much of the day,
12 40th and Market Street is an open-air
13 drug market, loitering, the whole bit.
14 However, none of the businesses near 40th
15 and Market are the cause of the problem.
16 The problem extends back onto the SEPTA
17 Route 40 bus, and perhaps SEPTA property
18 might be or buses be included in the
19 bill. The offending business is a drug
20 treatment center on Parkside Avenue over
21 a mile away, which concentrates these
22 people, gives them their whatever drugs,
23 which then take on the bus and stand at
24 40th and Market and sell. So we think
25 there needs to be a connection between

1 6/6/16 - L&I - BILL 160115, etc.
2 the business and the problem. And even
3 if the business and the problem are not
4 adjacent, the proper business should be
5 held accountable for the problem that
6 they are causing. Somehow this drug
7 center on Parkside Avenue needs to be
8 accountable for the problem on Market
9 Street and not some innocent business,
10 grocery stores and things like that
11 there. So we would like to see if
12 there's some way the bill can address a
13 connection between the problem and the
14 causing business.

15 Thank you.

16 COUNCILMAN DOMB: Thank you.

17 I'm going to let Councilman
18 Jones speak.

19 COUNCILMAN JONES: I'll yield
20 if you want to go. I'll yield.

21 COUNCILMAN DOMB: Councilwoman
22 Bass.

23 COUNCILMAN JONES: Which one?
24 How do you want to do this?

25 COUNCILMAN DOMB: Councilwoman

1 6/6/16 - L&I - BILL 160115, etc.

2 Bass and then Councilman.

3 COUNCILWOMAN BASS: Well, I
4 wanted to address something that came up
5 earlier, so if you want to address that
6 specifically.

7 But let me just say one thing
8 first, because there was a lot of concern
9 about the lack of community
10 participation. And so there's two things
11 I want to mention. Number one,
12 originally it did include RCOs. The bill
13 did include RCOs, but all RCOs are not
14 created equally. And so with that in
15 mind, in terms of the different levels of
16 organization and ability that different
17 RCOs have, one of the things that we
18 thought would be a better remedy than
19 having RCOs is Section -- actually, I'm
20 not sure what section it is, Section
21 9-4404, No. 4, which states that any
22 person or organization with knowledge
23 regarding nuisance behavior pertaining to
24 the business or purported remedial
25 measures of the owners may submit written

1 6/6/16 - L&I - BILL 160115, etc.
2 information regarding such behavior or
3 efforts to the Department for its
4 consideration at the administrative
5 review proceedings.

6 So we don't want folks to think
7 that the community is shut out of the
8 process, and it's quite to the contrary.
9 We welcome having input from folks from
10 the neighborhood who know what's going
11 on, who know what's happening, and we
12 really want the community to be involved
13 and engaged in what's happening in their
14 neighborhood.

15 But this is the, we thought,
16 the most appropriate way to do that.
17 And, listen, if we find that this is not
18 working, we certainly are open to coming
19 back and revisiting this issue in the
20 future and the proper way to address
21 contact regarding what's happening in
22 your neighborhood with these businesses.

23 COUNCILMAN DOMB: Thank you,
24 Councilwoman.

25 MR. BODE: We appreciate that

1 6/6/16 - L&I - BILL 160115, etc.
2 particular change to remove the RCOs. We
3 appreciate that change.

4 COUNCILMAN DOMB: Thank you,
5 Councilwoman.

6 The Chair would like to
7 recognize Councilman Jones.

8 COUNCILMAN JONES: I'm going to
9 thank my colleague again for letting me
10 calm down while you gave yours.
11 Because -- let me say it calmly, because
12 everybody I think is well intentioned and
13 well meaning in this.

14 What do you base your statistic
15 on that the drug sales are attributable
16 to the Parkside Avenue recovery center?
17 How many arrests came from members that
18 came from that facility?

19 MR. BODE: I don't know how
20 many arrests, but I have to ride the
21 Route 40 bus. I have to deal with those
22 people at the --

23 COUNCILMAN JONES: Those
24 people?

25 MR. BODE: The people from the

1 6/6/16 - L&I - BILL 160115, etc.

2 drug center up at the --

3 COUNCILMAN JONES: So when you
4 say "those people," you're talking about
5 the people who are in recovery?

6 MR. BODE: Whatever you want to
7 call --

8 COUNCILMAN JONES: And they're
9 then responsible for the drug
10 transactions at 40th Street?

11 MR. BODE: Yes. They come down
12 on the bus --

13 COUNCILMAN JONES: And you're
14 saying none of the businesses, not the
15 bar that's down there -- because I'm good
16 in every hood. So not just say from 9:00
17 to 5:00. From 5:00 to whenever.

18 MR. BODE: It's during the day.
19 They come down in the day starting in the
20 morning.

21 COUNCILMAN JONES: But you are
22 doing the Donald Trump to me by saying
23 "those people" and you're saying that you
24 know somehow statistically where they
25 come from, when you don't. You suppose,

1 6/6/16 - L&I - BILL 160115, etc.
2 you surmise, you are guessing, and what I
3 would caution you, sir, is that you don't
4 know, don't say that. You don't know
5 where they come from. There's no census
6 you took that said 22.5 percent of those
7 people come from that recovery center.
8 So you're speculating as to that nature.
9 So don't do that.

10 And so I do agree with you that
11 you can't -- the imperfect shouldn't be
12 the enemy of the good. There's --
13 somebody will Google me and tell me what
14 the proper quote is. But you're now
15 crossing over into stereotyping, and what
16 I'm saying is, I don't care where they
17 come from. They could come from Chestnut
18 Hill. They could come from recovery.
19 Whoever is doing bad things, we want to
20 stop them and we want to make it so that
21 everyone can go to whatever store in
22 whatever neighborhood in whatever zip
23 code they can, and I think Councilwoman
24 Bass's legislation moves that needle in
25 the right direction. But when you start

1 6/6/16 - L&I - BILL 160115, etc.
2 saying where people come from, what they
3 look like, who they be's with gives me
4 pause, because you're not an authority,
5 sir. And I could just tell you that
6 unless -- so when I made statements about
7 the crime statistics, my staff researched
8 it from the police departments who gave
9 me accurate, factual information. I did
10 not say where they came from, because
11 guess what? In my district, guess where
12 some of the customers come from?
13 Suburbs. They come from the suburbs,
14 know where to go. I can give you several
15 locations, know where to hook up, and the
16 police are all on it. And I don't make
17 stereotypical comments about those
18 people. I talk about the problem.

19 So I caution you, sir, don't
20 say where they come from unless you are
21 factual.

22 MR. BODE: What we're saying is
23 when this process is resolved with the
24 City authorities who would investigate
25 it, they should find out where the

1 6/6/16 - L&I - BILL 160115, etc.
2 problem originates and take the action
3 against the business where it originates
4 and it may not be at the corner at hand
5 and, therefore, the responsible business,
6 which may be some distance away, should
7 be the ones which the legislation applies
8 to. That's the point I'm trying to make.
9 It may not be people on the corner,
10 business on the corner. It may be people
11 on the corner concentrated by some place
12 else, and the proper investigation
13 process would find that in the course of
14 this, and that the bill might be expanded
15 to allow that it's not adjacent, if you
16 will. That's the point I'm trying to
17 make.

18 COUNCILMAN JONES: In this
19 wonderful country, everybody is entitled
20 to their opinion, but they're not
21 entitled to the facts. When you bring
22 the facts, that helps shape our opinion
23 which creates a law.

24 MR. BODE: Right.

25 COUNCILMAN JONES: So thank

1 6/6/16 - L&I - BILL 160115, etc.

2 you, sir.

3 MR. BODE: You're welcome.

4 COUNCILMAN DOMB: Thank you.

5 Thank you for your testimony.

6 Let's move on to the next
7 person.

8 MS. DOLEY: Hi. My name is
9 Emaleigh Doley. I'm a longtime resident
10 of the unit block of West Rockland Street
11 in Germantown and I am also the current
12 commercial corridor manager for
13 Germantown United CDC.

14 I quickly want to express
15 support for the amended Bill No. 160115.
16 I have in my years of work in Germantown,
17 both residing there and for my
18 employment, seen how a strategic effort
19 around a problematic business can gain
20 results, but it often takes a monumental
21 effort, and that is not sustainable,
22 especially in communities that do not
23 have as much organizational capacity as
24 others. So this proposed amended bill
25 really has the potential to be high

1 6/6/16 - L&I - BILL 160115, etc.

2 functioning and a benefit both for
3 residents and the business community.

4 A neighborhood like Germantown
5 as well also has the potential to really
6 reap these benefits because we have a
7 heavy residential community within the
8 immediate vicinity of our business
9 district since Germantown Avenue extends
10 into and throughout the entire
11 neighborhood.

12 Lastly, I would like to add
13 that too often when a business has
14 multiple violations issued from different
15 City agencies, there is not adequate
16 communication between departments to
17 address chronic nuisance businesses,
18 which is why we're here today really.
19 This bill would require improved
20 interagency communication, which we all
21 know the City as a whole will benefit
22 from.

23 That's all. Thank you.

24 COUNCILMAN DOMB: Thank you for
25 your testimony. Thank you.

1 6/6/16 - L&I - BILL 160115, etc.

2 MR. ROWE: Hello. My name is
3 Benjamin Rowe. I'm the President of the
4 Baltimore Avenue Business Association and
5 a member of the Board on the Lancaster
6 Avenue 21st Century Business Association
7 and the owner of a small chain of board
8 game stores called Redcap's Corner.

9 I wanted to thank Councilwoman
10 Bass and the rest of City Council for
11 addressing this important issue that
12 affects businesses across Philadelphia.
13 Unfortunately, as written, the
14 organizations I represent cannot support
15 Bill No. 160115.

16 I don't think there's any
17 debating the spirit of the bill, and I
18 appreciate the inclusion of language in
19 the revision that specifies that
20 businesses must be open to bear
21 responsibility, but the bill is too
22 sweeping and open ended, I think, to be
23 enforced any way other than selectively
24 and to target the businesses that are
25 really the problem. I can't support a

1 6/6/16 - L&I - BILL 160115, etc.
2 bill that leaves me three bags of Cheetos
3 away from losing my business license. If
4 I happen to not notice litter, the fact
5 that I could lose my business license for
6 things that are beyond my control is
7 something I'm just not capable of
8 supporting. And I am also a little
9 disappointed. You addressed the removal
10 of RCOs from the direct process, but I'm
11 a little disappointed to see that they're
12 not getting more inclusion in the final
13 bill.

14 That's all I have to say on it.

15 COUNCILMAN DOMB: Thank you.

16 Before we continue, is there
17 anyone else who wants to testify on this
18 bill?

19 Okay. Thank you.

20 MR. CARN: Good day, gentlemen,
21 Councilpersons. My name is Charles Carn.
22 I'm the 13th Ward Chairperson, Ward
23 Leader, Rosita Youngblood. I want to
24 thank my Councilperson Bass here and her
25 terrific staff for taking my calls.

1 6/6/16 - L&I - BILL 160115, etc.

2 The nuisance bill -- let me
3 take a little bit further than 22nd
4 Street. I go all the way up to
5 Germantown Avenue to Broad Street, to
6 22nd and Wissahickon. We do have those
7 nuisance businesses and we do contact the
8 39th Precinct. I think one of the
9 loopholes that we are having expanded to,
10 we talked about communication between the
11 agencies. I've talked to L&I. We've
12 actually had a meeting with the
13 Pennsylvania Liquor Control Board. When
14 we have enough of these meetings, enough
15 of these citations, enough of these
16 violations, I think those type of
17 communication need to be extended out of
18 the City and at least a letter going to
19 the Pennsylvania Liquor Control Board
20 and -- I'm talking about the stop and
21 go's now specifically -- that they know
22 what's going on.

23 Now, everybody came down here
24 from Harrisburg in the different offices.
25 We have too many loopholes in the fact of

1 6/6/16 - L&I - BILL 160115, etc.
2 the folks can get away what they're
3 getting away with right now. I drive
4 around, and if you accept my invitation
5 to drive through 22nd Street between
6 Lehigh Avenue and Allegheny Avenue, I
7 think you'll have a different perspective
8 of what's happening in our community.
9 Just drive that drive Saturday afternoon.
10 And we have more stop and go's in our
11 particular area than any other part of
12 the City. Forget Chestnut Hill. They
13 don't have them. Manayunk doesn't have
14 them. I'm just saying specifically what
15 we have in our community that's creating
16 a negative effect.

17 Thank you.

18 COUNCILMAN DOMB: Thank you
19 very much.

20 MR. JACOBS: Good afternoon.
21 My name is Wayne Jacobs and I'm a
22 Committee Person in the 11th Ward in the
23 2nd Division.

24 I have a problem with the stop
25 and go at 22nd and Cambria, where I had

1 6/6/16 - L&I - BILL 160115, etc.
2 took pictures of children hanging out in
3 the stop and go where they're serving
4 alcohol, you know. I just wanted to show
5 y'all these pictures to verify that this
6 is what's going on and that I know a lot
7 of people make complaints, but they very
8 seldom document it. Well, I documented
9 my complaint and now I'd like to show it
10 to y'all. Just enter it as record.

11 COUNCILMAN DOMB: We can submit
12 them as part of the record, if you'd
13 like.

14 MR. JACOBS: And the fact that,
15 one, I support 160115, and my reason for
16 that is because of the activity that is
17 going on at the stop and go's in
18 reference to 22nd and Cambria where I had
19 took a series of pictures three different
20 times of children hanging out in the stop
21 and go. So I just wanted to register
22 that complaint, you know, and moving on.

23 COUNCILMAN DOMB: Thank you
24 very much.

25 MR. JACOBS: All right.

1 6/6/16 - L&I - BILL 160115, etc.

2 COUNCILMAN DOMB: Are there any
3 other questions, comments on 160115?

4 (No response.)

5 COUNCILMAN DOMB: All right.
6 We can move on to the next bill.

7 COUNCILMAN TAUBENBERGER: I
8 have --

9 COUNCILMAN DOMB: I'm sorry.
10 Councilman Taubenberger wants to be
11 recognized.

12 COUNCILMAN TAUBENBERGER: Thank
13 you, Mr. Chairman. With the light of one
14 particular testimony that was just given,
15 I do have -- I like the intent of the
16 bill. I think it's a very, very, very
17 good bill, but I see some danger there in
18 what was just said -- not just said but
19 said some time back in terms of "those
20 people." I don't like that kind of
21 language. It's offensive to me.

22 I'd like to say that the intent
23 of the bill is great, but I also want to
24 make sure in saying this on the record
25 that no minority business or group of

1 6/6/16 - L&I - BILL 160115, etc.
2 business is suspect and all the sudden
3 put on the forefront when they oughtn't
4 to be. There are a lot of factors in bad
5 businesses, some of which is very, very,
6 very much the owner's responsibility.
7 But to have generally things said like
8 what was said earlier I think is wrong
9 and it puts up a red flag in my book on
10 what could happen in the future.

11 That's all I have to say. I'm
12 going to continue to look at that kind of
13 stuff, and I thank you very much. Thank
14 you, Mr. Chairman.

15 COUNCILMAN DOMB: Thank you,
16 Councilman.

17 Okay. Clerk will read the next
18 bill.

19 THE CLERK: Bill No. 160249, an
20 ordinance amending Section 9-3908 of The
21 Philadelphia Code, entitled "Notification
22 of License Obligation," by adding a
23 requirement for the City to provide an
24 explanation of the license requirements
25 for vacant properties, all under certain

1 6/6/16 - L&I - BILL 160115, etc.

2 terms and conditions.

3 (Witness approached witness
4 table.)

5 MS. SWANSON: Good afternoon,
6 Vice Chairman Domb and members of the
7 Committee on Licenses and Inspections.
8 My name is Rebecca Swanson. I am the
9 Planning Director for the Department of
10 Licenses and Inspections. Today I'm here
11 to provide testimony on Bill No. 160249,
12 which, if enacted, will amend Title 9 of
13 The Philadelphia Code by adding a
14 requirement that the City provide an
15 explanation of license requirements for
16 vacant properties to property
17 certificates.

18 The Department issues
19 certificates to property owners
20 indicating the zoning classification and
21 the legality of the existing use of a
22 property about to be sold. Section
23 9-3908 of The Philadelphia Code requires
24 that the certificate contain language
25 summarizing the owner's responsibilities

1 6/6/16 - L&I - BILL 160115, etc.
2 under Title 9 and under the Property
3 Maintenance Code, which include obtaining
4 any and all relevant licenses for the
5 property. Currently, this section
6 specifies that the certificate must
7 contain language explaining that an owner
8 must obtain a rental license if the
9 property will be offered for rent.

10 This bill would add to the
11 certificate similar specificity around
12 vacant property license requirements. It
13 would require that the certificate
14 contain language explaining that an owner
15 of a vacant property must obtain a vacant
16 property license.

17 The Department supports this
18 bill and is prepared to enforce its
19 provision should it become law.

20 Thank you for the opportunity
21 to provide the Department's testimony.
22 Happy to answer any questions at this
23 time.

24 COUNCILMAN DOMB: Thank you
25 very much.

1 6/6/16 - L&I - BILL 160115, etc.

2 Are there any questions from my
3 colleagues?

4 (No response.)

5 COUNCILMAN DOMB: Is there
6 anyone else in the audience who wants to
7 testify on this bill?

8 (No response.)

9 COUNCILMAN DOMB: Thank you
10 very much.

11 Move on to the next bill,
12 160303.

13 THE CLERK: Bill No. 160303, an
14 ordinance amending Section 9-703 of The
15 Philadelphia Code, entitled "Special
16 Assembly Occupancies," by further
17 providing for types of activity to be
18 regulated and by altering the fees and
19 requirements for a Special Assembly
20 Occupancy license, and amending Title 4,
21 Subcode "B" ("The Philadelphia Building
22 Code") and Subcode "F" ("The Philadelphia
23 Fire Code") of The Philadelphia Code, to
24 conform a definition, all under certain
25 terms and conditions.

1 6/6/16 - L&I - BILL 160115, etc.

2 MS. SWANSON: Good afternoon,

3 Vice Chairman Domb and members of the

4 Committee on Licenses and Inspections.

5 My name is Rebecca Swanson. I'm the

6 Planning Director for the Department of

7 L&I. Today I am here to provide

8 testimony on Bill No. 160303, which, if

9 enacted, will amend the Philadelphia

10 Building Code and the Philadelphia Fire

11 Code to alter some requirements for a

12 Special Assembly Occupancy license.

13 Special assembly occupancies,

14 which include bars, nightclubs, and other

15 establishments that regularly host more

16 than 50 patrons for social entertainment

17 purposes, are required to obtain a

18 separate license in order to trigger an

19 inspection by L&I. This inspection is

20 necessary in order to ensure that the

21 building hosting a special assembly

22 occupancy is safe, specifically that it

23 meets all Fire Code and Property

24 Maintenance Code requirements necessary

25 to protect the safety of the occupants,

1 6/6/16 - L&I - BILL 160115, etc.

2 particularly in case of an emergency.

3 Many special assembly

4 occupancies host traditional

5 entertainment such as live music or DJs.

6 As current technologies grow and improve,

7 however, new forms of entertainment are

8 emerging. Specifically, some of these

9 occupancies are now using streaming or

10 recorded audio and video for

11 entertainment purposes. In the current

12 code, establishments that host live music

13 must obtain a special assembly license

14 while identical establishments that

15 require the same level of safety

16 oversight but that present streaming or

17 recorded audio or video instead of live

18 music are exempted from the license

19 requirement. This bill closes that

20 loophole and requires all establishments

21 that operate as a special assembly

22 occupancy obtain a special assembly

23 license no matter how they play their

24 music.

25 In addition, the bill also

1 6/6/16 - L&I - BILL 160115, etc.
2 makes special assembly licenses renewable
3 every two years instead of every year.
4 The cost of the license essentially
5 remains the same.

6 The Department supports this
7 bill and is prepared to enforce its
8 provisions should it become law.

9 Thank you for the opportunity
10 to provide the Department's testimony.
11 Happy to answer any questions at this
12 time.

13 COUNCILMAN DOMB: Thank you for
14 your testimony.

15 Any other questions from my
16 colleagues?

17 (No response.)

18 COUNCILMAN DOMB: Is there
19 anyone else here who wishes to testify on
20 this bill?

21 (No response.)

22 COUNCILMAN DOMB: I'm learning
23 how to do this.

24 Thank you very much.

25 Will the Clerk read the next

1 6/6/16 - L&I - BILL 160115, etc.
2 bill, 160365.

3 THE CLERK: Bill No. 160365, an
4 ordinance amending Subcodes "A" and "PM"
5 of Title 4 of The Philadelphia Code ("The
6 Philadelphia Administrative Code" and
7 "The Philadelphia Property Maintenance
8 Code"), by establishing a separate
9 offense for certain chronic,
10 non-compliant violators of the Property
11 Maintenance Code; all under certain terms
12 and conditions.

13 MS. SWANSON: Good afternoon,
14 Vice Chairman Domb and members of the
15 Committee on Licenses and Inspections.
16 My name is Rebecca Swanson. I am the
17 Planning Director for L&I. Today I am
18 here to provide testimony on Bill No.
19 160365, as proposed to be amended, which,
20 if enacted, will amend the Philadelphia
21 Administrative Code and the Philadelphia
22 Property Maintenance Code by establishing
23 a separate offense and penalty for
24 certain property owners whose properties
25 are repeatedly in violation of the

1 6/6/16 - L&I - BILL 160115, etc.

2 Property Maintenance Code.

3 The Department has identified a
4 problem with certain properties being
5 repeatedly found to be in violation of
6 the Property Maintenance Code. These
7 properties typically have multiple
8 violations related to the exterior of the
9 property, including trash, high weeds,
10 infestation, drainage problems,
11 deteriorated porches, and other blighting
12 issues that have a negative impact on the
13 surrounding community and that are not
14 complied by the property owner in a
15 timely fashion. As a result, these
16 properties drain a disproportionate
17 amount of the Department's resources
18 through the need for repeated inspections
19 and frequent court proceedings. This
20 bill would provide the Department with an
21 additional tool to combat this persistent
22 problem and hold the owners of these
23 chronically non-compliant properties
24 accountable. The bill would allow the
25 Department to issue a separate Property

1 6/6/16 - L&I - BILL 160115, etc.
2 Maintenance Code violation specifically
3 addressing the fact that a property has
4 been found to be in violation of certain
5 other provisions of the Property
6 Maintenance Code multiple times while
7 under the control of the same owner.
8 Under this bill, if the Department issues
9 two or more code violation notices or
10 notices of violation for exterior
11 violations under the Property Maintenance
12 Code to the property owner in the span of
13 two years and those violations are not
14 corrected by the property owner in a
15 timely fashion, the Department is
16 authorized to declare the property owner
17 a chronic, non-compliant owner and issue
18 this additional violation.

19 The chronic, non-compliant
20 owner violation carries with it a \$150
21 fine in addition to any other fines
22 levied as a result of the underlying
23 Property Maintenance Code violations.
24 The Department believes that this
25 violation and associated penalty may

1 6/6/16 - L&I - BILL 160115, etc.
2 serve as a deterrent to property owners
3 who are seeking to avoid the label of a
4 chronically, non-compliant owner and may
5 provide the Department's attorneys with
6 additional evidence in court proceedings
7 against the owners.

8 The Department supports this
9 bill and is prepared to enforce its
10 provision should it become law.

11 That concludes my testimony on
12 Bill No. 160365. Happy to answer any
13 questions at this time.

14 COUNCILMAN DOMB: Thank you.

15 Any questions?

16 (No response.)

17 COUNCILMAN DOMB: I actually
18 have a question for you on this one. I
19 just want to make sure I understand it.
20 If I own a property and I have a
21 violation that I'm not aware of and that
22 I fix it within 30 days, it still counts
23 against me in this bill?

24 MS. SWANSON: No, it would not.
25 It's for ones who are not complied to the

1 6/6/16 - L&I - BILL 160115, etc.

2 point where it starts court proceedings.

3 COUNCILMAN DOMB: Okay. So if
4 you flag something and I fix it and it
5 happens to me three times in a year,
6 that's not counted against me?

7 MS. SWANSON: That would not
8 count, because those cases would be
9 complied. We're looking for open cases.

10 COUNCILMAN DOMB: Right. Okay.
11 Because I may have some. I don't know.

12 Thank you.

13 MS. SWANSON: We understand
14 that that can happen, but as long -- I
15 think that's why we added language that
16 it must be complied, if it's corrected by
17 the property owner, not by the City but
18 by the property owner.

19 COUNCILMAN DOMB: So this is
20 for people who are blatantly in violation
21 who don't conform and we've pointed it
22 out and they just ignore us?

23 MS. SWANSON: Yes, pretty much.

24 COUNCILMAN DOMB: Any
25 questions?

1 6/6/16 - L&I - BILL 160115, etc.

2 (No response.)

3 COUNCILMAN DOMB: Anyone else
4 want to testify on this bill?

5 Yes. Okay.

6 (Witness approached witness
7 table.)

8 MS. YOUNG-GERTZ: Thank you so
9 much. Good afternoon. My name is
10 Christine Young-Gertz. I am the
11 Government Affairs Director of the
12 Pennsylvania Apartment Association. I've
13 submitted some written testimony, but I
14 confess I submitted it a bit late, so
15 I'll take a second to read it into the
16 record.

17 We really appreciate this
18 opportunity. The Pennsylvania Apartment
19 Association is in accord with the spirit
20 and the intent of this bill, but we're
21 concerned with its current language and
22 actually the proposed language for
23 amendment and the possibility for
24 unintentional consequences. We do
25 appreciate the discussions we've had with

1 6/6/16 - L&I - BILL 160115, etc.
2 staff of the sponsors of this bill and
3 our opportunities to express our
4 concerns.

5 Large multi-family rental
6 properties that are managed according to
7 the highest property maintenance
8 standards could still under this bill
9 potentially receive two or more citations
10 for relatively minor, unrelated code
11 violations over the course of two years.
12 Responsible property managers could
13 swiftly correct those violations and
14 still, according to this bill, be
15 unfairly labeled as chronic violators.

16 The stated purpose of the
17 City's Property Maintenance Code - to
18 ensure public health, safety, and
19 welfare - will not be furthered by
20 unjustly labeling responsible property
21 owners who provide quality rental housing
22 to Philadelphians and correct all
23 problems in a timely manner. It wouldn't
24 help at all to label them as chronic
25 violators of the code.

1 6/6/16 - L&I - BILL 160115, etc.

2 The proposed penalties for
3 chronic, non-compliant owners are
4 significant and, therefore, a chronic
5 violation should only be considered as an
6 owner who repeatedly ignores serious
7 property maintenance issues and fails to
8 correct those violations in a timely
9 manner as distinguished from the
10 conscientious owner who routinely
11 corrects problems and makes timely
12 repairs. And my reading of the proposed
13 language I believe still is -- I think
14 the language is still pretty broad and
15 might ensnare responsible owners.

16 For example, if a violation was
17 issued 24 months ago and corrected 23 and
18 a half months ago, a separate violation
19 of a different code provision occurring
20 three days ago can't possibly be
21 considered a subsequent violation, nor,
22 in my opinion, can the owner be
23 considered a chronic violator, as I think
24 this bill would still label them.
25 Chronic violation should be considered

1 6/6/16 - L&I - BILL 160115, etc.
2 serious violations of the same code
3 provision that had not been corrected in
4 the time for compliance as stated on the
5 notices of violation. Once a violation
6 has been addressed, the count of
7 violations in terms of going forward
8 labeling somebody a chronic violator, the
9 count ought to be reset if the violation
10 is corrected in a timely manner, and a
11 written statement to that effect should
12 be issued to the property owner.

13 So we respectfully request the
14 bill be amended to define a chronic,
15 non-compliant owner as one who commits a
16 serious violation of the code provisions
17 listed in a residential property after
18 having been provided notice of prior
19 violations of the same code violations on
20 three or more occasions in the past two
21 years and who fails to correct them,
22 respectfully.

23 As I say, we are in accord with
24 the spirit and intent. We have no wish
25 to stand in the way of the City of

1 6/6/16 - L&I - BILL 160115, etc.
2 cracking down on serious violations and
3 property owners who flaunt the law, but
4 we don't wish to have any responsible
5 property owner ensnared in the label of
6 chronic violator.

7 Thank you.

8 COUNCILMAN DOMB: Thank you for
9 your testimony.

10 The Chair would like to
11 recognize Councilman Greenlee.

12 COUNCILMAN GREENLEE: Thank
13 you, Mr. Chairman.

14 First of all, I believe the
15 questions that the Chairman asked of
16 Ms. Swanson addressed a lot of what you
17 were saying. These are open violations,
18 violations that the people do not clear
19 up in a timely manner.

20 Am I right, Ms. Swanson?

21 MS. SWANSON: That is correct,
22 violations that we must take to court or
23 that the City must abate.

24 COUNCILMAN GREENLEE: So if the
25 property owner left it going that long,

1 6/6/16 - L&I - BILL 160115, etc.
2 with all due respect, they're probably
3 not responsible property owners. If a
4 property owner gets a violation, they
5 clear it up right away, they're not in
6 this world that we're talking about here.
7 We're talking about people who leave
8 stuff go. You said something about a
9 person that got a violation 24 months ago
10 and cleaned it up 23 months ago. Well,
11 that's not -- am I right, Ms. Swanson,
12 that's not what we're talking about here?

13 MS. SWANSON: That is correct.

14 COUNCILMAN GREENLEE: We're
15 talking about somebody that got a
16 violation 24 months ago that didn't clean
17 it up until last month. That's a
18 problem, because by that time, it had
19 gone through the system and gone to
20 court. So somebody gets a violation,
21 they clean it up right away, they're not
22 considered in this legislation at all.

23 Ms. Swanson, can you verify
24 that?

25 MS. SWANSON: That is

1 6/6/16 - L&I - BILL 160115, etc.

2 absolutely correct, Councilman.

3 COUNCILMAN GREENLEE: Thank
4 you.

5 MS. YOUNG-GERTZ: I appreciate
6 that, and at a minimum, perhaps the
7 language could be tweaked to make that
8 absolutely clear. My reading of it did
9 not bring that up.

10 COUNCILMAN GREENLEE: I think
11 it was clear to everybody else, in all
12 due respect, and I think when the
13 Department goes on record saying it,
14 they're the ones that are going to be
15 enforcing it.

16 MS. YOUNG-GERTZ: Any person
17 who violates any provision of the PM code
18 designated in this section, et cetera,
19 with respect to a residential property,
20 after having violated any such provisions
21 and having received notice of such
22 violations on two or more occasions, et
23 cetera. I'm sorry if I missed the part
24 about it being adjudicated in a court of
25 law.

1 6/6/16 - L&I - BILL 160115, etc.

2 COUNCILMAN GREENLEE: Well, if
3 you received it in connection with those
4 violations and you receive more than two
5 violations, that means it is headed to
6 court, am I right, on that violation?

7 MS. SWANSON: That is correct.

8 COUNCILMAN GREENLEE: That's
9 what that means. So you received two
10 violations. You received a violation;
11 you ignored it. You received a second
12 violation; you ignored it on that same
13 problem, the specific problem, and then
14 you're considered chronic. Not if you
15 get a violation; you fix it. You're not
16 considered chronic if you fixed the
17 problem.

18 MS. YOUNG-GERTZ: Well, again,
19 I appreciate your reading of it. It
20 seems to me, though, perhaps it should be
21 tweaked to absolutely make clear that
22 it's been adjudicated and someone has
23 been found guilty of that. They did not
24 correct it within the time required in
25 the citation. Perhaps some language like

1 6/6/16 - L&I - BILL 160115, etc.

2 that could be put in and make it

3 absolutely clear.

4 COUNCILMAN GREENLEE: I guess

5 it could be raised with -- I think

6 Councilman Henon is the main sponsor.

7 That could be raised with him, but I

8 think by the Department going on record

9 what the issue is, I think that clears up

10 any question, in my opinion anyway.

11 Thank you.

12 Thank you, Mr. Chairman.

13 COUNCILMAN DOMB: Thank you.

14 Any other questions from my

15 colleagues?

16 (No response.)

17 COUNCILMAN DOMB: Thank you for

18 your testimony.

19 MS. YOUNG-GERTZ: Thank you

20 very much.

21 COUNCILMAN DOMB: Anyone else

22 want to testify on this bill?

23 (No response.)

24 COUNCILMAN DOMB: Okay. Thank

25 you very much. Thank you.

1 6/6/16 - L&I - BILL 160115, etc.

2 MS. SWANSON: Thank you.

3 COUNCILMAN DOMB: That
4 completes our public hearing. We're
5 going to go into a public meeting.

6 The Chair recognizes Councilman
7 Greenlee for a motion on the amendment to
8 Bill No -- the Chair recognizes
9 Councilman Greenlee for a motion on the
10 amendments today.

11 COUNCILMAN GREENLEE: Thank
12 you, Mr. Chairman. By the way, you did
13 an excellent job.

14 COUNCILMAN DOMB: I was
15 coached.

16 COUNCILMAN GREENLEE:
17 Mr. Chairman, I move the adoption of the
18 amendments to Bill Nos. 160115 and
19 160365.

20 (Duly seconded.)

21 COUNCILMAN DOMB: It's been
22 moved and properly seconded that the
23 amendment to Bill No. 160115 and 160365,
24 as amended, be adopted -- moving that the
25 amendments to the bill be adopted.

1 6/6/16 - L&I - BILL 160115, etc.

2 All those in favor of the

3 motion.

4 (Aye.)

5 COUNCILMAN DOMB: Any opposed?

6 (No response.)

7 COUNCILMAN DOMB: The motion

8 carries and the amendments are adopted

9 for 160115 and 160365.

10 The Chair would like to

11 recognize Councilman Greenlee for a

12 motion on all the bills.

13 COUNCILMAN GREENLEE: Thank

14 you, Mr. Chairman. I move that the

15 following bills be reported out of this

16 Committee with a favorable recommendation

17 and that the rules of Council be

18 suspended to allow for all of them to

19 have our first reading at the next

20 session of Council: Bill No. 160115 as

21 amended, 160468, 160469, 160249, 160303,

22 and 160365 as amended.

23 (Duly seconded.)

24 COUNCILMAN DOMB: All those in

25 favor say aye.

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1 6/6/16 - L&I - BILL 160115, etc.

2 (Aye.)

3 COUNCILMAN DOMB: Any opposed?

4 (No response.)

5 COUNCILMAN DOMB: Those bills

6 are reported out of Committee with a

7 favorable recommendation with a rules

8 suspension.

9 That completes our public

10 meeting.

11 And I will say, it's easier to

12 sell real estate than to do this.

13 (Committee on Licenses and

14 Inspections concluded at 2:50 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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