

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

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, March 21, 2024
1:35 p.m.

PRESENT:

COUNCILMAN MARK SQUILLA, CHAIR
COUNCILMAN MICHAEL DRISCOLL
COUNCILWOMAN JAMIE GAUTHIER
COUNCILMAN JEFFREY YOUNG, JR.

ALSO PRESENT:

COUNCILWOMAN CINDY BASS

RESOLUTION: 240047

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2 COUNCILMAN SQUILLA: Good
3 afternoon, everyone. We will be
4 starting the public hearing on the
5 Committee of Commerce and Economic
6 Development. Today is March 21,
7 2024.

8 All right. I note that the
9 hour has come and a quorum of the
10 Committee is present. To my left
11 is Councilmember Driscoll. To my
12 right is Councilmember Gauthier.
13 Thank you. A quorum of the
14 Committee is present. The hearing
15 is now called to order. This is a
16 public hearing of the Committee on
17 Commerce and Economic Development
18 regarding Resolution No. 240047.

19 Mr. McMonagle, will you
20 please read the title of the
21 resolution.

22 THE CLERK: Resolution No.
23 240047, authorizing the Council
24 Committee on Commerce and Economic
25 Development to hold hearings

1 regarding the Abandoned and
2 Blighted Property Conservatorship
3 Act of Pennsylvania.

4 COUNCILMAN SQUILLA: Thank
5 you. We will now call the list of
6 people to testify. Before we do
7 that, I'd like to recognize
8 Councilmember Young.

9 COUNCILMAN YOUNG: Thank
10 you, Chairman Squilla. As the
11 sponsor of this legislation, I just
12 want to give some opening remarks
13 to the listening public around this
14 particular Act. It came to my
15 attention as an attorney in private
16 practice representing a few
17 property owners who were subject to
18 this Act. Also, was contacted by
19 folks who wanted to pursue and be
20 petitioners in this Act. So I have
21 experience on both sides of it and
22 really wanted to bring to
23 everyone's attention some of the
24 positives that the Act has.

25 We are all for removing

1 blight from our city. I think
2 everyone in this room will be able
3 to agree on that. But there are
4 some, I think for me, fundamental,
5 core and even constitutional issues
6 that I see with the Act, giving
7 that it affects someone's property
8 rights.

9 Act 135 essentially allows
10 a petitioner to divest a property
11 owner of their possession rights of
12 their property, granted the
13 property has to meet certain
14 standards of the Act. However, I
15 just believe that when we are
16 taking possession of property, we
17 are divesting folks of their
18 property rights.

19 There needs to be a little
20 bit more scrutiny placed on those
21 who are seeking to become the
22 possessor of that property. And
23 the way Act 135 is written
24 currently, there is no risk or
25 little risk to a petitioner to file

1 an Act 135 petition.

2 Just to give you all some
3 background on what happens, Act 135
4 allows neighbors, certain
5 nonprofits, certain municipalities,
6 Land Bank, redevelopment
7 authorities to file petition
8 against a property owner in order
9 to restore and abate blighted
10 conditions on a property.

11 If the court finds that
12 your property meets the standards
13 of the Act, which the court goes
14 through a number of standards, and
15 I'll just read a few so folks have
16 an idea of the standards here, but
17 essentially your property cannot
18 have been on the market for the
19 past year, the property has to be
20 deemed -- it could be deemed a
21 public nuisance by the municipal
22 authority or municipal body, the
23 property -- and then there's also a
24 set of standards that the court has
25 to check to see if your property

1 meets the definition of abandoned
2 and blighted.

3 There's nine standards.

4 You have to only find three of them
5 in order for your property to meet
6 the definition of the Act. And so,
7 it's mostly every vacant property
8 in the City will fall underneath
9 the standard of this Act. It's
10 just the way that this law is
11 written.

12 And once your property is
13 deemed to be abandoned and blighted
14 by the court, the property owner is
15 now liable for all of the costs of
16 the petitioner, every single dime
17 that the petitioner puts out plus
18 interest if they take a loan out,
19 because they are able to take a
20 loan out on your property, and even
21 have a priority lien position on
22 any other liens that you have on
23 your property, right.

24 So it's not only we have
25 the right to take possession of

1 your property, we have the right to
2 take a loan out on your property,
3 in some cases in some communities
4 where the property owner themselves
5 would not even have the ability to
6 take a loan out on their
7 properties. And we have a priority
8 mortgage on your property.

9 And so, once the petitioner
10 or the appointed conservator gets
11 possession, they rehab the
12 properties, bring the properties up
13 to code. And once they go through
14 the process, they then have the
15 ability to ask the court to sell
16 the property. And in some cases
17 that I've seen where the properties
18 have been sold, these properties
19 have been sold with the bells and
20 whistles. These were full gut
21 rehabs of properties with very
22 luxurious finishings.

23 And so, when your property
24 is ordered to be sold, there's a
25 list of priority folks who have to

1 get paid back first. You got the
2 municipalities for any back taxes,
3 lienholders, the conservator gets
4 paid all the fees, all attorneys'
5 fees, all engineering fees, the
6 cost of rehab, plus they get a 20
7 percent developer's fee.

8 And then after all of that,
9 then the property owner is left
10 with whatever's left over, right.
11 And so, essentially if I have the
12 means, if I understand development,
13 if I understand how property works,
14 I am essentially able to get a
15 property for free as long as I have
16 the means to put up the upfront
17 capital knowing that I'm going to
18 get paid on the backend, because
19 that's what this law allows. It
20 allows you to get paid -- it
21 mandates that you get paid on the
22 backend, so there's no risk for
23 anyone to divest property owners of
24 their property rights. And me
25 personally, I don't think that

1 that's right.

2 Here in America property
3 rights are essential to what being
4 an American is. They are essential
5 to just the core of this country.
6 I mean, our country went to war
7 over property rights. I mean,
8 let's just think about that.

9 So I just wanted to have
10 this hearing to talk about some of
11 the great things that Act 135 can
12 do for communities, but also talk
13 about the harm that it causes on
14 particularly a lot of low-income
15 communities. When we look at
16 Philadelphia as the largest poorest
17 city in the country, naturally
18 we're going to have a lot of
19 impoverished property owners who
20 just need the means to be able to
21 afford to maintain their
22 properties, have the knowledge and
23 understanding of how to maintain
24 their properties.

25 And I believe that it is

1 government's obligation to help
2 folks maintain and build wealth,
3 not provide opportunities for their
4 wealth to be taken away and
5 stripped. And so, with that I just
6 wanted to show a clip of an article
7 from the Philadelphia Inquirer that
8 just talks about the real effects
9 of Act 135 and the effects that it
10 has on communities, on people.

11 This was brought to my
12 attention as a Councilmember on day
13 1 from some community members in
14 Fishtown. They were asking for any
15 type of help, for anyone to listen
16 to their cause regarding this Act
17 135. And having an understanding
18 being an attorney, I wanted to heed
19 their call, to be their ear to
20 listen to.

21 Although this body does not
22 have the ability to directly affect
23 the Act, we want folks to have the
24 opportunity to talk about it, to
25 discuss it, so we can figure out

1 how to create some changes that
2 need to be implemented in this Act.
3 Again, the idea, the premise behind
4 this Act, it's great. We all want
5 to see blight remediation.

6 In the legislative findings
7 of the bill, it has some great
8 findings. Basically substandard,
9 deteriorating and abandoned
10 residential and commercial
11 industrial structures are a public
12 safety threat and nuisance and
13 their blighted effect diminishes
14 property values in the communities
15 in which these properties are
16 located. I 100 percent agree with
17 that.

18 But again, it's how we deal
19 with the blight. Make sure that we
20 deal with it in a more equitable
21 manner, make sure that property
22 owners have the access and the
23 tools available to them to rehab
24 their properties, to bring their
25 properties back to productive use

1 and have some say in creating that
2 generational wealth that
3 particularly many have lost because
4 of the conservatorship.

5 So, Mr. Pullin, please show
6 just a few minutes of the clip.

7 (Video playing.)

8 COUNCILMAN YOUNG: Yeah.

9 So we're having some technical
10 difficulties with the video.
11 However, this video is publicly
12 available on the Philadelphia
13 Inquirer's website. Essentially
14 what it shows is a Fishtown
15 resident, Ms. Linsey Franklin, and
16 her story regarding Act 135 and how
17 the Fishtown BID filed an Act 135
18 petition against her family's
19 property essentially as a tool,
20 I'll say, to get the family's
21 attention to try to sell the
22 property.

23 The property, I believe, is
24 under agreement to be sold to a
25 developer, but this property given

1 who you talk to is being sold for
2 less than market value, right. And
3 so, just from my understanding of
4 how some of these deals have
5 worked, folks have been feeling
6 like they are being coerced
7 essentially to sell their
8 properties once they are aware that
9 this petition is being filed.

10 Again, if you go through
11 with the Act 135 conservatorship
12 petition fully, you're liable for
13 20 percent developers' fees plus
14 all costs, right. And so, as a
15 property owner, you got to make a
16 decision on is it worth that to you
17 to go through this full process or
18 is it worth to you selling the
19 property.

20 And so, in this particular
21 case this family decided that it
22 was worth it to sell the property
23 albeit whatever the value is. But
24 again once these Acts are filed,
25 folks feel like they're not given a

1 choice to sell or to deal with some
2 of the leverage and an arm's length
3 transaction is being taken away
4 once this Act 135 petition has been
5 filed.

6 So with that, Mr. Chair, I
7 just want to hear from those on
8 both sides of this issue to talk
9 about how it affects them
10 personally, talk about how the Act
11 works in reality and to come up
12 with some solutions that we can
13 make and recommendations that we
14 can make to our state partners to
15 figure out how to make this Act
16 more equitable, more fair but also
17 allow us continually to
18 expeditiously remove blight in our
19 communities.

20 Thank you, Mr. Chair.

21 COUNCILMAN SQUILLA: Thank
22 you, Councilmember. Appreciate
23 you, and this hearing will be I
24 think great information for all of
25 us.

1 Mr. McMonagle, can you
2 please read the first panel to
3 testify.

4 THE CLERK: Yes. Can we
5 please have Michael Gail -- Gall,
6 I'm sorry.

7 (Witness approached Witness
8 table.)

9 COUNCILMAN SQUILLA: Thank
10 you, Michael. And just state your
11 name for the record and then you
12 can proceed with your testimony.

13 MR. GALL: Absolutely. My
14 name is Michael A. Gall with the
15 Department of Planning and
16 Development.

17 COUNCILMAN SQUILLA: Hold
18 on. Put that closer. There you
19 go.

20 MR. GALL: My name is
21 Michael A. Gall with the Department
22 of Planning and Development. Good
23 afternoon, members of the Commerce
24 and Economic Development Committee
25 hearing. I am Michael A. Gall,

1 Senior Legislative Planner with the
2 Philadelphia City Planning
3 Commission.

4 I am here to testify on
5 Resolution No. 240047, introduced
6 into City Council on February 1,
7 2024 by Councilmembers Young,
8 Gilmore Richardson, Bass, Gauthier,
9 Harrity, Phillips, O'Rourke,
10 Driscoll, Landau, Brooks, Ahmad and
11 Council President Johnson. The
12 Abandoned and Blighted Property
13 Conservatorship Act known as Act
14 135 was originally enacted by the
15 Commonwealth in 2008 as a tool to
16 help rehabilitate vacant, abandoned
17 and blighted property by allowing
18 nonprofit entities and individuals
19 to petition a court to act as
20 conservators.

21 In October 2014, the
22 General Assembly amended the Act to
23 further incentivize its use by
24 extending conservatorship to
25 additional parties. The amendment

1 provided a framework for the
2 payment of repair costs and
3 developer fees, shortened the time
4 frame for the court to hold initial
5 hearings and allowed the bundling
6 of properties into one petition for
7 conservatorship.

8 While the Act is still a
9 valuable tool to place neglected
10 properties into productive reuse,
11 the changes to the law have led to
12 some unintended consequences,
13 especially in Philadelphia. The
14 2014 amendment has caused a
15 proliferation of petitions
16 particularly from a few parties.
17 The change has created incentives
18 for repeat petitioners and its new
19 fee structure and reduced
20 notification times are
21 disproportionately impacting Asian-
22 American and Black property owners
23 in Philadelphia.

24 We understand that an
25 amendment being circulated at the

1 state level is attempting to
2 address several of the issues that
3 impacted the proper use of this
4 program on publicly-held land. We
5 support the adoption of commonsense
6 legislative remedies to relieve the
7 encumbrance on these agencies.

8 We also support further
9 amendments to the Commonwealth law
10 as well as direct City actions to
11 reduce impacts on low-income
12 homeowners. The City offers
13 several programs to assist
14 low-income property owners with the
15 often daunting task of coming into
16 compliance with health and
17 maintenance codes, such as its
18 Basic Systems Repair Program, the
19 Restore, Repair, Renew Program and
20 the Adaptive Modifications Program.

21 We would hope that these
22 are seen as the first course of
23 action to prevent the deterioration
24 of properties before they get to
25 Act 135 actions. And in cases

1 where rehabilitation by property
2 owners cannot be encouraged or
3 supported by any other means, Act
4 135 is an opportunity for citizens,
5 organizations and local governments
6 to deal with severe cases of
7 property decay and neglect that can
8 have a blighting effect on local
9 communities.

10 The Department of Planning
11 and Development is ready to work
12 with Council Offices to ensure
13 commonsense adjustments are
14 recommended to address the issues
15 with Act 135 without preventing its
16 benefit as a community tool to
17 address blight. I'll be happy to
18 answer any of your questions at
19 this time.

20 COUNCILMAN SQUILLA: Thank
21 you. Thank you so much for your
22 testimony. How many Act 135
23 conservatorships happen in
24 Philadelphia?

25 MR. GALL: One moment. I

1 have it in front of me. 577
2 petitions were filed since the
3 enactment of the Act.

4 COUNCILMAN SQUILLA: Since
5 2014?

6 MR. GALL: Since 2014 I
7 believe, yes.

8 COUNCILMAN SQUILLA: But
9 you've seen more recently than you
10 did, I guess, back -- how many were
11 this year? Do we know how many --

12 MR. GALL: I don't have
13 those numbers in front of me.

14 COUNCILMAN SQUILLA: Okay.
15 And out of that, you said most of
16 these are filed in underserved
17 communities. So is it by zip code
18 or is it by --

19 MR. GALL: So the numbers I
20 have in front of me is that Black
21 residents own 35.6 percent of the
22 homes in Philadelphia County but
23 account for 42.7 percent of
24 respondents. Asian-American
25 residents own 7.2 percent of homes

1 in Philadelphia County and account
2 for 11.8 percent of Act 135
3 respondents.

4 32.8 percent came from a
5 census block group that the
6 Reinvestment Fund notes as at risk
7 for displacement. And
8 approximately 26.6 percent of
9 addresses subjected to an Act 135
10 petition came from a census block
11 group that the Reinvestment denotes
12 as at elevated risk for
13 displacement.

14 COUNCILMAN SQUILLA: So 36
15 percent you said are from what
16 percentage?

17 MR. GALL: 26 percent of
18 addresses are at elevated risk and
19 another 32.8 are at risk, so
20 different levels of risk from the
21 Reinvestment Fund.

22 COUNCILMAN SQUILLA: So
23 it's almost half?

24 MR. GALL: Yeah, sounds
25 about right.

1 COUNCILMAN SQUILLA: So in
2 that case these have to meet the
3 threshold of the Act 135 in order
4 to be -- they're petitioned and
5 they have met the threshold?

6 MR. GALL: Yes, exactly.
7 These are successful filed
8 petitions that the court accepts.

9 COUNCILMAN SQUILLA: And
10 what would you suggest as an
11 amendment to this state legislation
12 in order to give notice or to be
13 able to prepare folks for the
14 petitioner in a conservatorship?

15 MR. GALL: We do not have a
16 fully fleshed-out set of
17 recommendations, but we are willing
18 to work with Council Offices to
19 explore those ideas.

20 COUNCILMAN SQUILLA: All
21 right. Thank you very much.

22 Councilmember Young.

23 COUNCILMAN YOUNG: Yes.
24 Thank you, Mr. Gall, for your
25 testimony. I do know since you are

1 the lone administrative
2 representative here so I do have a
3 couple of questions. Particularly
4 do you know if the City has ever
5 attempted to file an Act 135
6 petition against a property owner?

7 MR. GALL: I do not know
8 that, Councilman.

9 COUNCILMAN YOUNG: Do you
10 know if the City has ever tried to
11 intervene as a lienholder in an Act
12 135 petition?

13 MR. GALL: Again, I don't
14 have any information on that.

15 COUNCILMAN YOUNG: Yeah. I
16 mean, I think you -- the Land Bank
17 is authorized as an agency that has
18 the ability to file Act 135
19 petitions. Are you aware if the
20 Land Bank chooses to in the future
21 exercise its power to file Act 135
22 petitions?

23 MR. GALL: I can't speak on
24 behalf of the Land Bank. I don't
25 know whether they have any plans

1 for that or not.

2 COUNCILMAN YOUNG: Do you
3 have data on the number of vacant
4 properties that are adjacent to
5 current City-owned properties?

6 MR. GALL: We could get
7 that information to you. That
8 would have to be something our
9 department would look into.

10 COUNCILMAN YOUNG: Thank
11 you. Are you -- I mean, I guess
12 you're the only City representative
13 here. I have questions for L&I but
14 L&I is not here as well or someone
15 that L&I's portfolio falls under.

16 But just for the record, I
17 just want to note that L&I plays a
18 large role in Act 135 petitions.
19 They are our code agency that files
20 complaints against properties that
21 are considered to be blighted,
22 nuisance, code enforcement
23 violations of such. So they play a
24 huge role in determining if a
25 property even meets the standard

1 for Act 135. And so, I just would
2 love to hear what L&I has to say
3 regarding their role in blight
4 remediation in the City.

5 But I don't have any
6 further questions for Mr. Gall.

7 COUNCILMAN SQUILLA: Thank
8 you. Thank you, Councilmember.

9 Real quick, Mr. Gall. Do
10 you know how many of these
11 petitions were filed against people
12 who applied for BSR, Basic System
13 Repairs?

14 MR. GALL: I do not have
15 that information, but we can gather
16 that for you, Chair.

17 COUNCILMAN SQUILLA: Okay.
18 Maybe some of those questions that
19 were provided by Mr. Young, if you
20 could provide them to the Chair
21 when you have some of those
22 answers.

23 Councilmember Gauthier.

24 COUNCILWOMAN GAUTHIER:

25 Thank you, Mr. Chair. And I

1 apologize if -- I'm not sure if
2 this question was asked earlier,
3 but do we have a record of how many
4 of these petitions were filed
5 against people who are living in
6 their properties?

7 MR. GALL: No, we do not
8 have that information. To my
9 knowledge, that is one of the
10 criteria, that the structure is
11 uninhabited.

12 COUNCILWOMAN GAUTHIER: I
13 mean, we definitely in my District
14 have had petitions filed against
15 people who are actually living in
16 their properties, which is one of
17 the issues.

18 MR. GALL: Okay. No, I do
19 not have that information at this
20 time. We can try to look for that
21 for you.

22 COUNCILMAN YOUNG: From my
23 understanding if the property is
24 not vacant, then a petition can't
25 be actively or a judge would not --

1 that property does not fall under
2 the Act if the property is not
3 vacant.

4 COUNCILWOMAN GAUTHIER: I
5 do not misunderstand. We've had
6 petitions filed on properties that
7 constituents are living in, which
8 is traumatic and harassing for the
9 constituents. So I just don't
10 know -- I know that because we've
11 helped constituents in my District
12 with that issue. I don't know if
13 the City is tracking that. That's
14 what I'm asking.

15 COUNCILMAN YOUNG: Okay.

16 COUNCILMAN SQUILLA: All
17 right. Thank you so much.

18 Are there any other
19 questions for this witness?

20 COUNCILMAN YOUNG: I do.
21 So one big issue I think with the
22 vacancies is tangled title. And
23 you mentioned a lot of programs
24 that the City has, the Basic
25 Systems Repair; Restore, Repair,

1 Renew. But again, most of these
2 properties are vacant properties
3 that folks may or may not have
4 equitable title to. Sometimes it
5 is a property that they have
6 inherited and they haven't gone
7 through the appropriate process.
8 And that's an impediment to get
9 service through BSRP; Restore,
10 Repair, Renew and et cetera.

11 And again, if the
12 properties are vacant, then these
13 properties are not deemed to
14 someone's primary residential home
15 where they can then qualify for
16 these programs. So are you aware
17 if the City is willing to loosen up
18 some of those restrictions if a
19 property owner is willing to attest
20 or sign sworn affidavits stating
21 that once these repairs are
22 complete, that this will be their
23 primary residence for an X amount
24 of time?

25 MR. GALL: I can't speak to

1 the willingness of the City
2 Administration to act on that, but
3 we are definitely willing to work
4 with Council Offices to make any
5 changes to the program that you
6 deem necessary for being able to
7 address those sort of actions.

8 COUNCILMAN YOUNG: Thank
9 you.

10 COUNCILMAN SQUILLA: Thank
11 you. And Council will be willing
12 to work with you and the
13 Administration as we go through
14 this hearing to make
15 recommendations to our state
16 colleagues on what they believe
17 would be helpful to make this a
18 better legislation. So thank you
19 for your testimony.

20 MR. GALL: Thank you for
21 your time, Chair, Members.

22 COUNCILMAN SQUILLA:
23 Mr. McMonagle, can you please read
24 the next --

25 THE CLERK: Can we please

1 have Raymond Johnson, Desarrie

2 McDuffie and Erdis Hennigan.

3 (Witnesses approached

4 Witness table.)

5 COUNCILMAN SQUILLA: Ray,

6 if you want to just state your name

7 for the record and then proceed

8 with your testimony.

9 MR. JOHNSON: Certainly,

10 certainly. My name is Raymond

11 Johnson.

12 COUNCILMAN SQUILLA: Please

13 proceed.

14 MR. JOHNSON: Okay. Good

15 afternoon, Council.

16 COUNCILMAN YOUNG: Good

17 afternoon.

18 MR. JOHNSON: My name is

19 Raymond Johnson. I am the owner of

20 Lurube Development, a small Black

21 family-owned real estate

22 development company I started with

23 my late father. In 1999 I began

24 living in the Historic Black

25 Doctor's Row and I was buying

1 property there, restoring them as a
2 way of paying homage to the area's
3 demonstration of Black excellence
4 that preceded me.

5 I'm a craftsman. I
6 approach my work with great
7 attention to detail and artistry.
8 Not only do I hire and work with
9 experienced professionals, I also
10 make sure I involve people in the
11 community.

12 COUNCILMAN SQUILLA: Hold
13 on, Ray. Can you pull the mic down
14 closer to you?

15 MR. JOHNSON: Gotcha.

16 COUNCILMAN SQUILLA: Thank
17 you.

18 MR. JOHNSON: Okay. When I
19 purchased 1700 Christian Street, I
20 had a vision and plans for this
21 historic corner property and I
22 started restoring it with my own
23 money. While I was in the process
24 of restoring 1700 Christian Street,
25 this property formerly owned by one

1 of the first Black undertakers in
2 Philadelphia, Mr. William Bill
3 Allmond in 1913, I was targeted by
4 not one but two baseless Act 135
5 petitions.

6 Act 135 is for abandoned
7 and blighted properties. This
8 property was not abandoned or
9 blighted. In fact, I had complied
10 with City Code that predated Act
11 135, Act 90. And I was performing
12 work far beyond what was required.
13 This was clear to the judge who
14 swiftly ruled in my favor on the
15 first Act 135 petition filed by
16 Scioli Turco because they did not
17 meet the burden of proof, the lis
18 pendens was lifted.

19 Scioli and Turco filed
20 their second petition to take my
21 property not even six months later.
22 I sent some pictures in, but we'll
23 get to that. While I was being
24 subjected to the second petition,
25 again I followed the law, took all

1 the necessary steps to secure my
2 property. In fact, I had bank
3 money ready to go. I was approved
4 for \$440,000 in construction loan
5 from Valley Green/Univest Bank to
6 finish this restoration of
7 property.

8 However, when Scioli Turco
9 filed their second petition as with
10 every petition, a lis pendens was
11 automatically placed on the
12 property. I could not get access
13 to the money approved so I can
14 continue the restoration until this
15 was lifted. I was placed in a
16 catch 22. I was forced to
17 negotiate and pay Scioli Turco to
18 lift this lis pendens on the
19 property that I owned and was
20 already restoring.

21 By the end, I spent out of
22 pocket over 60,000 in legal fees
23 fighting off the petitions. My
24 bank was significantly or pardon
25 me, my bank loan was significantly

1 impacted by this petition and it
2 cost me additional legal fees, tens
3 of thousands of dollars more to
4 fight off a chain of predatory and
5 deceptive practices within the loan
6 process that included bank sales
7 and assignment of my note and a
8 fraudulent transfer of the deed to
9 my property despite the judge's
10 orders not once, not twice, but
11 three times. But for the predatory
12 Act 135 petition, this would not
13 have occurred. I'm still fighting
14 justice.

15 Like I said in the
16 beginning, this property was not
17 abandoned. This property was not
18 blighted. And I asked myself the
19 question, was stealing the intent
20 behind Act 135. I lived and
21 labored through this hard part of
22 ownership of economic development
23 in this area. I build equity and
24 intergenerational wealth in my
25 property. And once it started to

1 look like something attractive,
2 here comes the petitioners, the
3 petitions and the steal.

4 So my suggestion, and I
5 have a few: First and foremost,
6 let's make a motion for a
7 moratorium so we can realign
8 ourselves, so we can have a reset
9 button, so we can examine. I'm
10 open for questions.

11 COUNCILMAN SQUILLA: Thank
12 you for your testimony. If you
13 could stay there and then as soon
14 as Erdis is finished, we'll ask
15 questions to both of you if that's
16 okay.

17 Erdis, if you can just
18 state your name for the record and
19 then proceed.

20 MS. HENNIGAN: Yes. Good
21 morning, Council. I stand before
22 you today to shed light on a
23 person --

24 COUNCILMAN SQUILLA: So,
25 Erdis, just state your name again.

1 MS. HENNIGAN: I'm sorry.

2 Say it again.

3 COUNCILMAN SQUILLA: State
4 your full name.

5 MS. HENNIGAN: I'm sorry.
6 Erdis Colgan Hennigan.

7 COUNCILMAN SQUILLA: Please
8 proceed. Thank you.

9 MS. HENNIGAN: Yes. I
10 stand before you today to shed
11 light on a personal ordeal that has
12 tested me in ways I never imagined.
13 It concerns the conservatorship law
14 Act 135 and its profound impact on
15 my life. While my battle with
16 breast cancer now in remission
17 initially seemed like the greatest
18 challenge, Act 135 emerged as a
19 greater obstacle, imposing
20 emotional, mental, physical and
21 financial strains exceeding those
22 of my chemotherapy treatment.

23 It all began in 2018 when a
24 developer approached me about
25 selling our family home, a place

1 steeped in history located in the
2 historical neighborhood of
3 Lancaster Avenue since my parents
4 acquired it in the 1940s. Despite
5 my firm refusal, the situation
6 escalated when my brother who lived
7 in the house fell ill. Accusations
8 were held against him by the
9 developer leading to his forced
10 commitment to a mental facility
11 after being diagnosed with Stage 4
12 lung cancer.

13 Amidst to chaos, I faced
14 constant harassment regarding my
15 property. Despite my desire to
16 preserve our family's legacy by
17 renovating it for my children, I
18 became ensnared in accusations of
19 fraudulent transfer. As the last
20 living heir entrusted with handling
21 my brother's affairs, the property
22 rightfully belonged to me.

23 The developers' relentless
24 pursuit dragged us through the
25 legal system for five grueling

1 years involving 16 court
2 appearances related to the
3 conservatorship mostly conducted
4 via Zoom due to the pandemic.
5 Despite COVID-19 hindering the
6 rehabilitation process, relief was
7 denied under these circumstances.
8 Additionally, it's worth noting
9 that the developer was outside of
10 jurisdiction residing outside of
11 Philadelphia.

12 Today I urge you to
13 recognize the human toll of Act
14 135, affecting not only my family
15 but countless others facing similar
16 injustices. I've had to depart
17 from a career I held for 22 years
18 and I'm now on disability due to
19 issues caused by this greed-driven
20 legislation. While I retain my
21 property, it's bittersweet. The
22 developer walked away with a
23 settlement of \$29,000 with \$18,000
24 allocated to attorney fees.

25 Moreover I had to provide a

1 \$50,000 bond, a burden I was not
2 expected to bear. Despite not
3 being granted conservatorship, the
4 developer profited from ill-gotten
5 gains. This law is unjust and must
6 be rectified. Thank you for
7 allowing me to share my story with
8 you today.

9 COUNCILMAN SQUILLA: Thank
10 you so much. And hearing those
11 stories, it's really understanding
12 why this bill needs to be looked at
13 and adjusted.

14 MS. HENNIGAN: I also have
15 pictures.

16 COUNCILMAN SQUILLA: Okay.
17 If you want to show them, somebody
18 will come over and pick up pictures
19 that we will submit to the record.

20 MS. HENNIGAN: Okay.

21 COUNCILMAN SQUILLA: All
22 right. Thank you. Right behind
23 you. And I know one of the
24 suggestions was to put a moratorium
25 on there. What other suggestion

1 would you -- yes?

2 MR. JOHNSON: Well, I think
3 one of the things that we should
4 consider -- ready?

5 COUNCILMAN SQUILLA: Please
6 proceed.

7 MR. JOHNSON: Well, one of
8 the things I would think as far as
9 solutions could be to eliminate the
10 immediate placement of lis pendens.
11 Lis pendens, what does that do? It
12 puts a claim on your property and
13 encumbrance you to the claim. It
14 gives the petitioner control. It
15 puts the petitioner in a primary
16 position of control, control over
17 years of equity in your property.

18 The property owner loses
19 control immediately. The
20 petitioner is given more power than
21 the property owner and even if
22 and/or when the claims are
23 justified, the lis pendens has to
24 be either satisfied or withdrawn.
25 That's one thing. Obviously

1 there's many conversations on the
2 20 percent commission clearly is
3 beyond that.

4 Just compensation -- if, in
5 fact, there's going to be some
6 property (inaudible) have to be
7 liquidated. Well, I mean just
8 compensation should be the law I
9 would think. There is no just
10 compensation in this particular
11 process. Why? Because these guys
12 come in, they don't pay for it.

13 I heard the gentleman, the
14 Councilman earlier, very little, if
15 any, risk is being beared. They
16 strip all the equity. You
17 understand, that people are deemed
18 nothing. I don't think that's
19 fair. I think also another idea I
20 think was coming from other folk
21 was notice, notice that there is a
22 problem, there's some violations,
23 could you address them.

24 This was something that was
25 done in Act 90. Act 135 said too

1 slow, okay. And obviously those
2 are some of the five things that I
3 think --

4 COUNCILMAN SQUILLA: Real
5 quick too. Percent -- what time of
6 notice? Is it a 60-day notice?

7 MR. JOHNSON: Pardon me?

8 COUNCILMAN SQUILLA: How
9 long of a notice before --

10 MR. JOHNSON: Councilman, I
11 don't know because I haven't looked
12 at it. But I do know when I was
13 cited with Act 90, man, they gave
14 me 60, 90 days, 120, depending on
15 the level of restoration or
16 violations that had to be
17 addressed.

18 COUNCILMAN SQUILLA: But a
19 notice that it may be --

20 MR. JOHNSON: Pardon me?

21 COUNCILMAN SQUILLA: --
22 that that Act -- a notice that Act
23 135 may be used on your property --

24 MR. JOHNSON: No, no, no.
25 They gave you notice that you are

1 now in an area that's up and
2 coming. This is what they call an
3 emerging market at that time. And
4 so, they would say this property is
5 not, you know, is blighted. They
6 consider -- that's the language
7 they use, a blight act. So they
8 say you need to address it, here,
9 here, the easements, the doors,
10 et cetera. They laid out the
11 criteria. So they gave you time to
12 address it.

13 As a matter of fact -- it's
14 so incredible. I resolved it. I
15 satisfied all violations. That's
16 Licenses and -- all violations on
17 this property. This is back in
18 2010, 2011. Before I can pay the
19 little check \$750, I was cited with
20 Act 135. Okay. So what happened,
21 it was an informa -- this was a
22 data dump. Someone said, okay,
23 this is a blighted property. You
24 satisfied 90. We know you was on
25 the list. Here comes Scioli Turco,

1 Joe Palmer. I don't know this guy
2 from a can of paint. And the
3 aggressive, unlawful, egregious
4 behavior. I have the receipts.

5 COUNCILMAN SQUILLA: Thank
6 you. Thank you very much.

7 I'll go to Councilmember
8 Gauthier.

9 COUNCILWOMAN GAUTHIER:
10 Thank you, Mr. Chair.

11 I wanted to thank both of
12 you for sharing your testimony.
13 I'm really sorry that you had to go
14 through such harrowing experiences
15 and I also appreciate, Mr. Johnson,
16 all of the recommendations that you
17 issued.

18 I specifically wanted to
19 address Ms. Erdis. I know that my
20 office has been working with you
21 around this issue and I'm really
22 glad that you fought to keep your
23 property because that's your right.
24 You deserve ownership of your
25 property, but this never should

1 have happened, particularly because
2 you were doing everything in the
3 right way. You were trying to
4 untangle the title. You were
5 trying to make repairs to the
6 property.

7 And so, in this instance
8 this was definitely used in a very
9 predatory manner and I think it's
10 shameful. We should not allow for
11 people in our communities who are
12 already dealing with a host of
13 issues, whether that may be health
14 or just struggling to get by every
15 day to be preyed upon in this
16 manner just because they live in a
17 neighborhood that someone has
18 deemed as desirable and profitable
19 for them. So I'm really sorry that
20 that happened to you and that you
21 had to experience that on top of
22 your health challenges.

23 MS. HENNIGAN: I just
24 wanted to ask if someone is out of
25 jurisdiction how did that court

1 case continue to go on because the
2 second court hearing he was deemed
3 out of jurisdiction? We went on
4 for 16 court appearances. How is
5 that fair when he does not live in
6 the City of Philadelphia?

7 COUNCILMAN YOUNG: Yeah.

8 So I'm not aware of your court case
9 specifically, but the law does
10 allow for -- if he owns property
11 anywhere within your vicinity, then
12 he's able to be recognized as a
13 party of interest.

14 MS. HENNIGAN: Okay.

15 COUNCILMAN YOUNG: As long
16 as he owns property within I
17 believe it's 2,000 feet, they're
18 considered to be parties of
19 interest and may have the ability
20 to file the Act 135 petition.

21 MS. HENNIGAN: Because as I
22 mentioned, this started in 2018.
23 He started accusing my brother of
24 things. Not to mention they were
25 friends before all this even

1 started. My brother became ill.
2 He passed away. Before he passed
3 away, I had to get everything in
4 order so that was the first court
5 we went to.

6 The judge -- he tried to
7 say I fraudulently transferred the
8 deed. The judge said, no, I had to
9 put my brother's affairs in order.
10 He wanted my brother to sell me the
11 property for what it was worth, not
12 the dollar transfer. So he said I
13 committed fraud. Well, if I did,
14 everybody in the City of
15 Philadelphia did because people do
16 dollar transfers with their family
17 all the time. So the judge said,
18 no. He did, however, win a \$50,000
19 lawsuit against my brother for
20 defamation of character.

21 But at the time I owned the
22 property so my brother passed away,
23 so he couldn't get anything that
24 way. So here he comes, the next
25 thing he did was file a

1 conservatorship because of the
2 first court thing. I was in court
3 with him from 2018 until last year
4 2023.

5 First, it was my brother's
6 case but my brother was no longer
7 here. He passed. So I had to take
8 over all of that. And then he
9 filed the conservatorship during
10 COVID so I wasn't even -- I know it
11 was, you know. I had filed for
12 funding which I was approved for
13 like December 2019. My brother
14 died July 2019. I even went to
15 Germantown to learn how to do the
16 rehabs and everything, Jumpstart
17 Germantown, even took those classes
18 because I didn't really know what I
19 was doing but they explained
20 everything to me.

21 So 2019 my brother died
22 July. I was approved for funding
23 like December. And then 2020 COVID
24 hit so all the funding stopped. So
25 at this point he files the year of

1 COVID for this conservatorship
2 because he didn't win the first
3 case like he wanted to. So that's
4 predatory to me. That's what I'm
5 talking about. This is awful what
6 I had to go through. It is
7 absolutely awful.

8 And I'm not blaming any of
9 the attorneys on either side that
10 they're on. They have a job to do.
11 But this Act right here, something
12 has to be done about it.

13 COUNCILMAN SQUILLA:
14 Councilmember Gauthier.

15 COUNCILWOMAN GAUTHIER:
16 First, I'm sorry about your
17 brother's passing.

18 MS. HENNIGAN: Thank you.

19 COUNCILWOMAN GAUTHIER: I
20 did want to just address the
21 comment about the sort of
22 geographic. One of our concerns is
23 the geographic radius related to
24 the Act. So currently someone can
25 file a petition on a property

1 within a multiple-mile radius. And
2 we think that also invites
3 speculation. That also invites
4 predatory behavior and it also sort
5 of works against the original
6 intent of Act 135, which is to have
7 people who live in a community be
8 able to revitalize that community.
9 So I definitely think that's one
10 area of the Act that needs to be
11 looked at.

12 MS. HENNIGAN: I think the
13 bond also needs to be looked at.
14 Who has \$50,000 to just put down on
15 a bond? Thank God for my family
16 and friends because I don't know
17 how I would have did it. But I
18 don't just have \$50,000 I can put
19 on a bond just to keep my property.

20 COUNCILWOMAN GAUTHIER:
21 Absolutely.

22 MS. HENNIGAN: That's not
23 right. I don't think that's fair.
24 I was making over \$100,000 a year.
25 Now, I'm out on disability. But I

1 still have to pay the \$29,000 which
2 I'm going have to go on a payment
3 plan. That attorney still deserves
4 to be paid and I have to pay the --
5 forgive me. The developer, I still
6 have to pay the developer. But now
7 I'm out on disability. This is
8 crazy.

9 COUNCILWOMAN GAUTHIER: I
10 think what you shared, what both of
11 you have shared are some of the
12 most striking examples of why we
13 need change here. So thank you so
14 much.

15 MS. HENNIGAN: Okay. Thank
16 you.

17 COUNCILMAN SQUILLA:
18 Councilmember Young.

19 COUNCILMAN YOUNG: Yes.
20 And just for the record, I just
21 want to note once an Act 135
22 petition is filed, a lis pendens is
23 essentially given to you as a right
24 to be placed on a property. And
25 so, what a lis pendens is

1 essentially a term for pending
2 litigation in Latin. It lets the
3 world know that there is litigation
4 involving your property.

5 And so, if you're trying to
6 get any financing, if you're trying
7 to sell the property, it becomes an
8 encumbrance on your property that
9 makes it more difficult for you to
10 move out with those transactions.
11 So it puts the world on notice that
12 essentially this property is
13 subject to litigation and no one's
14 going to really do business with
15 you or transact business with you
16 regarding your property as long as
17 it is pending in litigation. So
18 that's something that places
19 another burden on the property
20 owner.

21 And as the witness
22 testified to a bond, the language
23 in the Code says the court shall
24 make the petitioner pay a bond
25 essentially, right. And a bond is

1 whatever the cost of rehab would
2 be, you have to place that money in
3 bond if you are appointed or you
4 are granted what's called
5 conditional relief to rehab the
6 properties yourself. So that's
7 another financial burden that's
8 being placed on the petitioner, the
9 owner of this property, again with
10 little to no financial burden on
11 the folks who filed these
12 petitions.

13 MR. JOHNSON: Pardon me.
14 Before we conclude, I think what
15 we're talking about is the abuse.

16 COUNCILWOMAN GAUTHIER:
17 Absolutely.

18 MR. JOHNSON: We understand
19 procedurally some of the
20 characteristics of that. And on
21 the surface it's a really good Act.
22 I have written former Councilperson
23 Petri in reference to this back in
24 2015, 2016. It is the abuse. It
25 is the bad actors. These are the

1 folks that are creating straw
2 corporations. These are the folk
3 that are like insider trading.
4 These are the folks that are
5 influencing and affecting Licenses
6 & Inspections. Okay. I got the
7 receipts.

8 How can you have a property
9 where you approve permits and then
10 when someone get assigned a
11 mortgage, I know my time, and now
12 they're magically rescinded. So
13 this is just the first. It is the
14 abuse. It is the corruption that
15 people are having issues with. And
16 so, those are the things we got to
17 look at. But those are the bad
18 actors, so how do we make them
19 accountable.

20 COUNCILMAN SQUILLA:
21 Councilmember Gauthier.

22 COUNCILWOMAN GAUTHIER: I
23 agree. It's about the abuse,
24 right, the abuse of Act 135. I
25 don't perceive any of us as saying

1 that it's all bad. In fact, I've
2 seen it used in a positive way,
3 right. In particular, there was a
4 house on Walton Street in Southwest
5 Philadelphia in my District that
6 was abandoned and there were drug
7 sales happening at this property,
8 there were shootings connected to
9 this property. The neighbors on
10 the block reached out to me. I did
11 everything I could for almost a
12 year to bring the police together
13 with the neighbors, to bring L&I to
14 the table to see what we could do
15 to shut this activity down and put
16 this property back into productive
17 use for these neighbors.

18 We couldn't do it. We
19 couldn't do it. Tax sales weren't
20 happening. There was log jam in
21 the court so all of our L&I
22 citations weren't able to move
23 forward in the courts. And the
24 neighbors, they worked with Scioli
25 Turco to file a petition and they

1 were able to get this property and
2 put it back into productive use and
3 now that activity has ceased.

4 So that was a very positive
5 example, and that was an example of
6 where Act 135 was like the only
7 tool available to us to make that
8 block safe again. But what you
9 described and what Ms. Erdis
10 described is not. It's very
11 predatory. And that's the Act's
12 activity that we have to strike
13 out.

14 MR. JOHNSON: In response
15 to that, Councilwoman, we're
16 talking about the
17 disproportionate -- I can cite some
18 cases where they did the right
19 thing, you understand, they did
20 everything to letter. But I can
21 assure you that the abuse far
22 outweighs the good.

23 COUNCILWOMAN GAUTHIER:
24 Yeah.

25 MR. JOHNSON: My property

1 is worth \$1.45 million. I'm
2 fighting now. I'm fighting now.
3 Meaning that it was fraudulently
4 transferred.

5 COUNCILWOMAN GAUTHIER:
6 Yeah.

7 MR. JOHNSON: Not
8 fraudulently transferred very
9 important against judge's orders.

10 COUNCILWOMAN GAUTHIER:
11 Absolutely. This being used to
12 steal wealth from Black and Brown
13 people is absolutely what we have
14 to stop, right. That's not a
15 productive use and that wasn't the
16 original intent.

17 COUNCILMAN SQUILLA:
18 Councilmember Young.

19 COUNCILMAN YOUNG: Yes.
20 And I just want to echo the
21 sentiments of my colleague. In
22 your sentiments as well, it's the
23 abuse that is causing issues which
24 has brought this to my attention.
25 I represented a client where for

1 some reason he gets his taxes at
2 his address, but for some reason
3 L&I notices go to the property,
4 right, why is that. He had no idea
5 that the property had official code
6 violations against it because they
7 were sending it to the property
8 where he does not live. But he
9 gets his taxes where he lives. He
10 gets other notifications from the
11 City where he lives.

12 And so, I just think that
13 it's important to bring L&I into
14 this conversation which is why I
15 was hoping they would be able to
16 testify today to talk about how
17 they provide notification to
18 property owners about certain
19 violations and things like that.
20 So it is the abuse that we are
21 trying to eradicate. But we want
22 to make sure that folks -- because
23 the abuse is what is draining the
24 equity from our property so we want
25 to make sure that we get rid of

1 this abuse.

2 MR. JOHNSON: Just -- and I
3 know I've taken far too much time,
4 but we're talking about Licenses
5 and Inspections that's been
6 weaponized. That would be a more
7 appropriate way how it is done.
8 I've taken far too much time right
9 now, but I have the receipts. I
10 know weaponization when I see it.
11 Okay. So we're talking about that.

12 And I understand we got
13 some -- it's a very dysfunctional
14 kind of organization over there and
15 we're trying to get that back in
16 some kind of order, but until then
17 they're being exploited and
18 weaponized. That's a couple
19 things.

20 COUNCILMAN YOUNG: Thank
21 you. I really appreciate your
22 testimony today. You said some
23 insight to a lot of things.

24 MR. JOHNSON: Thank you.

25 COUNCILMAN YOUNG: Of

1 course.

2 THE CLERK: Can we please
3 have Pilla Parker and Shane
4 Randall.

5 (Witnesses approached
6 Witness table.)

7 COUNCILMAN YOUNG: Okay.
8 Thank you. Please proceed with
9 your testimony.

10 MS. PARKER: Good morning.
11 My name is Pilla Parker
12 representing Elizabeth Cox, my
13 grandmother who owned the property.
14 All right. I'm pleased to provide
15 additional context and information
16 regarding our experiences with Act
17 135 and the petitioning nonprofit
18 organization.

19 Before sharing our
20 testimony, we would like to
21 sincerely thank Penn Law Center for
22 their efforts and Powelton Village
23 Civic Association for all their
24 support, particularly Deb McCarty.
25 The articles published by The

1 Inquirer provide a summary of
2 varying experiences and the
3 disparity demonstrated regarding
4 race and ethnicity.

5 The articles were well-
6 written but they failed to
7 adequately share our experiences
8 with Scioli Turco, particularly the
9 attorney and the staff of the
10 organization. Additionally, the
11 articles failed to address the lack
12 of oversight and support from
13 public officials, particularly
14 support for Philadelphia's elderly
15 community.

16 And I shared some articles,
17 artifacts. But attached are a
18 series of emails between myself and
19 Rick Vanderslice, the attorney
20 representing the organization. The
21 emails provide an overview of our
22 experiences. Additionally, you
23 will see several public officials,
24 including Assistant District
25 Attorney were contacted along with

1 the Councilmember's office. No one
2 responded to my emails or
3 voicemails left. Concerns were not
4 addressed.

5 The emails shared in the
6 following bullets further support
7 our claim that the organization and
8 similar organizations are simply
9 property predators who are thirsty
10 for high-value historic properties
11 owned for generations by African
12 American families in the name of
13 urban renewal.

14 The family not only
15 questions the merits of the law but
16 also questions the practices of the
17 organization that start to steal
18 the family home. We also
19 questioned the nonprofit status of
20 the organization and the parent
21 organization. Is the parent
22 organization tasked with assisting
23 people or simply a fraudulently-
24 formed nonprofit to claim the
25 wealth of the community it's tasked

1 to support.

2 Please note the following
3 in our experiences: On December
4 24, 2022 we had a devastating fire
5 in the family. The entire house
6 was destroyed by fire except for
7 the first floor and the basement.
8 Three months later I received an
9 email -- I live in Maryland. I
10 received a petition via mail that
11 was sent to me addressed to the
12 unknown heirs of 3802 Effie Fox
13 Way, Upper Marlboro, Maryland where
14 I reside.

15 No name was provided. No
16 additional information is included
17 in the addressee portion of the
18 letter. It was only by the grace
19 of God that I opened the letter.
20 To me, an example of fraudulent
21 deceptive practices. Upon review
22 of the letter, the documentation
23 submitted to the courts and the
24 petition there's no evidence that
25 the home was legally vacated for

1 over 12 months.

2 So I received the letter,
3 and it said to the heir of 3802
4 Effie Fox, no addressee, nothing
5 listed. My grandmother had to
6 relocate to live with me in
7 Maryland because the home was under
8 remodeling, renovation. Aside from
9 the written claim, no evidence was
10 submitted to justify this condition
11 in their petition.

12 Several of the images
13 presented in the petition were
14 taken within two weeks of the fire
15 as noted by the Christmas
16 decorations I see on sidewalks and
17 the lack of boarded-up windows.
18 The documentation submitted for L&I
19 clearly indicates blight, but it
20 also states December 24, 2022 as
21 the date which is the date of the
22 devastating fire. The petition was
23 received March 2023, so within
24 three months.

25 Although highly

1 inappropriate and (inaudible), the
2 organization requested evidence
3 that the home was in remediation,
4 restoration. It was provided.
5 What's most alarming is that we had
6 to justify that the home was not
7 vacant prior to the fire, but that
8 this organization can simply state
9 in their petition that a public
10 search was completed without
11 evidence. And we spent resources
12 to combat the property predators.
13 Further evidence of fraudulent and
14 predatory practices, especially on
15 the elderly.

16 Although evidence was
17 provided to the attorney as noted
18 in the supporting evidence shared,
19 he was not willing to withdraw the
20 petition. He only withdrew the
21 petition once he spoke to the
22 president of Powelton Village Civic
23 Association Deb McCarty. The
24 evidence, insurance claims,
25 et cetera were not enough. He

1 relied on the word of a community
2 ally who knew the family and not on
3 my word or the evidence provided.

4 One could question the
5 systematic racism from the example
6 alone. The attorney discussed the
7 case freely without my permission,
8 agreed to waive the petition only
9 after discussion with the community
10 ally who happens to be Caucasian.
11 Our written evidence and images
12 were not enough. The attorney
13 indicated that I needed to have our
14 attorney respond to him. An
15 experience reminiscent of the days
16 gone by when African Americans'
17 freedom and community standing need
18 to be vouched for by a benevolent
19 person of European descent.

20 A public search shows
21 Warren Cox, who's my uncle, also
22 lived at the residence along with
23 Elizabeth Cox, my grandmother. In
24 the documentation submitted to the
25 court, there is no evidence aside

1 from statements that a public
2 search was actually committed. A
3 simple knock on the neighbor's door
4 and contact with the Historical
5 Society would have informed them
6 that the home was occupied. This
7 is further evidence that this
8 organization had no interest in
9 truths or facts that two family
10 members lived there, my grandmother
11 and uncle.

12 Mail was delivered to the
13 home until January 2023 as
14 documented by the forwarding
15 address. All utilities were up-to-
16 date. There were no liens on the
17 property. Insurance was maintained
18 and property taxes were paid in
19 full. No neighbors were contacted
20 despite the comments made by Joe
21 Palmer. As an active member of the
22 community for 70 years, they would
23 have confirmed the occupancy of my
24 family, not to mention that the
25 Daily Newspaper, the Philadelphia

1 Inquirer was regularly distributed
2 there. Who's paying for the
3 delivery of a newspaper for a year
4 in a vacant home?

5 What's most alarming is
6 that we have to justify that the
7 home once again was not vacant
8 prior to the fire, but this
9 organization can simply state in
10 their petition that a public search
11 was done and completed without
12 evidence and we have to spend
13 resources to combat the predators.

14 They also said my uncle was
15 a squatter. As I mentioned, a
16 simple knock on doors would
17 indicate that he was not. Further
18 evidence of fraudulent predatory
19 practices, especially on the
20 elderly. There is no coincidence
21 that the Philadelphia Historical
22 Commission designated the property
23 as historic in the release of its
24 March 13, 2023 Philadelphia
25 Register of Historic Places. A

1 week or so later the petition was
2 filed.

3 There are plenty of homes
4 across the City that Scioli Turco
5 doesn't appear interested in
6 restoring. Please note the lis
7 pendens is dated March 23, 2022 not
8 '23, which shows there's really no
9 oversight in terms of documentation
10 submitted. In November 2023 the
11 organization changed its name. If
12 it's doing such great work, why the
13 name change.

14 Recommendations: Better
15 oversight is needed and financial
16 resources to address the blight;
17 better oversight and review of
18 documentation. We question the
19 true process to really review the
20 documentation submitted to confirm
21 blight is actually in place and
22 that this organization has
23 submitted the appropriate
24 documentation. Also, community
25 arbitration before court. There

1 should be a way to discuss the
2 concerns before having to spend
3 time, resources to combat it in a
4 court.

5 Support for elderly
6 homeowners. It's just by the grace
7 of God I looked at the message.
8 She did not receive any
9 documentation. It was mailed to me
10 without name, without context and I
11 searched Google, right. I Googled
12 it, but how many 98-year-olds can
13 do Google, right. Then more
14 responsive body of public
15 officials. So we do thank you for
16 taking the time to hear this case.

17 COUNCILMAN SQUILLA: Thank
18 you. We'll wait for questions and
19 comments until you're done
20 testifying.

21 Please state your name for
22 the record and proceed.

23 MR. RANDALL: Thank you.
24 My name is Shane Randall.
25 Greetings, City Council. I'm a

1 law-abiding citizen and taxpayer of
2 Philadelphia, born and raised here.
3 I'm a social worker and first
4 responder. I've been a social
5 worker for 20-plus years and I
6 consider myself a person who helps
7 beautify the City through building
8 souls and lives.

9 That's what I was trying to
10 do with my family home, rebuild it
11 and make it beautiful. Then I was
12 served with an Act 135 petition and
13 everything went wrong. 712 South
14 23rd Street has been in my family
15 since the 1920s. Most recently my
16 mom lived there. It's where she
17 grew up. She moved out,
18 transferred the deed to me.

19 It was going to be my
20 family's dream home. I felt
21 special and honored that I'd be
22 living in the house where my
23 ancestors lived. The house has so
24 much character, history, so many
25 stories. In 2016 I started work.

1 I hired an architect in 2017 and a
2 contractor in 2018. Displayed
3 their permits in the window.

4 In the summer of 2018, I
5 received a call from someone who
6 wanted to purchase my home. I said
7 no. A few months later I received
8 an Act 135 petition and thought it
9 had to be a mistake. The court
10 process was a nightmare. I was
11 painted as an absentee homeowner
12 who didn't care about his own home.
13 My opponent painted my contractors
14 as junkyard dogs that didn't know
15 what they were doing, even though
16 they are well-experienced licensed
17 contractors that came highly
18 recommended.

19 I wondered was I being
20 taken to court because of what I
21 looked like, was it because they
22 were African American. Back then I
23 was a first responder with the
24 Philadelphia Fire Department in
25 Kensington. I didn't have the

1 means to hire a high-powered
2 attorney to fight their three to
3 four attorneys who came to court.

4 Based on what the other
5 side argued, I had to attain a
6 special make-safe inspector from
7 L&I and hire my own engineer. They
8 both said my home wasn't in any
9 danger of collapsing, the
10 neighbor's house wasn't in any
11 danger and I had no structural
12 issues to be concerned about. My
13 home was safe. Even though I had
14 that on record, the judge made
15 Scioli Turco the conservator.

16 You might say to yourself
17 maybe there was another problem,
18 the house needed work. My home sat
19 untouched for almost two years
20 before they started renovations.
21 So much from my home collapsing,
22 being a hazard to the neighbor's
23 home and causing blight to the
24 neighborhood. At the rate they
25 moved, I would have finished my own

1 renovation, built two decks and my
2 family would have been living in my
3 family ancestral home for over a
4 year.

5 I was granted conditional
6 relief so I did all the
7 renovations. They wanted me to
8 stucco the rear of the house. I
9 stucco'd the rear of the house.
10 They wanted me to point the bricks.
11 I pointed the bricks. They wanted
12 me to paint the house. I painted
13 the house. They wanted me to seal
14 the windows. I bought new windows.
15 I went above and beyond to satisfy
16 my conditional relief.

17 I brought pictures for
18 evidence to court. The petitioner
19 pointed out tiny problems with the
20 work. The court believed them, not
21 me. And just like that my
22 conditional relief was revoked. I
23 was devastated. In court my
24 adversaries labeled me as someone
25 with no credibility, no integrity,

1 no honesty, when in fact all along
2 it was them.

3 I lost my job with the
4 City. I was spending thousands of
5 dollars before the petition was
6 brought. I spent thousands of
7 dollars to try to defend the
8 property, make the required
9 repairs. As the years went by and
10 I kept fighting for my ancestral
11 home, I started to feel like I
12 wasn't just fighting a plaintiff.
13 I felt as though they had the whole
14 city behind them and I had no one.

15 These companies taking
16 advantage of regular people is
17 leading to gentrification,
18 displacement and segregation. Why
19 do you want a segregated city? The
20 data is out there that segregated
21 cities do not work. The cities
22 that are segregated are trying to
23 integrate because in the end, it
24 causes more problems.

25 The findings from Penn

1 prove this law is not being used
2 properly. People are being
3 discriminated against and preyed
4 upon. I appreciate the late Chris
5 Sample and Council President
6 Kenyatta Johnson for their efforts
7 in trying to advocate for me, but
8 more must be done. No one else
9 needs to be a victim of this. You
10 have the power. Please use it and
11 help those of us who unfairly lost
12 their properties because of this
13 law. Thank you for your time.

14 COUNCILMAN SQUILLA: Thank
15 you. Thank you both for your
16 testimony, Mr. Randall and
17 Ms. Parker. Hearing those concerns
18 really adds to the I think
19 necessity of having our state
20 legislators look at this in a way
21 that could address what we're
22 hearing today. So thank you for
23 that.

24 Councilmember Gauthier.

25 COUNCILWOMAN GAUTHIER:

1 Yeah. I wanted to thank you both
2 for sharing your testimony as well.
3 I'm really sorry that you had to go
4 through that.

5 Ms. Parker in particular,
6 who your property is in my
7 District, I'm glad we were able to
8 provide you with a letter of
9 support for your hearing, but I'm
10 really sorry that you had to
11 experience all of that. The
12 petition --

13 MS. PARKER: With all due
14 respect, no one from your office
15 responded when we requested
16 assistance at the time.

17 COUNCILWOMAN GAUTHIER: Oh,
18 my Director of Equitable
19 Development said we provided a
20 letter of support for the hearing
21 and we invited you here today or am
22 I missing --

23 MS. PARKER: No.

24 COUNCILWOMAN GAUTHIER:
25 Okay. I'm sorry if we erred in

1 some way. I'm receiving different
2 information, but I'm also sorry
3 that that happened to you in the
4 first place. And I appreciate all
5 of the recommendations that you
6 gave. Thank you so much. We'll
7 definitely take that into account,
8 and I think those are good
9 recommendations for how we should
10 be considering this law moving
11 forward.

12 MS. PARKER: And I have to
13 be honest, what's most alarming is
14 that when it was happening, I
15 really did email and contact
16 everyone that we could think of and
17 no one provided any support, no
18 advocacy. Provided documentation
19 to the attorney and the way they
20 approached it was very smug and it
21 was most alarming that this is
22 supposed to be a nonprofit, right.
23 So a nonprofit is tasked with
24 supporting the people that's
25 supposed to serve.

1 COUNCILWOMAN GAUTHIER:

2 Yeah.

3 MS. PARKER: But they're
4 making profit. And the question is
5 what are they doing with the
6 profit, you know. What's the
7 salary. I mean, has anyone
8 reviewed this, looked at the 990 to
9 see exactly how much are they being
10 compensated for all this work. If
11 they really are nonprofit, you're
12 supposed to help with property
13 retention, support, remediation,
14 remodeling. That's what other
15 cities are doing.

16 Other cities are offering
17 grants to elderly homeowners to
18 rebuild, remodel, recognizing that
19 property values and taxes have gone
20 up, but they're not doing it. And
21 I just hope this conversation is
22 not on deaf ears and that you do
23 make a difference and change.

24 COUNCILWOMAN GAUTHIER:

25 Absolutely. First of all, I do

1 apologize for any miscommunication.
2 I'm really being told something
3 different and we would have wanted
4 to support you in any way that we
5 could in something happening to you
6 that was so unjust.

7 On the other issue of
8 support to residents, we do provide
9 grant support for residents to do
10 critical repairs to their homes.
11 It's a pretty popular City program
12 called Basic Systems Repair, but it
13 does get oversubscribed.

14 MS. PARKER: Yeah, but you
15 have to meet a certain economic
16 level. So if you're not
17 disenfranchised, you're not in
18 poverty, you don't qualify for
19 certain support. So as my
20 grandmother who's brilliant,
21 retired from the IRS she doesn't
22 meet some of the guidelines and
23 requirements, so how does she get
24 support. How do someone at 98
25 years old navigate systems to get

1 support for building -- and it's
2 only because she put my name as
3 next of kin in City Hall on
4 documentation that I'm even, one,
5 able to advocate for her and, two,
6 that they know I existed, right.

7 But how many people who are
8 elderly did not have that mindset
9 to do that. So there are a lot of
10 properties being lost and people
11 don't even know about it because
12 there's no true system in place to
13 support the elderly especially.

14 COUNCILWOMAN GAUTHIER: I
15 understand. Thank you so much.

16 MS. PARKER: No problem.

17 COUNCILMAN SQUILLA:
18 Councilmember Young.

19 COUNCILMAN YOUNG: Yes.
20 Thank you. I want to thank you
21 both for your testimony and, again,
22 echo the sentiments of my
23 colleague. We're sorry that you
24 had to go through this. As I
25 stated before, I've represented

1 clients trying to protect their
2 properties from Act 135, so I know
3 the emotional toll that it plays on
4 folks, particularly when you feel
5 like you're being taken advantage
6 of and you're being preyed upon.

7 But a question for
8 Mr. Randall. You had permits to
9 renovate your property and was
10 actively in a renovation process
11 and your property was still found
12 to be abandoned and blighted?

13 MR. RANDALL: That's
14 correct. I had contractors,
15 permits. I had everything that you
16 need to complete a renovation in
17 the City and they were still able
18 to bring the petition up front to
19 court and I still had to hire an
20 attorney and everything to fight
21 it.

22 COUNCILMAN YOUNG: Thank
23 you. Just wanted to get that on
24 the record. I do think that one
25 change that we can advocate for in

1 the Act is that if there are active
2 permits of renovation, that it does
3 not meet the standard of the Act
4 because currently I don't believe
5 that's mentioned in the Act now.

6 But that's something that I'll look
7 to advocate for and make some
8 changes to. So thank you for that.

9 COUNCILMAN SQUILLA: Thanks
10 again for your testimony and
11 advocacy.

12 Mr. McMonagle, can you
13 please read the next panel to
14 testify.

15 THE CLERK: Yes. Can we
16 please have Paul Toner, Michael
17 McIlhenny and Richard Vanderslice.

18 (Witnesses approached
19 Witness table.)

20 THE CLERK: Then we'll
21 bring up Beth Grossman since she's
22 already walking up.

23 COUNCILMAN SQUILLA: Good
24 morning, Paul. If you want to just
25 start. State your name for the

1 record and then proceed with your
2 testimony.

3 MR. TONER: Good afternoon
4 and thank you all for your time.
5 Act 135 is a very important Act for
6 the City of Philadelphia and for
7 the residents of the City of
8 Philadelphia. And before I get
9 into my presentation, I'd first
10 like to acknowledge that the
11 testimony we heard here today is
12 incredibly important for
13 understanding Act 135.

14 The Act does and certainly
15 does impact individuals in a
16 meaningful way and I'm not here to
17 state anything on what I heard in
18 terms of their personal
19 experiences. They weren't my
20 clients. I knew nothing about
21 their cases. They're certainly
22 good people and they had a story to
23 tell. So I'm glad I was able to
24 hear their story today.

25 What I'm here to talk about

1 today is the legal side of Act 135
2 and I've presented written remarks.
3 They're in the record, and I'm not
4 going to read them verbatim. But
5 I'd like to highlight a couple most
6 salient points.

7 One, there is a really high
8 legal burden for the appointment of
9 a conservator. The court system
10 has a direct involvement in every
11 single Act 135 case from the time a
12 petition is filed through to
13 whether there's an important
14 appointment or there's a dismissal.
15 And today we heard what appeared to
16 be some overreaches of Act 135.

17 And again, I don't know the
18 particulars of those cases, but
19 what was heartening to hear is that
20 the system in some ways seem to
21 have worked. When an action was an
22 overreach, the petitions were
23 dismissed. They weren't successful
24 petitions. And so, as we look at
25 Act 135, you can't ignore the fact

1 that the system is set up for
2 direct court involvement.

3 Some of the most well-
4 respected and distinguished jurists
5 in this City have been tasked with
6 the oversight of Act 135, including
7 two that ascended to the position
8 of President Judge of the
9 Philadelphia Court of Common Pleas.
10 And in terms of the burdens for Act
11 135, a comment was made earlier
12 that basically every vacant
13 property qualifies for Act 135 and
14 I couldn't disagree more with that
15 statement.

16 In order for a property
17 under the burdens of Act 135, the
18 way the judges here in Philadelphia
19 implement the law and the way the
20 law is implemented throughout the
21 Commonwealth of Pennsylvania, in
22 order for a property to actually be
23 subject to a conservatorship
24 appointment it has to be a
25 dangerous property. We're talking

1 about properties that impose a
2 direct negative impact on the
3 neighbors of those properties.

4 And that is the second part
5 of my remarks today, the neighbors.
6 The neighbors to an abandoned and
7 blighted property are perhaps the
8 ones who have the greatest impact
9 or are greatest impacted by the
10 abandoned and blighted property.
11 For a neighbor who is forced to
12 reside next to a property that's
13 unoccupied, with drug use, that's
14 structurally compromised, in many
15 instances in a state of partial
16 collapse, these neighbors, these
17 citizens, these are all people
18 suffering significant personal
19 losses to themselves, to their
20 family, to their property, to their
21 safety and to their economic well-
22 being.

23 If one were to look at
24 three homes that are all in a row
25 like they are in every neighborhood

1 throughout Philadelphia and you
2 have a property that actually meets
3 the standards for Act 135, it's a
4 dangerous property. It's causing a
5 direct nuisance on its neighbors.
6 There are three stories to tell
7 right there. The person to the
8 left and the person to the right,
9 they're suffering significant
10 economic loss. They're suffering
11 significant safety of their family.

12 And in many
13 circumstances -- and I invite
14 anyone who wants to understand the
15 process to come to court, to listen
16 to how these cases are actually
17 presented, to read the petitions,
18 but most important to listen to the
19 neighbors who come into court and
20 explain how they can't leave their
21 house, that there's people who are
22 shooting guns next to them, the way
23 it's destroyed their ability to sit
24 out on a stoop on a Tuesday night
25 and hang out with their friends, I

1 mean at the core that's what makes
2 a lot of Philadelphia great is
3 being able to sit there with your
4 friends and your family.

5 And if you have an
6 abandoned blighted property and it
7 actually qualifies under Act 135,
8 you're depriving everyone around
9 you of the chance just to have a
10 basic normal livelihood. So I'm
11 here and I'm happy to answer any
12 questions. But fundamentally, I
13 asked the Council and I know this
14 Committee and especially I know
15 Councilman Young, and I'm glad to
16 see that you've taken this on and
17 that you're putting your energy
18 behind this, but I hope everyone
19 looks at two important things and
20 take into consideration two
21 important things.

22 When they evaluate any Act
23 135 case, one, it has a high legal
24 burden. Was that burden imposed by
25 the court, did the person whose

1 property was put within a
2 conservatorship, was that haphazard
3 or is that because their property
4 really was dangerous to their
5 neighbors. And I think in terms of
6 the way the Act should be viewed,
7 the Act as an overall Act, and I'm
8 not talking about the bad apples
9 out there. Everybody wants to see
10 the bad apples held to account, but
11 overall the Act is the dangerous
12 property Act. And Act 135 is doing
13 a lot to address dangerous
14 properties in the City of
15 Philadelphia. And with that, I'm
16 happy to answer any questions about
17 this Act.

18 COUNCILMAN SQUILLA: We'll
19 defer questions until after
20 Mr. Vanderslice speaks. I mean,
21 nobody's opposing what the Act was
22 intended for. I think what we're
23 looking at is how to make it
24 better, so I think that's the goal.
25 But let's have Mr. Vanderslice.

1 MR. VANDERSLICE: Thank
2 you, Councilman. And thank you,
3 Councilmembers, for the opportunity
4 to speak with you here today about
5 this important Act. If I could,
6 I'd just give a brief history of
7 how I became involved in the Act.
8 A person --

9 COUNCILMAN SQUILLA: Just
10 state your name.

11 MR. VANDERSLICE: I'm
12 sorry, Councilman. Richard
13 Vanderslice. Someone who's
14 speaking later here today,
15 Ms. Berkman, who I consider a
16 mentor asked me to join a committee
17 to form a general court regulation
18 for implementation of the Act. And
19 the Act appealed to me because I'd
20 spent several years representing
21 the person on the left and the
22 person on the right who had no
23 recourse. People who were next to
24 buildings with fractured walls,
25 water intrusion, bricks falling

1 near children at a school like 1700
2 Christian Street owned by Lurube --

3 MR. JOHNSON: (Inaudible).

4 MR. VANDERSLICE: --

5 Development, Mr. Johnson's
6 company --

7 COUNCILMAN SQUILLA: Hold
8 on one second.

9 MR. JOHNSON: (Inaudible).

10 COUNCILMAN SQUILLA: Well,
11 you can't -- all right. Well, let
12 him speak and we'll ask questions.
13 But you can't -- if we call you
14 back up to let you --

15 MR. JOHNSON: (Inaudible).

16 COUNCILMAN SQUILLA: All
17 right. You could do that, but you
18 can't speak from that -- thank you.

19 MR. VANDERSLICE:
20 Additionally, properties that have
21 fecal matter in the rear of the
22 property, been cited for falling
23 bricks, broken windows, urine
24 strewn towels along the fence line
25 that tenants on either side have

1 had to deal with.

2 COUNCILMAN SQUILLA:

3 Mr. Vanderslice, I don't want to
4 stop you testifying, but we
5 understand -- nobody's arguing that
6 point.

7 MR. VANDERSLICE: Then I
8 will skip to my recommendations.

9 COUNCILMAN SQUILLA: Okay.
10 Thank you.

11 MR. VANDERSLICE: I think
12 that the important thing that would
13 address a lot of the underlying
14 conditions that cause these
15 properties to become abandoned and
16 blighted would be to pursue and
17 help citizens with tangled title
18 issues. There are already several
19 programs available that could be
20 funded through the volunteers for
21 the Indigent for Philadelphia.

22 Additionally, the former
23 Register of Wills Ms. Gordon as
24 well as Jim Leonard, the current
25 Recorder of Deeds, have initiatives

1 to educate our citizens about all
2 tangled title issues, inheritance
3 issues. A lot of these properties
4 sit for decades with deceased
5 owners. And as you've heard, it's
6 difficult to find those people and
7 try to communicate with them about
8 their properties.

9 Further, I think that the
10 ordinance that was passed that has
11 required LLCs to register, which is
12 also difficult for not only the
13 Department of Licenses and
14 Inspections to find the properties
15 that are causing these problems for
16 the neighbors, to have a greater
17 enforcement of that would be steps
18 in the right direction. Thank you.

19 COUNCILMAN SQUILLA: Thank
20 you.

21 Beth, are you going to
22 testify or are you just here for
23 support?

24 MS. GROSSMAN: Just briefly
25 if I may.

1 COUNCILMAN SQUILLA: Okay.
2 Just state your name for the record
3 and then testify. Then we'll have
4 questions.

5 MS. GROSSMAN: My name is
6 Beth Grossman, G-r-o-s-s-m-a-n.
7 And I am Managing Director of
8 Rebuilding Blocks, formerly Scioli
9 Turco, Inc. and the name we
10 rebranded was changed not as a
11 result of this hearing, but we
12 wanted something that gave a hint
13 of what we do and that people could
14 pronounce. So I thank all of you
15 for your time.

16 Just briefly, we are a
17 mission-based nonprofit. We are
18 501(c)(4), which I joined in
19 February of 2020. We report to a
20 board. People can look at our 990
21 filings and we're legitimate. Our
22 mission is to help community groups
23 and residents identify abandoned
24 and blighted properties and see
25 what we can do with them if they

1 are appropriate for an Act 135
2 hearing.

3 And I understand and I
4 commend people for coming in to
5 talk about their experiences.
6 Look, nothing in court is pleasant.
7 People don't want to be there and I
8 understand concerns. But again, as
9 my colleague here testified what
10 cannot be ignored are the
11 sufferings of neighbors because
12 neighbor properties as well, that's
13 their generational wealth.

14 I spent a year as Chief of
15 Staff in the Department of Licenses
16 and Inspections where I really
17 learned a lot about buildings,
18 including those are identified as
19 unsafe or imminently dangerous, and
20 the last thing that anybody wants
21 in Philadelphia is a collapse and
22 neighbors should not be suffering
23 as a result of that.

24 The majority, almost 99
25 percent of our cases come from

1 referrals from neighborhoods, CDCs,
2 BIDS, elected officials, people
3 reaching out on our website. We do
4 not take all cases because some
5 cases do not qualify, yet some do.
6 But I will make it clear, I know
7 that there may be other nonprofits
8 out there who seem to be using this
9 perhaps in a predatory manner. I
10 don't know very much. I don't
11 engage with them. But I know that
12 we are just strictly mission-based
13 and we are always happy to work
14 with respondents.

15 If there is something that
16 could come to an amicable
17 agreement, we're happy to. I know
18 in the past prior to my coming to
19 what was then Scioli Turco we've
20 worked with property owners to lift
21 lis pendens as well as return any
22 bonds that have been filed so they
23 can get financing for their ability
24 in conditional relief to cure their
25 blight.

1 And I'm always interested
2 in seeing how a statute or an Act
3 can be improved. It's really been
4 quite some time since this has been
5 and perhaps it's time to review it
6 whether in Harrisburg. And it's
7 always -- I think it's fresh. It's
8 always good just like an
9 organization should always review
10 at least once a year its mission
11 statement, its Articles of
12 Incorporation, what it is subject
13 to do.

14 For example, I know the
15 possible diversion program for Act
16 135. It's very important to me to
17 level the playing field that people
18 understand, respondents understand
19 what this Act is. And if somehow
20 Council would volunteer and come
21 and step up, whether it's to the
22 Bar Association or VIP or some
23 other program, that makes me more
24 comfortable. I don't enjoy having
25 a case with a pro se individual.

1 That's just not what it should be.

2 And I know our court is very

3 cognizant of that.

4 But I am happy to work with

5 City Council. Councilmember Young,

6 I'm glad you brought this to the

7 attention. It's been a pleasure

8 working with you. You saw how we

9 can work collaboratively in certain

10 cases, which I am always happy to

11 do. And I just thank you all for

12 your time.

13 COUNCILMAN SQUILLA: Thank

14 you all for your testimony. And I

15 think it was made clear by most

16 members here that we do see a need

17 for Act 135. We've used -- all our

18 Districts have used them for the

19 right reason, for the right cause,

20 so we do see that. But then we

21 also do see the other side where

22 people feel like they've been

23 unfairly taken advantage of.

24 So I mean, our goal here is

25 to hear both sides of the story.

1 But really the goal is to say how
2 can we make this legislation
3 better, how can we make the law
4 better. And you heard about the
5 lis pendens. You were willing to
6 lift the lis pendens, right, the
7 bond issue. Not everybody --
8 because once you have the leverage,
9 not everybody's willing to do that,
10 right.

11 Now, if there was some
12 notice, and I think we had some
13 ideas of how to improve this notice
14 and notify -- because really the
15 goal is to have the person have the
16 ability to fix it up or if they
17 wanted to sell it ahead of time
18 before it goes to court and have
19 those extra fees, then at least
20 they could jump on that and say,
21 hey, well, you had all the chances
22 you did before. Is that something
23 that you would be interested or
24 would you see to benefit maybe
25 changing the law to allow some of

1 those things to happen that would
2 give the property owner more time
3 to act before a lis pendens or
4 something was set on them?

5 MS. GROSSMAN: That's
6 costs. I mean, if somebody fixes
7 it and I'm paying for legal fees to
8 do that and it comes to nothing --

9 COUNCILMAN SQUILLA: I'm
10 talking about notice. You're not
11 in court yet.

12 MS. GROSSMAN: Yes. But
13 notice, we have to find somebody.
14 What if they're not locatable?
15 There have been some instances
16 where we've had to hire a
17 genealogist to find heirs which we
18 do, which is costly. What
19 constitution --

20 COUNCILMAN SQUILLA: But
21 you're mission-driven. You're
22 mission-driven, right? You're
23 there -- the goal is to --

24 MS. GROSSMAN: Oh, I
25 understand that. But the other

1 thing is I also have a fiduciary
2 responsibility to my nonprofit and
3 to my Board. And eventually if we
4 get there, you know, it also has
5 the chance of increasing legal
6 fees. And the other thing is do
7 you do that in cases where there's
8 been no L&I violations? Because to
9 me I can show an L&I violation a
10 notice.

11 Now, I acknowledge that L&I
12 can't inspect every house in the
13 City and County of Philadelphia,
14 and I've come across some that are
15 absolute disasters that L&I has
16 never been there. That's just the
17 way it is. So it's a hazy area
18 that probably needs to be maybe
19 explored with a task force or a
20 group of people to see what we can
21 come up with.

22 COUNCILMAN SQUILLA: I
23 would agree and I think our state
24 legislators would like to hear that
25 too. Because at the end of the

1 day, there are challenges that we
2 hear, right. And I think the goal
3 here even though we can't
4 physically change the law here, we
5 could advocate for those changes
6 and try to help the people who we
7 believe and even the people who
8 said that they see a benefit to it,
9 right, the people who are involved
10 in this.

11 But at the end of the day,
12 if we could either give them more
13 time and I understand there's costs
14 associated but there's costs
15 associated with any job that you
16 do. And then if it's mission-
17 based, you're doing it because the
18 goal is to end the so-called
19 blight, right. And so, the
20 neighbors on each side and
21 everybody who's dealing with that
22 can get the remedies that they
23 want.

24 But what we're looking for
25 now is suggestions and maybe it's

1 something we put together at the
2 end of this, maybe a little task
3 force to make full recommendations
4 to the state. We just want people
5 from both sides to be able to be a
6 part of that. And I think just to
7 say that, well, it's going to cost
8 a little more money if we do this,
9 I don't know if that's really
10 something that would be against
11 making those changes if it does
12 cost --

13 MS. GROSSMAN: Maybe not,
14 but I just have to be realistic
15 about it. Maybe it'll work. Maybe
16 it'll be very effect -- look, we
17 just want to eradicate the blight.

18 COUNCILMAN SQUILLA:
19 Exactly.

20 MS. GROSSMAN: That's all.
21 I mean, that's really what the goal
22 is.

23 MR. TONER: Councilman
24 Squilla, could I --

25 COUNCILMAN SQUILLA: Sure.

1 MR. TONER: So the way the
2 system is set up now the petition's
3 filed and the property is posted.
4 So if you own a property, the
5 clearest way that you should know
6 that your property is subject to an
7 Act 135 conservatorship is when the
8 big poster goes up on your front
9 door. And so, people who claim
10 that they don't know it's coming
11 up, it means that they're not
12 really at their property or not
13 controlling their property, which
14 tends to be one of the problems of
15 how it becomes an abandoned
16 property.

17 In terms of the statutory
18 process and the regulations here in
19 Philadelphia, so we don't go from
20 petition to appointment hearing.
21 There's a status hearing and
22 there's often two, three, four,
23 five status hearings. And the way
24 the statute's structured, it's a
25 may statute.

1 So at the end of the day,
2 the judge always can just say we're
3 not going to appoint a conservator.
4 But because it's a may statute and
5 because it's an in rem statute and
6 because the judge is sitting in
7 there has a court of equity, it has
8 broad equitable powers. And so,
9 for issues like the bond, issues
10 like the lis pendens, if there is
11 an equitable reason why either of
12 those should be altered during the
13 course of the Act 135 process, the
14 system actually is currently set up
15 to empower a judge to implement
16 that.

17 And so, here in
18 Philadelphia these are really
19 hands-on judges who are reviewing
20 these matters. And going back to
21 what I said in my opening remarks,
22 these are not haphazard
23 appointments. If it gets all the
24 way to the point of an appointment,
25 you have a judge who for a series

1 of hearings will have spoken with
2 the respondent, spoken with the
3 neighbors, understood the legal
4 problems, understand the financial
5 difficulties as to why maybe they
6 aren't able to immediately
7 remediate the property. And the
8 appointment is really a last case
9 scenario for Act 135 hearings.

10 COUNCILMAN SQUILLA:

11 Councilmember Young.

12 COUNCILMAN YOUNG: Thank
13 you. For the record, Mr. Toner and
14 Mr. Vanderslice, legally for
15 service can you describe is this
16 personal service still necessary
17 for Act 135 petitions?

18 MR. TONER: So it depends
19 where the respondent is. If the
20 respondent's outside the City of
21 Philadelphia, service can be
22 affected. By a form of service
23 like FedEx, UPS that requires a
24 personal signature on the package.
25 In the City of Philadelphia, there

1 is a personal service requirement.

2 COUNCILMAN YOUNG: Thank
3 you. And it was mentioned that
4 when Act 135 petitions are filed,
5 properties get posted with the
6 petition, correct?

7 MR. TONER: Correct.

8 COUNCILMAN YOUNG: And just
9 from my practice area, I've seen
10 that there are folks that go around
11 the City that purposely look for
12 filings on properties and take them
13 down, right. So once you put them
14 up, you take a picture of it, you
15 satisfy your burden. But I know
16 for a fact because I've seen it
17 that when there are filings on
18 properties, folks that are in the
19 real estate business understand
20 what that means. That means it's
21 some type of litigation regarding a
22 property and they tend to go around
23 and take those down to try to see
24 how they can use that to their
25 advantage.

1 MR. TONER: Yeah. So I
2 think you're talking about the bad
3 apple scenario. And, listen, I
4 think that's the exception, not the
5 rule. I can tell you when we
6 present cases, we present pictures
7 of the property posted. We present
8 pictures of the property close to
9 the hearing. And certainly none of
10 my clients are taking down posters.

11 And so, maybe in terms of
12 recommendations, I mean we really
13 want to go after the bad apples,
14 not the people who are doing and
15 implementing Act 35 in a proper way
16 and ripping down Act 135 poster or
17 a zoning poster or a notice from
18 the City of Philadelphia when they
19 implement a code enforcement action
20 or a tax sale proceeding, that's an
21 act of a bad actor, not someone
22 that's doing things right.

23 COUNCILMAN YOUNG: And just
24 for the record, I just wanted to
25 note that the conditions of the

1 properties, Mr. Toner, you stated
2 most of these properties are
3 dangerous. And I think that danger
4 can be subjective in certain
5 places. We do know that certain
6 things have to be a hazard.

7 For example, I'm just going
8 to read off there are nine things
9 that the court has and you need
10 three regarding the physical
11 structure, right, where the
12 building is a public nuisance, the
13 building is in need of substantial
14 rehabilitation and none has taken
15 place during the past 12 months.
16 The building is unfit for human
17 habitation, conditions exist that
18 materially increase the risk of
19 fire to adjacent properties; the
20 building is subject to unauthorized
21 entry; and the owner has failed to
22 take reasonable measures or the
23 municipality has secured it. The
24 property is an attractive nuisance
25 to children. The presence of

1 vermin or accumulation of debris,
2 dilapidated appearance or the
3 property is an attractive nuisance
4 for illicit purposes, including
5 drug use, prostitution, vagrancy,
6 et cetera.

7 To me I think those are
8 subjective, right, because -- and
9 again, I respectfully disagree that
10 I can point to multiple almost any
11 vacant property in this City and
12 find three of those as a condition
13 that will allow it to be considered
14 a factor in determining if that
15 property is abandoned or blighted
16 under the Act. So those subjective
17 standards to me I think is what is
18 creating I think the bad actors to
19 act because it's so subjective.

20 MR. TONER: Well, I think
21 you have two categories. You have
22 petition actions and full
23 conservatorships where the judge
24 has found that three of the six
25 elements have been satisfied. And,

1 listen, we can go back and forth
2 over how dangerous each one of
3 these elements are. But I look at
4 these and with the exception of
5 separate proof that the dilapidated
6 appearance decreases property
7 values, I mean, listen, I think
8 anything that has illicit activity,
9 has an increase in fire potential,
10 is a dangerous nuisance to
11 children, is a nuisance, like these
12 are all objective criteria of a
13 dangerous property.

14 And the judge finds a
15 cumulative number of these
16 elements, cumulatively if your
17 property is an attractive nuisance
18 to children, it creates an
19 increased risk of fire and there's
20 illicit activity going on at the
21 property, there's different ways to
22 peel an apple. But in my world,
23 that's a dangerous property.

24 COUNCILMAN YOUNG: Thank
25 you.

1 COUNCILMAN SQUILLA: Thank
2 you.

3 Councilmember Gauthier.

4 COUNCILWOMAN GAUTHIER:

5 Sure. Thank you so much for your
6 testimony. Ms. Grossman, thank you
7 for your testimony. I talked about
8 a time when we worked very
9 successfully on a conservatorship
10 case on the 5200 block of Walton,
11 but that's not by and large the
12 experience that we're seeing.
13 We're seeing this being used in a
14 very predatory way. We're seeing
15 people go after properties that
16 people are living in, where the
17 owner is living next door so it
18 should be clear that this is not an
19 abandoned property.

20 We're seeing people getting
21 hit with these filings after
22 they've tried to -- when they're
23 trying to pick up the pieces from
24 either an heir dying or a fire.
25 And I don't think that it's an

1 accident that we're seeing this in
2 the most attractive and desirable
3 places in my District where
4 properties are very valuable.

5 So I guess my question for
6 you and then I'd also like for you
7 to answer as well, Mr. Toner, is do
8 you think that there should be more
9 restrictions on when a petition can
10 be filed? Some of these petitions
11 a basic Google search would have
12 shown that it's not sort of
13 eligible for a filing, but we're
14 getting these petitions filed in
15 hopes of getting a hold of these
16 properties and then constituents
17 who may be dealing with the death
18 of a family member or a sickness or
19 any number of everyday sort of
20 issues are now having to untangle
21 themselves from this, which is
22 predatory and unfair.

23 So I certainly think that
24 there needs to be more guardrails
25 around when petitions can be filed

1 at all, but I want to know what you
2 think in hearing some of the
3 experiences of the people who
4 testified today?

5 MS. GROSSMAN: Absolutely.
6 (Inaudible). Certainly not Scioli
7 Turco/Rebuilding Blocks. And in
8 those cases I will always
9 acknowledge when we make a mistake,
10 we withdraw cases. I do not
11 approach things in a predatory
12 manner. If something was careless
13 and not done correctly, I apologize
14 for that. We are just here to do
15 what is right and to do good.

16 And for example, for one
17 prior -- I actually hired an
18 investigator to do surveillance to
19 see if it was occupied besides
20 knocking on neighbors -- I actually
21 went at night to do surveillance to
22 see if I could tell if somebody was
23 there and it just looked awful. It
24 was a disaster. There was an
25 illegal electrical hookup. We did

1 subsequently find out that somebody
2 was living there and will withdraw.

3 On the other hand, there
4 have also been cases where I've
5 learned where it's been like almost
6 like a very sympathetic thing.
7 There was one I believe in the
8 Northeast where the owners of the
9 home, a husband and wife,
10 tragically lost their lives in a
11 fire in the property. And it sat
12 and sat for several years. It was
13 referred by a Councilmanic Office.
14 And then as we began literally at
15 the time that we filed, the family
16 notified us that finally they were
17 getting it together and selling it
18 and we withdrew.

19 If there is a sympathetic
20 or, you know, every case is
21 different. It's like snowflakes
22 and fingerprints, you know. And if
23 there is something particularly
24 tragic or awful, listen, we're
25 always happy to listen, I'm always

1 happy to withdraw. I don't know.
2 Maybe one of the requirements
3 should be in this that complaints
4 should be only referred by
5 community members or other groups,
6 not just somebody driving around on
7 a bike looking for attractive
8 properties in areas that are up and
9 coming, that type of thing. But
10 that's why again I think it's time
11 and it's good to let's take a look
12 at the Act and see what we could
13 do.

14 COUNCILWOMAN GAUTHIER: Do
15 you think there's a danger or risk
16 to these type of conservatorship
17 cases being a business model?

18 MS. GROSSMAN: What do you
19 mean? I'm sorry.

20 COUNCILWOMAN GAUTHIER: I
21 mean, this is like -- I know that
22 you're registered as a nonprofit,
23 but this is your primary line of
24 business.

25 MS. GROSSMAN: Correct.

1 COUNCILWOMAN GAUTHIER:

2 Okay. Do you think there's danger
3 in having that be an organization's
4 primary line of business?

5 MS. GROSSMAN: That's what
6 we're here to do. That is a
7 mission. Again, I will make it
8 very clear that we are limited by
9 what the statute sets forth, a 20
10 percent conservator's fee. Also,
11 because we are a nonprofit and we
12 don't have a lot of money to spend,
13 our practice has always been to
14 rehabilitate or it has been since I
15 joined, rehabilitate to a clean
16 shell. Meaning, we clear up the
17 L&I violations and some other
18 things that can be done, so that's
19 also keeping down the cost of the
20 rehabilitation and removing the
21 blight.

22 There are often instances
23 where I've said, you know what,
24 fine, we'll deduct our
25 conservatorship fee to 15 percent

1 which we're happy to do in
2 circumstances. And again, I must
3 also note that we have to present
4 everything to the court prior to
5 taking any work so she approves the
6 work.

7 I know, for example, in a
8 case that was referred to today was
9 also during COVID and there were
10 supply chain issues and the cost of
11 lumber went up. We had to go back
12 in front of the judge and explain
13 why this jumped. So the cost of
14 everything is overseen by the court
15 as well, and sometimes there's also
16 been cases where the court has
17 refused to award full attorneys'
18 fees. I've also seen that back in
19 the day. So there is everything.
20 And if anybody wishes to look at
21 our 990, we are about as nonprofit
22 as it gets.

23 COUNCILWOMAN GAUTHIER: Do
24 you think there should be a penalty
25 for unjust or frivolous filings?

1 MS. GROSSMAN: Well, I
2 think that's what there is in civil
3 court. You can file a civil
4 action. I mean, for example, I
5 know if you file something that's
6 absolutely frivolous in federal
7 court, there's something called a
8 Rule 11. I'm not sure if there is
9 something in civil court. But
10 sometimes mistakes are made.
11 There's frivolous and then there's
12 like, okay, listen, it's a mistake.
13 So I think you have to weigh it.
14 But if somebody's just going around
15 in a predatory manner trying to
16 gain stuff, yeah.

17 COUNCILWOMAN GAUTHIER:
18 What about you, Mr. Toner? Can you
19 talk about the due diligence that
20 you use to determine whether a
21 petition should be filed and what
22 changes do you think should be made
23 to the state law to try to thwart
24 some of what we've heard today?

25 MR. TONER: So there's a

1 60-day statutory requirement
2 between when you file and when
3 there needs to be the first hearing
4 in an Act 135 case. And it's a
5 petition action so there's no
6 discovery. There's no post-filing
7 actions that are to be taken so you
8 learn more about a property.

9 A petitioner has an
10 obligation already, that when they
11 file their petition they basically
12 have already made out their case.
13 So their petition should prove all
14 the elements on its face. And if
15 it doesn't prove all the elements
16 on its face, it's going to get
17 knocked out real quick.

18 So in action with no
19 discovery with these quick
20 timelines -- and I think the most
21 important thing is to look back on
22 that discretion giving the judge in
23 petition actions the equitable
24 powers. If she sees a petition
25 that it's clear the person is away

1 on military service or it's clear
2 that the property had been
3 transferred, she not only has the
4 authority to immediately,
5 immediately terminate the case, but
6 she's a judge and the rules of
7 civil procedure already authorize
8 her to impose sanctions against
9 someone who abuses the process.

10 There are separate
11 statutes. There's the Dragonetti
12 action in Pennsylvania. There's
13 Section 2503, a judicial code, that
14 authorizes the award of attorneys'
15 fees and costs for a misuse of
16 process. So there's already set
17 institutional safeguards in place
18 for people who abuse the process.
19 And my recommendation, my
20 encouragement is people should hold
21 abusers of the process accountable,
22 and avail themselves of what's
23 already readily available.

24 COUNCILWOMAN GAUTHIER:

25 Okay. But a lot of what you --

1 one, we've heard quite a lot of
2 testimony here where this Act was
3 abused and this happened within the
4 current legal structure. So
5 perhaps a judge's individual
6 discretion didn't wind up resulting
7 in a just situation. Do you think
8 there should be changes to the law
9 that would stop predatory,
10 frivolous filings from happening in
11 the first place? And what do you
12 think those changes should be?

13 MR. TONER: So if there are
14 predatory, frivolous filings, I am
15 100 percent against predatory and
16 frivolous filings. I personally
17 would never represent anyone who
18 engages in that type of conduct.
19 It's not something that is good for
20 anyone in the City of Philadelphia,
21 including people that live next
22 door to abandoned, blighted
23 property. It's bad for everyone.

24 What I think everyone
25 should be careful about though is

1 to enact requirements that make it
2 more difficult to hold the truly
3 bad actors accountable. And right
4 now the Act is so quick if you were
5 to speed things up and get it in
6 front of a judge earlier than 60
7 days, I just don't think the court
8 system would be able to handle that
9 type of quick succession.

10 And if you were to
11 automatically penalize people for
12 subjective policy calls, in terms
13 of legal calls in terms of how a
14 case proceeds, if it were just
15 minor deviations, it would have a
16 chilling effect on legal process in
17 general. It's got to be about the
18 bad actors. And that's why there
19 is that Dragonetti Act. And I know
20 from the Inquirer article, again
21 it's not my client, I don't know
22 any of the details, but I know
23 people have been hit in the City of
24 Philadelphia with big awards when
25 they've done bad things. So I

1 don't know if we want to add more
2 punishment onto what's probably
3 already a good deal of available
4 just punishment.

5 COUNCILWOMAN GAUTHIER: I
6 would disagree, but thank you.

7 MR. TONER: Thank you.

8 COUNCILWOMAN GAUTHIER:
9 Thank you, Mr. Chair.

10 COUNCILMAN YOUNG:
11 Councilwoman Bass.

12 COUNCILWOMAN BASS: Thank
13 you. Thank you, Mr. Chairman. I
14 appreciate the opportunity to speak
15 because I'm not a member of this
16 particular Committee. But I've had
17 some concern about this practice
18 for quite some time. And so, I
19 thank you for bringing forward this
20 piece of legislation.

21 I wanted to just ask a
22 couple of questions to the panel
23 about just what I heard because I
24 was a little bit late, tied up with
25 other meetings. So just from what

1 I heard, I just had a couple of
2 questions because again I have my
3 own significant concerns about
4 conservatorship.

5 And so, I heard a couple of
6 things I think first stated from
7 you, Beth, regarding the work that
8 you all do and the fact that if you
9 see something's not right, that you
10 all would withdraw your petition
11 for conservatorship. How often has
12 that happened?

13 MS. GROSSMAN: I would say
14 in the past year probably twice,
15 probably twice. I'd have to go
16 back and look. I do keep stats of
17 everything so I would have to go
18 back and look. And we also lose
19 cases too, mind you. It's never a
20 dead bang winger. Sometimes the
21 judge doesn't find it makes it, you
22 know.

23 COUNCILWOMAN BASS: Okay.
24 In Philadelphia specifically?

25 MS. GROSSMAN: I only do

1 Philadelphia, yes.

2 COUNCILWOMAN BASS: So out
3 of how many cases would you say you
4 had in the last year?

5 MS. GROSSMAN: That I do
6 have. If I -- thank you for your
7 patience. Okay. So we currently
8 have 21 cases pending in court.
9 Since I joined in February of 2020,
10 we filed 46 Act 135 petitions.
11 Eight had already been pending in
12 court prior to my arrival. Since
13 2020 we've been appointed
14 conservator 12 times.

15 We sold 9 properties. 2
16 properties I think down to 1 are
17 currently listed for sale.
18 Conditional relief was granted 4
19 times. We withdrew 4 cases since
20 2020. We lost 4 cases and then we
21 settled 9.

22 COUNCILWOMAN BASS: Okay.
23 So I'm going to just state my
24 thoughts and opinion, which is that
25 the likelihood of a withdrawal

1 seems unlikely because it doesn't
2 seem like it happens -- it's not as
3 if you take a look at a case and
4 say, this doesn't look right, this
5 doesn't look fair, this doesn't
6 look equitable so we're going to do
7 what we should do and withdraw. I
8 don't think that that happens
9 probably as often as it should
10 happen.

11 The other question that I
12 have for you is I forget which one
13 of you said that everything was
14 presented to the court and the
15 court could strike down, not
16 approve this application for
17 conservatorship. And based on the
18 stats that you just gave, Beth, it
19 doesn't seem as if that's happening
20 on a regular basis either.

21 The other part to that is
22 that when you have someone let's
23 say who's not an attorney, who's
24 less skilled, who's less savvy to
25 try and navigate through all of

1 this and the expectation that the
2 court system is fair to those who
3 are underresourced, it's just not
4 true. So I just really wanted to
5 state that on the record as well.

6 And for I guess, Richard,
7 you said that there were a number
8 of cases that have been terminated
9 or the judge could terminate a case
10 immediately based on if they're in
11 the military or if there's other
12 safeguards and I'm wondering how
13 many cases do you know that have
14 been terminated by a judge for
15 those reasons?

16 MR. TONER: Because of
17 being in the military or --

18 COUNCILWOMAN BASS: Well,
19 because they're in the military or
20 you said other safeguards. I'm not
21 sure what those other safeguards
22 are. But how many cases would you
23 say have been terminated because
24 something was amiss?

25 MR. TONER: So,

1 Councilwoman Bass, I want to be
2 careful that I'm here as an
3 attorney who practices in this
4 area. I'm not here representing
5 any of my clients or speaking on
6 behalf of any of my clients.

7 COUNCILWOMAN BASS: Okay.

8 MR. TONER: I can tell you
9 that in the last five years I
10 cannot think of any case that was
11 filed by our office that was not
12 vetted to the point where we missed
13 a military servicership or a deed
14 transfer or publication to the best
15 of my recollection. That being
16 said, I also defend these cases.
17 And just last Jan -- or just this
18 last month or two months ago,
19 someone did file 10 Act 135 cases.
20 It was someone who clearly was not
21 very sophisticated in how they were
22 going about filing the Act 135
23 cases. They didn't do their
24 homework. They missed multiple
25 issues and the case was immediately

1 transferred or assigned to Judge
2 Anders, who is in charge of the
3 Civil Division, and all those cases
4 were terminated before they even
5 got to a record hearing.

6 So there the initial review
7 by Court staff was exemplary. It
8 saved everyone from having to even
9 go into court to defend it. I
10 entered my appearance. Then two
11 days later the case was terminated
12 by Judge Anders, so I really had no
13 chance to do anything on it. But
14 there is that safeguard and I have
15 seen it effectively operate.

16 COUNCILWOMAN BASS: So I
17 would say at that point the fact
18 that 10 cases were put together
19 based on your description rather
20 sloppily, like not really well put
21 together, you know, and I think one
22 of the problems with what's
23 happening now is that there are
24 even tutorials that will tell you
25 online that say, this is what you

1 can do to file a conservatorship
2 and you can get compensated
3 regardless of the outcome, that
4 there is compensation that could be
5 made available, so this is like a
6 new hustle, if you will, and that
7 people have been taken advantage
8 of.

9 As I understand it, there's
10 even tutorials on social media that
11 will show you how to do this. So
12 that's what that sounds like.

13 MR. TONER: Yeah, I'm aware
14 of those tutorials. People have
15 sent me links to those. Not my
16 clients, I don't have any direct
17 involvement in it. But I can tell
18 you that that's the bad apple right
19 there. That's the exception to the
20 rule. But of the cases that come
21 out of my office, there's no
22 missing military servicership or --

23 COUNCILWOMAN BASS: But I
24 just want to state just because
25 you're less savvy in putting -- if

1 you're more savvy and putting
2 together a case and getting it
3 before the court, that doesn't mean
4 you're not a bad actor too.
5 Because when you look at the folks
6 who are most affected, these are
7 mostly happening in Black and Brown
8 neighborhoods and it's very much
9 predatory. This is sort of like
10 the new hustle. It's a legal
11 hustle, but it's the new hustle to
12 be able to take someone's property,
13 someone's wealth, someone's
14 generational wealth. And so, this
15 is what has been happening for
16 quite some time.

17 I'm really glad that
18 Councilman Young decided to move
19 forward with this hearing because I
20 think that this is something that
21 really needs to be exposed and
22 talked about and people need to be
23 made aware that this is something
24 that's actually happening.

25 MR. TONER: I 100 percent

1 agree with you, and I hope that the
2 focus of remedial efforts are the
3 bad apples and that the people who
4 actually do these petitions
5 responsibly incur a very
6 significant cost of putting
7 together detailed petitions and
8 pursuing them responsibly are not
9 cast in with the bad apples,
10 because I think that would be a
11 true disservice.

12 COUNCILWOMAN BASS: Well, I
13 guess I just want to make it clear
14 just because your petition looks
15 clean doesn't mean that you're a
16 good actor in this matter as well.
17 And so, in a lot of these cases I
18 think the majority, in my opinion,
19 in the majority of these cases
20 these are not applications that
21 should be even considered, these
22 are not things that should be
23 moving through the courts, these
24 are not applications or petitions
25 for conservatorship that should be

1 seriously looked at because again,
2 you're basically taking away
3 someone else's property.

4 And this is something
5 that's relatively a newer
6 phenomenon and I just don't think
7 it should be happening,
8 particularly because we know that
9 the number one demographic that's
10 affected are poor people and people
11 who are from Black and Brown
12 communities. And because you may
13 not have access to an attorney or
14 be savvy in terms of writing a
15 legal brief or have the ability to
16 put this together and get it in
17 front of the courts to defend your
18 property which you shouldn't have
19 to do in the first place, this just
20 really does wreak to me of
21 something that's very, very
22 predatory. So, yeah.

23 Thank you, Mr. Chairman.

24 Thank you.

25 COUNCILMAN SQUILLA: Thank

1 you. Thank you, Councilmember.

2 Councilmember Young.

3 COUNCILMAN YOUNG: Yes.

4 Thank you. Ms. Grossman, can you
5 tell us what the average cost of
6 renovations when you have been I
7 guess appointed the conservator?

8 MS. GROSSMAN: Sure. I
9 would say -- again, as I always say
10 this, every case is different. But
11 I would say anywhere probably maybe
12 between \$35,000 and \$50,000. Now
13 again, they're the outliers where
14 some are just complete disasters.

15 COUNCILMAN YOUNG: And for
16 some of the properties that you
17 filed for conservatorship that you
18 file petitions against, can you
19 tell us what the average I guess
20 after renovation value of those
21 properties are?

22 MS. GROSSMAN: I'm sorry.
23 What was that?

24 COUNCILMAN YOUNG: The
25 average after-renovation value of

1 those properties?

2 MS. GROSSMAN: Well, it
3 depends. I mean, because sometimes
4 if we engage in conditional relief
5 or settlement agreement and the
6 person fixes the blight and we move
7 on, I don't know. I mean, if they
8 choose to sell it later, it's hard.
9 But the ones we have renovated and
10 we have sold, again we sell it at
11 fair market value through a listing
12 service. I don't do back door
13 deals. I don't sell to developers.
14 People come and they make offers
15 through our realtor, and then they
16 redo them however they see fit.
17 And then, yes, of course the
18 property has much more value.

19 COUNCILMAN YOUNG: And I
20 guess in determining what
21 properties your organization file
22 petitions against, do you take in
23 consideration the value of the
24 property?

25 MS. GROSSMAN: I do. I

1 mean, some that are probably worth
2 nothing I probably don't move
3 against because I would lose money.
4 Essentially it depends upon. Now,
5 if I -- the other thing, it's so
6 complicated because it's very so
7 hard to get grants because of --
8 we're just an outlying kind of
9 organization of what we do so it's
10 hard, so it's kind of hard to say.
11 But do I drive around and look for
12 properties that I know are going to
13 be valuable, no. Properties come
14 to me again through community
15 referrals. They come from
16 neighbors. They come from Business
17 Improvement Districts, CDCs.
18 Sometimes elected officials or
19 other agencies will just let me
20 know this is a problem, can you
21 take a look at it.

22 COUNCILMAN YOUNG: Thank
23 you.

24 MS. GROSSMAN: Thank you.

25 COUNCILMAN YOUNG: Just for

1 the record, and I do note that we
2 were talking about some things that
3 can be done when petitions are
4 filed unjustly like Dragonetti and
5 those type of things, but the
6 property owner has to know that
7 these things exist and that to
8 affirmatively file for sanctions
9 and things like that against that
10 particular petitioner and/or their
11 attorney.

12 So if they're not an
13 attorney themselves, they don't
14 know this process. So I do agree
15 with Councilwoman Gauthier that
16 there should be some safeguards in
17 the Act itself for bad actors who
18 participate in Act 135 petitions.
19 Again, our courts -- the way our
20 court system is set up is you file
21 a petition and you have to defend
22 yourself. And if you're not there
23 to defend yourself, then the other
24 side wins. And that's essentially
25 what happens in a lot of these

1 cases.

2 So thank you, Mr. Chair.

3 COUNCILMAN SQUILLA: Thank
4 you. And thank you all for your
5 testimony and thank you for
6 answering questions. Much
7 appreciated. Look forward to
8 continue working with you and any
9 ideas you have.

10 Mr. McMonagle, can you
11 please read the next panel to
12 testify.

13 THE CLERK: Yes. Can we
14 please have Judy Berkman and Winnie
15 Branton.

16 (Witnesses approached
17 Witness table.)

18 COUNCILMAN SQUILLA: Good
19 afternoon. Judy, we'll start with
20 you. Just state your name before
21 your testimony and proceed.

22 MS. BERKMAN: Pardon me?

23 COUNCILMAN SQUILLA: State
24 your name before your testimony and
25 then proceed.

1 MS. BERKMAN: State my
2 na -- Judy Berkman.

3 COUNCILMAN SQUILLA: Now,
4 you can proceed with your
5 testimony. Thank you.

6 MS. BERKMAN: Good
7 afternoon, everyone, and I
8 appreciate listening to all the
9 testimony beforehand. It was very
10 meaningful to hear from everyone so
11 far. I'm senior counsel at
12 Regional Housing Legal Services,
13 but please note that the views
14 expressed here today are my
15 personal opinions.

16 And I'd like you to please
17 refer -- I provided an article that
18 Winnie and I wrote with another
19 author for more indepth analysis of
20 what is now 15 years history of the
21 Abandoned and Blighted Property
22 Conservatorship Act known as Act
23 135, and we included some options
24 for reform. And I do note that
25 Regional Housing is a statewide

1 legal services organization, which
2 provides quality legal and
3 technical assistance to nonprofit
4 organizations that are developing
5 housing and community economic
6 development opportunities for
7 lower-income persons. We do quite
8 a bit of policy work regarding
9 community development which
10 includes blighted property.

11 In 2022, the First Judicial
12 District of Pennsylvania adopted a
13 revised rule -- sorry, it's a
14 revised local rule for Act 135
15 petitions that are filed in
16 Philadelphia, and I've provided a
17 copy of that as well for Council.
18 Some of the highlights and
19 specifics -- thank you -- regarding
20 changes in the general court
21 regulation which was basically
22 required because the law was
23 amended in 2014 and it needed to be
24 updated, and there was a
25 stakeholders group working with

1 Judge Butchart and others at the
2 court to make the changes from both
3 sides, respondent and petitioner
4 side.

5 So one change was there are
6 a lot more specifics about good
7 faith efforts required to provide
8 notice to the owner and that would
9 include obviously not just the
10 person whose name is on the deed,
11 but naming all decedents, partial
12 owners, known and unknown heirs,
13 lienholders, goes into some detail
14 about that.

15 However, the revised
16 general court regulation actually
17 deleted the requirement that was in
18 the original one that required
19 service of process by the Sheriff
20 according to court rules, and it
21 reverted to what was in the law
22 itself which is certified mail
23 return receipt requested service.

24 But I'd like you to know
25 that all the attorneys who have

1 testified here today, everyone
2 still uses service of process as
3 required by court rules as a best
4 practice. But that doesn't mean
5 that some, like Mr. Toner referred
6 to the 10 that were filed, could be
7 served by certified mail return
8 receipt requested. So that's one
9 change that we would obviously
10 advocate.

11 The general court
12 regulation also -- we worked very
13 hard on revising the cover page,
14 which includes -- they worked out a
15 way to include the date, time and
16 place of the first hearing and this
17 is a more elaborate court cover
18 page than is generally you've been
19 sued, you should get a lawyer. It
20 basically says you could also lose
21 your property rights and we tried
22 to be as clear and plain language
23 as possible given the legal
24 complications.

25 And it also clarified a lot

1 of procedures on the out sale by
2 the conservator at the end of the
3 conservatorship because the law is
4 sort of minimal on what those
5 procedures are, and it gives the
6 court, the judge, some discretion
7 in how much detail to require.

8 So the recommendations, we
9 talked about one of course is
10 changing the service of process to
11 the rules under the Pennsylvania
12 Rules of Civil Procedure. One
13 thing that I'm interested in
14 because my office represents
15 community-based groups is right now
16 it's discretionary whether a
17 community group can intervene, and
18 it might be a better idea to give
19 them the actual right to do it
20 because one community group I
21 represented the court denied the
22 intervention. But nevertheless,
23 even if you can't intervene, it's
24 good for community groups to watch
25 for these notices on properties and

1 contact the lawyers and get
2 involved so that they can advocate
3 for a community-based result that
4 they would like.

5 The law might be amended at
6 some point to allow if it's a
7 nonprofit use that it could be sold
8 for less than fair market value,
9 but that's not an official
10 recommendation. It's just a
11 consideration that I know has come
12 up a few times. The main thing
13 that I'm concerned about and it's
14 been mentioned here before is the
15 20 percent developer fee for the
16 conservator and the current
17 statutory petitioner and
18 conservatorship fees, as been
19 mentioned, can result in unjust
20 enrichment for the petitioner or
21 the conservator.

22 The law doesn't require
23 them to justify the fee and I think
24 the legislature should consider
25 establishing a lower base fee with

1 a framework of bonuses or add-ons
2 that could be earned by
3 demonstrating extra work and not
4 work -- it should maybe exclude
5 work that's done by the attorney
6 and also work that would be done by
7 an owner's representative which
8 should be included. It should be
9 paid out of the developer's fee,
10 not as a separate cost.

11 I was asked to comment a
12 little bit about my testimony in
13 2016 on Act 135 and what I thought
14 about the recommendations I made
15 then. So one was about funding.
16 Because conservatorship leaves the
17 title in the record owner, it's
18 difficult, if not impossible, for a
19 petitioner to obtain financing and
20 sometimes they use a line of credit
21 or other sources of funds, and
22 likewise due to the fact that the
23 house is vacant and uninhabitable,
24 legal services and public interest
25 organizations aren't able to

1 provide representation for
2 low-income respondents so it sort
3 of falls between the cracks.

4 Two other small points,
5 municipal --

6 COUNCILMAN SQUILLA: Excuse
7 me. I'm just trying to make it
8 clear. You were saying funding to
9 fix up the property or funding for
10 legal representation?

11 MS. BERKMAN: For the
12 respondents funding for legal
13 representation, but also there
14 could be funding like Whole Home
15 Repairs and the RRR and the Basic
16 System Repairs. There should also
17 be more funding for people to fix
18 up their homes. The other funding
19 would be petitioners can't get
20 typical bank funding because --
21 bank financing because the title's
22 not in their name, so it's both.

23 COUNCILMAN SQUILLA: So a
24 tangled title issue --

25 MS. BERKMAN:

1 Preconservatorship for the owners
2 and also funding for -- in
3 Pittsburgh I believe they had a
4 collaborative of lenders that
5 provided funding for petitioners to
6 do Act 135.

7 COUNCILMAN SQUILLA: Thank
8 you.

9 MS. BERKMAN: Just briefly,
10 municipal liens. Right now if
11 there are municipal liens on a
12 property, it's sort of ad hoc in
13 terms of how they are resolved.
14 And many times the City agrees to
15 remove -- you can negotiate to
16 remove some of the municipal liens
17 or interest and penalties on them.
18 But there should be transparent
19 criteria for how and when municipal
20 lien forgiveness it can be afforded
21 to the conservator. But also this
22 could be a consideration City
23 Council might want to look into, to
24 provide an incentive to low- and
25 moderate-income owners that would

1 allow them to get financing to
2 rehabilitate their houses because
3 sometimes the houses are worth a
4 lot. It's just they have tangled
5 title, which I'm proud to say I
6 invented and named the program a
7 number of years ago. But they
8 also -- if there are City liens on
9 the house, any financing they would
10 get would pay off the liens first
11 and then there would be less for
12 the -- whatever is afforded to
13 conservators in terms of lien
14 forgiveness should be thought of as
15 a potential way to incentivize
16 people to fix up their houses
17 preconservatorship.

18 And it was mentioned that
19 public nuisance is one of the nine
20 criteria. Councilmember Young
21 mentioned that. That term itself
22 is in the law, public nuisance, but
23 it's not in the City L&I Code. So
24 that's a discrepancy that should
25 either be fixed by amendment to the

1 statute or work out a way with L&I
2 what would constitute a public
3 nuisance so they could have
4 internal procedures and provide
5 that information to petitioners.

6 Finally, I'd like to just
7 comment briefly on a proposal I've
8 heard floating around, that owners
9 be given pre-notice prior to filing
10 a conservatorship action. As
11 mentioned above, all the potential
12 respondents, any partial owner,
13 heirs, known, unknown would have to
14 be given that kind of notice. Then
15 they would get notice again when
16 the petition is filed. So this
17 could be confusing for some
18 recipients, and I worry that they
19 may actually ignore the subsequent
20 actual legal notice providing for a
21 court hearing, especially if
22 certified mail return receipt
23 request is used rather than service
24 of process.

25 So in thinking of some of

1 these things, I welcome the idea to
2 have a task force so that lots of
3 us can think things through and not
4 have unintended consequences.
5 Also, when the pre-notice would be
6 received, some recipients may just
7 list the home for sale and then
8 that might take it out of
9 consideration for a
10 conservatorship, and then the
11 people on both sides might be
12 damaged further because a little
13 bit of action is taken that
14 precludes a conservatorship action
15 and then the leaks and the damage
16 is still occurring.

17 So thank you for the
18 invitation to testify and the
19 opportunity to provide the
20 Committee with, as I remind you, my
21 personal views, not Regional
22 Housing's views on blighted and
23 abandoned property.

24 COUNCILMAN SQUILLA: Thank
25 you. Thank you so much for your

1 testimony and offering ideas. It's
2 very helpful.

3 Ms. Berkman -- I mean,
4 Ms. Branton, if you want to
5 testify, state your name for the
6 record and then we could ask
7 questions and comments. Thanks.

8 MS. BRANTON: Thank you.
9 My name is Winnie Branton and thank
10 you all for allowing me to testify
11 today. I am an attorney, a
12 consultant, a trainer and a City
13 resident. I actually travel the
14 state and I teach local
15 governments, officials, staff,
16 elected officials about blight
17 strategies so that they can
18 implement them in their communities
19 to prevent blight.

20 So I'm in many communities
21 across Pennsylvania. And I've
22 helped counties and cities create
23 land banks, develop blight plans,
24 seek grants and use just about
25 every tool in the toolbox,

1 including Act 135. So in my work I
2 wanted to testify today about three
3 things and I'm going to skip one
4 because we've all agreed that the
5 neighbors need to be considered,
6 because they are impacted. They
7 lose household wealth. It's no
8 picnic to live next door to a
9 blighted property.

10 So I'm going to skip over
11 that and get to what do we do --
12 when I'm out in a community, they
13 say we have these property owners,
14 they're just not complying. So the
15 first thing I ask is do you know
16 why they're not complying. Is it
17 because they can't afford to
18 comply, they don't understand
19 what's required or is it because
20 they're just bad property owners,
21 right, they're irresponsible
22 property owners.

23 So we don't want to punish
24 the folks who can't afford to do
25 the work or don't understand what's

1 required. So for me I look around
2 at what is available in
3 Philadelphia if you fall into that
4 category, and there is little,
5 right. There's no access to
6 counsel. If you -- as Judy just
7 said, if you aren't low, mod income
8 and you have this property that
9 isn't your home, you're stuck. So
10 you can't borrow or you can't get
11 grants through Whole Home Repairs
12 or any of the other City programs
13 because you're not an owner-
14 occupant.

15 So what do we do: Well,
16 first we want to make sure that
17 everybody understands what's
18 required, right. So through Judge
19 Butchart and the real property
20 section and Judy's work, we work
21 through a working group to try to
22 make sure that the parties
23 understand what's required,
24 especially the respondents, the
25 owners. So working with public

1 interest lawyers and the Bar
2 Association, Judge Butchart led the
3 effort to provide a handout that is
4 in layman's terms what is involved.
5 So at least there's some resource
6 that folks can access. And there's
7 a lot of online resources as well,
8 the Regional Housing Legal
9 Services, the Housing Alliance and
10 many other resources online.

11 But again, not everybody
12 has access to the Internet or is
13 savvy to go on and look at it, so
14 how do we do that. So I really
15 appreciate that earlier this year
16 Councilman Harrity and Councilman
17 Driscoll released a proposal for an
18 Act 135 diversion program that
19 would be a one-stop shop, right.
20 you're going to connect the
21 property owners to legal resources.
22 And then to think about what are
23 the resources out there for
24 rehabbing.

25 So their proposal, I think

1 it outlines some thoughtful ways to
2 give property owners at the very
3 least information, right, and maybe
4 access to counsel. So for me, I
5 think access to counsel and some
6 pot of money that can be put
7 together by the City or with
8 lenders, CDFIs, others that want to
9 see these properties stay in the
10 hands of the owners because they're
11 blighted, they need to be
12 rehabilitated and if the owner
13 can't access resources to do it,
14 the conservatorship process is an
15 alternative that is working in
16 other parts of Pennsylvania. And I
17 will say that it's only in
18 Philadelphia and Allegheny County
19 where it's being used by nonprofit
20 organizations.

21 Most of the state it's
22 being used by municipalities and
23 being used by redevelopment
24 authorities. The land banks just
25 got the power to use it, so I think

1 there's maybe one or two. So for
2 me, I love the law that allows for
3 this intervention when everything
4 else has failed.

5 But here because the market
6 is so strong, there are bad actors
7 that are taking advantage of it.
8 So I support whatever efforts can
9 be made to preclude those if
10 there's some way to allow the
11 owners to, I don't know, have
12 access to legal counsel is really
13 the answer.

14 But again as you said,
15 Councilwoman Gauthier, it's
16 stressful if you get that petition.
17 And my family members if they got a
18 petition in the mail, they would
19 like lose their mind, right, so
20 that is really what we're trying to
21 prevent. So how do we prevent
22 that.

23 Councilmanic Districts,
24 you're all trying to help your
25 constituents understand if they get

1 a petition what to do, right,
2 that's one step. But I think
3 having some kind of more formal
4 access to counsel and pot of money
5 that could be tapped into by owners
6 to avoid conservatorship would be
7 really helpful.

8 And then I just want to end
9 by saying that the City has some of
10 their own properties that have been
11 the subject of conservatorship
12 petitions. So for me I see that
13 and I think the first step should
14 be the City should assess every
15 structure that they own. Board,
16 seal and make sure that it is not a
17 danger to others around them, and
18 that gives you more credence to go
19 out and ask others to do something
20 different.

21 And I want to commend the
22 Land Bank. They increased their
23 budget for maintenance by -- I
24 forget how much it is. I want to
25 say this correctly, but they

1 increased their budget this year in
2 order to allow for more property
3 maintenance to be done to avoid
4 their properties from going into
5 conservatorship. So for me it went
6 from 300,000 -- they upped it by
7 300,000 for Fiscal Year '24 to
8 500,000.

9 And then to avoid those
10 filings, you don't want to be the
11 respondent, right. The City should
12 not be a respondent. But I also
13 agree that -- and I'll just give my
14 one recommendation that I really
15 feel strongly about. The
16 conservators fee, yes, it should be
17 addressed in some way.

18 The next one is for
19 municipally-owned properties I
20 think there should be a 60-day
21 prior written notice and give the
22 City a chance to resolve the blight
23 and come into some kind of
24 compliance, because for me the City
25 has limited resources to deal with

1 blighted properties, right. We all
2 agree with that. There's not an
3 endless supply of money. A
4 conservatorship petition makes the
5 City direct its resources to that
6 property even though it might not
7 be the worst property.

8 So I think for publicly-
9 owned properties there should be
10 some sort of 60-day notice and even
11 a heightened standard of blight
12 that would make it more palatable
13 to me as somebody who really works
14 hard with local governments to try
15 to figure out what to do. There's
16 not enough money, and trying to
17 figure out how to do this in a way
18 that protects the property owners
19 and their wealth. We don't want to
20 take wealth away from people. We
21 want to build it up, the neighbors
22 as well as the owners.

23 So I'll just wrap up by
24 saying thank you and that if there
25 are any efforts to try to figure

1 out amendments, I mean I'm all
2 ready to participate in any
3 possible way I can to help. Thank
4 you.

5 COUNCILMAN SQUILLA: Well,
6 thank you much for your testimony
7 and again offering suggestions
8 because I think that's why we're
9 really here, is to do that. And
10 our Councilmember who introduced
11 this resolution will be speaking
12 also. But the key is what are
13 things we can -- and I like the
14 right to counsel because we just
15 added some money into CLS's budget
16 for adjoining neighbors' issues
17 when people are developing.

18 And so, CLS now has
19 additional dollars for that, but
20 that fits right into the same model
21 where they could also -- since it's
22 an adjoining neighbor or a neighbor
23 whose house is being conserved, it
24 could be either one, and then CLS
25 could help them be able to address

1 that. So that's something we could
2 do.

3 We would love to put
4 something together where we come up
5 with all these recommendations of
6 how to help residents deal with
7 this or even put guidelines or
8 guardrails in so that we don't get
9 into this position. The best case
10 is not to get into this position,
11 right. So I think your testimony
12 and I think some of the options you
13 were offering are very well heard,
14 and we appreciate both your
15 testimony on that.

16 Councilmember Young.

17 COUNCILMAN YOUNG: Thank
18 you, Mr. Chair.

19 I want to thank you both
20 for your testimony today. It's
21 very enlightening for us. I have a
22 question for Ms. Berkman. Can you
23 tell us -- I know you're here in
24 your individual capacity, but can
25 you tell us why some legal services

1 agencies aren't able to represent
2 property owners even though they're
3 low income?

4 MS. BERKMAN: Well, I was
5 at CLS a long time ago. They have
6 certain priorities, and handling
7 something that is a property that
8 is vacant or not legally occupied
9 is not on their priority. I
10 checked with VIP which does
11 handle -- finds pro bono attorneys
12 when the legal services attorneys
13 can't handle them.

14 And they said that when
15 they get referrals from
16 respondents, the respondents
17 generally -- first of all, they
18 think they're screened out by CLS
19 and the other legal services
20 organizations so VIP doesn't get
21 very many at all. But when they
22 do, the people don't have
23 sufficient resources or capability
24 of rehabbing the property under
25 conditional relief which would be

1 required.

2 COUNCILMAN YOUNG: Thank
3 you.

4 Ms. Branton, can you talk
5 to us about or I guess give us some
6 of the names of the other
7 municipalities that are using this
8 Act to remediate blight in their
9 communities?

10 MS. BRANTON: Sure. Right
11 now the Upper Chichester Township
12 has one or two petitions pending.
13 There are a number of
14 municipalities out in Western
15 Pennsylvania. Butler County was
16 one of the early adopters of Act
17 135. Their Redevelopment Authority
18 uses it frequently.

19 The other Redevelopment
20 Authority that I've spoken with
21 recently is Cumberland County.
22 They're using it as well as -- oh,
23 what's the -- Clearfield, it's not
24 Clearfield. I can send those to
25 you. I have many of those

1 petitions.

2 COUNCILMAN YOUNG: Thank
3 you.

4 MS. BRANTON: And usually
5 in those cases they acquire the
6 properties, they either demolish
7 the structure and then it's vacant
8 land and they usually sell it to
9 the next door neighbor or if it's a
10 structure that can be rehabbed,
11 it's usually rehabbed using home
12 monies or other federal dollars
13 that allow for support to develop
14 affordable housing, and then
15 they're transferred to owners that
16 are income-qualified.

17 COUNCILMAN YOUNG: Thank
18 you.

19 MS. BRANTON: Sure.

20 COUNCILMAN SQUILLA:
21 Councilmember Gauthier.

22 COUNCILWOMAN GAUTHIER:
23 Thank you, Mr. Chair.

24 Thanks so much to both of
25 you for your work and your

1 recommendations. I agree with you
2 on everything. I definitely think
3 we should be providing more support
4 to owners. I think the majority of
5 folks even when these
6 conservatorship cases are
7 successful are not bad folks. They
8 just don't have the wherewithal, so
9 I think we should help them to have
10 the wherewithal.

11 And couldn't agree with you
12 more around the City modeling good
13 behavior through our own vacant
14 properties and I would add vacant
15 land. I have blocks where the City
16 is the blight on the block, right,
17 and that's not how we model
18 excellence.

19 And on the community
20 engagement piece as well, we're
21 currently trying to support
22 residents and community members in
23 West Philadelphia around a
24 conservatorship case with Scioli
25 Turco around the Gosnell building,

1 which just has a deeply painful
2 history in West Philadelphia given
3 what happened there. And it's
4 crucial for the community to be at
5 the table to make sure that what
6 happens there in the future doesn't
7 repeat that trauma.

8 And the judge has been very
9 gracious to us. The community
10 members are being represented by
11 the Penn Law Clinic. The judge has
12 been very gracious to us, but we
13 don't have a formal sort of right
14 to -- we haven't been granted a
15 formal right to intervene, so I
16 truly hope that that's one of the
17 changes that can be affected over
18 time as well.

19 I wanted to ask you your
20 thoughts on some other potential
21 changes. My office was able to
22 broker something with the Law
23 Department where we get notified
24 every time there's one of these
25 filings in our District, right.

1 But we had to ask for that and we
2 did that after basically beating
3 our heads against the wall trying
4 to help constituents untangle what
5 was going on, right, with their
6 properties.

7 And so, we have this data-
8 sharing agreement with Law because
9 the Law Department does get
10 automatic notification around these
11 filings, but how should we be using
12 that automatic notification in a
13 better way to inform Council
14 Offices or residents or RCOs or
15 whomever?

16 And then I also wanted to
17 ask your opinion about sort of the
18 geographic radius that's allowed
19 for these filings. It's quite
20 broad and I think works against the
21 interest of having very near
22 neighbors fighting against blight.
23 So those would be the two questions
24 that I would put before you.

25 MS. BERKMAN: I'll respond

1 to the radius and then maybe Winnie
2 can respond to the City notice and
3 sharing that. Originally the
4 original law was for community-
5 based groups, was for all counties
6 other than Philadelphia it was just
7 you "participated" in -- a
8 nonprofit had to "participate" in a
9 development in the county.

10 For Philadelphia because
11 we're so large, the original law
12 provided that the community group
13 could be a party in interest if it
14 was within 1 mile radius of the
15 subject property, and that was
16 changed in 2014 I believe to 5
17 miles.

18 COUNCILWOMAN GAUTHIER:

19 Yes.

20 MS. BERKMAN: And my office
21 represents community-based groups
22 that all have target areas, most of
23 them. And the 1 mile would be very
24 adequate for them because they
25 develop all through their

1 neighborhoods. And I think it was
2 added to let some of the nonprofits
3 that are not neighborhood-based
4 sort of jump from one to another
5 one that was 5 miles away. So I
6 would support personally going back
7 to the 1 mile in Philadelphia.

8 COUNCILWOMAN GAUTHIER:

9 Thank you.

10 MS. BRANTON: In terms of
11 the notice to Council. Maybe I'm
12 naive, but if the Law Department is
13 getting the notice, it would seem
14 as if every time a notice came in,
15 a copy was sent to the Chief Clerk
16 of Council and then distributed to
17 the appropriate District
18 Councilperson.

19 COUNCILWOMAN GAUTHIER: We
20 had to specifically request that.
21 So, yeah --

22 MS. BRANTON: I'll be happy
23 to add that as a recommendation if
24 that helps you.

25 COUNCILWOMAN GAUTHIER: --

1 maybe that's an easy change.

2 MS. BRANTON: Because that
3 to me just seems like a no-brainer,
4 right. The Law Department gets the
5 notice. I don't know if you're all
6 on the same intranet, but to get it
7 over here seems like an easy fix
8 for that. And I think it would be
9 great to have that added because
10 you want to be able to serve your
11 constituents, and that is one way
12 to direct them to resources as
13 you've all been doing. So I
14 commend you on that.

15 And on the distance, for me
16 I mean if you live within 2,000 --
17 if you're a resident or a business
18 owner within 2,000 feet of the
19 building, I think that's fair
20 because you're the most impacted,
21 right, if it's a truly a related
22 property. On the mile radius, I
23 don't know how the RCOs are set up
24 and the CDCs. If somebody was more
25 than a mile but it was really the

1 CDC that operated here, I would
2 want them not to be excluded. But
3 I'm going to rely on Judy because
4 she knows more about how those
5 things are set up than I do.

6 But to me, I think it's
7 something that we should look at
8 maybe with a mapping to see if that
9 would exclude groups that are
10 actually using conservatorship
11 appropriately.

12 COUNCILWOMAN BASS: Thank
13 you.

14 MS. BERKMAN: And I'd just
15 like to add that since the general
16 court regulation was revised and
17 the notice now includes the date,
18 time and place of the first
19 hearing, once you folks get the
20 notice you can target people in
21 your neighborhoods that would be
22 near that and say, this is the
23 hearing date. So that is an
24 improvement because it used to be
25 just a notice that it was filed,

1 but now it includes the date, time
2 and place of the hearing.

3 COUNCILWOMAN GAUTHIER:

4 Thank you so much. I look forward
5 to working with both of you and I
6 support the task force idea.

7 COUNCILMAN SQUILLA: Thank
8 you.

9 Councilmember Young.

10 COUNCILMAN YOUNG: Thank
11 you. So to my colleague
12 Councilwoman Gauthier, I've
13 actually thought about drafting
14 legislation that mandates the Law
15 Department provide us notice for
16 Act 135 petition. That was one of
17 my internal recommendations that
18 I've had to make changes, not to
19 the state law because we don't have
20 the ability, but to see what the
21 City can do on our level when it
22 comes to Act 135 petitions.

23 So that's something that I
24 have already contemplated and have
25 a framework of drafting, so I will

1 be happy for you to co-sponsor that
2 legislation.

3 (Witnesses approached
4 Witness table.)

5 COUNCILMAN SQUILLA: Thank
6 you. Thank you so much for your
7 testimony. And I guess the next
8 panel is here. So I guess we'll
9 start with Cara. If you want to
10 just state your name for the
11 record. Then proceed with your
12 testimony.

13 MS. McCLELLAN: Thank you.
14 Good afternoon. Thank you,
15 Councilmember Young, for holding
16 this hearing and thank you to the
17 Committee for the time and
18 attention you've given to this
19 important issue. My name is Cara
20 McClellan. I'm a practicing
21 professor at Penn Carey Law School.
22 I direct the Advocacy for Racial
23 and Civil Justice Clinic, which
24 does civil rights litigation,
25 representation as well as policy

1 advocacy in four areas; economic
2 justice, health equity, education
3 equity and ending overpolicing and
4 mass incarceration.

5 So this issue came to our
6 attention as a result of outreach
7 from residents, some of whom we've
8 heard from today. And it fits
9 under our economic justice bucket
10 and our housing work. And as a
11 result of hearing from residents,
12 we then did a study, which I think
13 Councilmembers already have a copy
14 of, to really look at the docket
15 and what has been the impacts in
16 Philadelphia.

17 And so, the two students
18 who are with me are certified legal
19 interns who have really been
20 leading this research. And so, I'm
21 going to turn it over to them.
22 First, you'll hear from Elizabeth
23 Shackney and then from Megan Bird.
24 Thank you.

25 COUNCILMAN SQUILLA: Thank

1 you, Elizabeth. Just state your
2 name and then proceed with your
3 testimony.

4 MS. McCLELLAN: Oh, is it
5 possible -- we just have some
6 visuals. Is it possible to display
7 graphs?

8 COUNCILMAN SQUILLA: Sure.

9 MS. McCLELLAN: Okay.
10 Thank you.

11 MS. SHACKNEY: My name is
12 Elizabeth Shackney. Good
13 afternoon. This is Megan Bird.
14 She'll introduce herself in just a
15 moment. We're both third-year law
16 students and certified legal
17 interns with the ARC Clinic. I am
18 also a co-author of the Clinic's
19 report on the impact of the
20 Abandoned and Blighted Property
21 Conservatorship Act or Act 135.

22 The Clinic has repeatedly
23 heard from individuals who were
24 approached by someone interested in
25 purchasing their property. After

1 the homeowner says they do not want
2 to sell, they learned that an Act
3 135 petition has been filed against
4 the home. Act 135 was not intended
5 to provide an endrun for developers
6 to acquire houses from vulnerable
7 homeowners. Act 135 was enacted to
8 combat blight through community-led
9 development.

10 Abandoned and blighted
11 properties can seriously impact
12 property values and community
13 safety. However, the Act has had
14 concerning unintended consequences.
15 We believe there's pressing need
16 for reform.

17 The Clinic initially
18 analyzed 577 Act 135 cases between
19 October 2009 and December 2022. We
20 released a report on our findings
21 last November. Today we're going
22 to speak to the conclusions of this
23 report and feedback that we've
24 heard from community members, and
25 we are also going to provide some

1 updated information based on
2 analysis of 93 additional petitions
3 that were filed through February
4 2024.

5 It's a little tough to see,
6 but we will make it work. It's
7 also included in the written
8 testimony about halfway through one
9 of the packets if you can find it.
10 So the data that we're going to
11 talk about in more detail led us to
12 four important conclusions.

13 First, those who have
14 petitions filed against the homes
15 that they own called respondents,
16 they are disproportionately Black
17 or Asian. Two, petitions are
18 primarily filed in majority Black
19 and majority non-White
20 neighborhoods, but those filings
21 are not evenly distributed.

22 Our third finding shows
23 that petitions are primarily filed
24 in gentrifying areas where
25 residents are already vulnerable to

1 displacement. And four, petitions
2 are filed primarily by two
3 nonprofit corporations.

4 So the slides up here
5 include a summary of our findings
6 in greater detail. The first graph
7 if we can go to Slide 1, this --
8 we had it, No. 1. -- no, the first.
9 That one, thank you. So here we
10 can see that approximately 12
11 percent of Act 135 petitions
12 involve Asian homeowners, but only
13 7 percent of homeowners in
14 Philadelphia are Asian.

15 Approximately 43 percent of
16 Act 135 petitions are filed against
17 Black homeowners, but only 36
18 percent of Philadelphia homeowners
19 are Black, so this represents the
20 disparities between the petition
21 composition and the City's
22 homeownership composition.

23 The next slide here shows
24 that whereas 65 percent of census
25 block groups are majority

1 non-White, approximately 70 percent
2 petitions are filed in majority
3 non-White census block groups. If
4 you can go to the next one, this
5 map shows that a bit more clearly
6 and shows that distribution of
7 petitions.

8 The navy represents
9 majority non-White census block
10 groups, and the pink represents
11 majority White census block groups.
12 Those yellow dots, a little bit
13 difficult to view from a distance,
14 represent petition filings. And
15 you can see how they kind of
16 cluster along the areas where the
17 population shifts from majority
18 non-White to majority White.
19 There's also a concentration of
20 filings just north and south of
21 where we are now. So keep that in
22 mind as we move to the next map
23 here.

24 Our fourth finding or our
25 third -- our third finding gets to

1 a metric that the Reinvestment Fund
2 created called the displacement
3 risk ratio. So the darker the
4 purple census block group, the
5 greater the risk of displacement.
6 And the red dots here represent
7 petition filings. So approximately
8 27 percent of the homes subjected
9 to an Act 135 petition came from a
10 block group at elevated risk for
11 displacement and 33 percent came
12 from a block group designated as at
13 risk for displacement. So together
14 greater than 50 percent of
15 petitions are filed in tracts
16 vulnerable to displacement.

17 Since releasing the report,
18 we've heard from vulnerable
19 property owners and descendants
20 subject to Act 135 petitions, all
21 of whom were Black. For many
22 middle- and low-income respondents,
23 the cost of hiring an attorney to
24 challenge an Act 135 petition is
25 prohibitively expensive as we've

1 heard today and the process is
2 time-consuming and stressful.

3 This raises concern at a
4 time when Black homeownership rates
5 in Philadelphia are falling and
6 additionally, a legacy of racist
7 housing policy has diminished Black
8 Philadelphians' opportunities to
9 build intergenerational wealth.
10 Act 135 petitions are often filed
11 against elderly homeowners or after
12 a homeowner passes away.

13 The recurring issue today
14 of tangled titles or heir's
15 property where the recorded
16 property owner is someone other
17 than the actual owner also appear
18 to play a role in the difficulties
19 that descendants face in
20 challenging Act 135 petitions.
21 Black neighborhoods in Philadelphia
22 are hardest hit by tangled titles
23 and we found that 20 percent of Act
24 135 petitions involve heirs
25 property.

1 As we all know and again as
2 we've heard time and time again
3 today, maintaining an old home is
4 expensive. Many respondents desire
5 to keep a home in their family but
6 may not be able to afford to repair
7 the property without additional
8 support. We think that supporting
9 homeowners with renovations is
10 critical to preventing displacement
11 and should be part of any effort to
12 reform Act 135. And I'm going to
13 pass it over now to Megan.

14 MS. BIRD: Thank you,
15 Lizzy. We are concerned about how
16 Act 135 has evolved to incentivize
17 private developers to file
18 petitions, particularly after the
19 2014 amendments. Importantly, the
20 current fee structure ensures that
21 a petitioner receives a profit once
22 the court determines that a
23 property qualifies for
24 conservatorship. This is because
25 the law provides for a

1 conservator's fee equal to the
2 greater of \$2500 or a 20 percent
3 markup of the cost and expenses or
4 20 percent of the sale proceeds.

5 Additionally, conservators
6 are entitled to legal fees and
7 rehabilitation costs. The original
8 owner only receives what is left
9 over from the sale price of the
10 property minus these conservator
11 fees. Unfortunately, these fees
12 are often so high that they equal
13 or even exceed the final sale
14 price, leaving the original owner
15 without real property or any
16 monetary benefit.

17 Respondents whose property
18 meets the conditions for
19 conservatorship may be granted
20 conditional relief, as happened
21 with Mr. Randall, if they can
22 convince the court that they can
23 remedy the conditions themselves.
24 However, they still must pay
25 substantial fees to the petitioner

1 and meet demanding deadlines.

2 Even if a respondent
3 completes all required work by
4 deadline, they still must reimburse
5 the petitioner for all costs they
6 incurred in filing the petition
7 plus the conservator's fee. Thus,
8 although conditional relief
9 provides an opportunity for
10 respondents to maintain ownership
11 of their property, they may still
12 owe petitioners significant fees
13 even when they have already
14 invested in the renovations
15 themselves.

16 Additionally, the
17 amendments expanded the definition
18 of who qualifies as a party in
19 interest to file a petition. A
20 party in interest now includes a
21 resident or a business owner
22 located within 2,000 feet of the
23 blighted property, which is an
24 increase from 5,000 feet -- excuse
25 me, 500 feet as well as a nonprofit

1 corporation that has participated
2 in a project within a 5-mile radius
3 of the property, which is an
4 increase from a 1-mile radius.

5 Finally, the law may also
6 include too broad a definition of
7 nonprofit corporations that qualify
8 as a party in interest.

9 Importantly, 303 of the 670
10 petitions reviewed by the ARC
11 Justice Clinic were filed by only
12 two nonprofit corporations.

13 If you wouldn't mind going
14 to the next slide. This slide
15 shows -- oh, right -- no, it's the
16 chart right there. This slide
17 shows the breakdown of those repeat
18 petitioners. This outcome is
19 inconsistent with the law's stated
20 purpose of providing an opportunity
21 for communities to modernize,
22 revitalize and grow and to improve
23 the quality of life for neighbors
24 who are already there.

25 If you could please go to

1 the next slide. This slide shows
2 the number of petitions filed in
3 each Council District since 2009.
4 You can see that certain Districts
5 receive far more petitions than
6 others. Councilmembers, you may
7 recognize your Districts up there.
8 Although these 2014 amendments can
9 only be changed at the state level,
10 we believe there are at least four
11 remedial steps the City can take to
12 better align Act 135 with its
13 original purpose.

14 First, provide homeowner
15 respondents access to legal
16 counsel. To address the heirs
17 property issue, they should include
18 increased access to estate planning
19 services and legal services to
20 resolve tangled titles after a
21 family member passes away.

22 Second, improve access to
23 funding such as that from the Whole
24 Home Repairs program for repairs
25 and rehabilitation to allow

1 individuals to hold on to their
2 family homes. Third, ensure that
3 development under Act 135 increases
4 access to affordable housing when
5 maintaining ownership of the
6 property is not feasible.
7 Remediating blight should not come
8 at the cost of displacing longtime
9 residents of the community.

10 Fourth, require inperson
11 service of prefiling notice so that
12 owners can address blight while
13 maintaining ownership of the
14 property. It is critical that we
15 ensure that those at risk of
16 displacement do not lose the equity
17 in their homes while their
18 neighborhoods develop an increase
19 in value. Thank you for providing
20 us the opportunity to speak today
21 and we welcome any questions about
22 our research.

23 COUNCILMAN SQUILLA: Thank
24 you so much. And thank you for
25 sharing your report. It's very

1 helpful and beneficial to the
2 Committee and hopefully to the task
3 force that's being created.

4 And as you go through this
5 and the list of recommendations,
6 what would you see as a high
7 priority recommendation to help
8 start the process of correcting
9 some of these challenges?

10 MS. McCLELLAN: Just to
11 emphasize what Megan just said so
12 well, I think ensuring that on the
13 front end displacement is prevented
14 in terms of folks getting the
15 support to do the rehabilitations
16 when they want to stay in their
17 homes, but then just to emphasize
18 also when it is the case that a
19 conservator is going to take
20 ownership, I think having some
21 requirement for affordability and
22 however the property is developed
23 afterwards would be the two
24 critical pieces.

25 COUNCILMAN SQUILLA: Thank

1 you.

2 Councilmember Young.

3 COUNCILMAN YOUNG: Thank

4 you, Mr. Chair.

5 I want to thank you all for
6 your work that you're doing at
7 Penn. I think it's critical to
8 highlight the data because Council
9 just doesn't have the manpower to
10 do the research for this data. But
11 I think this is critical for us as
12 District Councilmembers to see and
13 folks can understand why this issue
14 was so important to me.

15 As the Councilmember for
16 the 5th Council District, as you
17 see there the most filings for Act
18 135 petitions are in the 5th
19 Council District. That's why this
20 issue is very important, why I
21 wanted to bring it to the forefront
22 to Council's attention as one of
23 the first Acts that I've done as a
24 Councilmember.

25 But just a question, is

1 your Clinic able to represent
2 respondents in matters regarding
3 Act 135?

4 MS. McCLELLAN: Yes, we
5 potentially could take on cases in
6 the future. We're developing the
7 expertise to do it because we don't
8 ever want to do something that we
9 don't have the expertise to
10 represent people well. And so,
11 we've been learning from Judy and
12 others.

13 And the other piece just to
14 emphasize, the opportunity for
15 community voice through
16 intervention is critical and that's
17 another area where we would be
18 willing to take on representation
19 in appropriate cases.

20 COUNCILMAN YOUNG: So I'm
21 just going to volunteer my time to
22 you, that if I could lend some of
23 my expertise that I have in this
24 field, I would love to help you out
25 in trying to develop a program to

1 help defend some of these cases.

2 MS. McCLELLAN: Thank you
3 so much.

4 COUNCILMAN SQUILLA:
5 Councilmember Gauthier.

6 COUNCILWOMAN GAUTHIER:
7 Thank you so much for your work. I
8 hate looking at this chart but it's
9 really important to understand
10 where this is happening so that we
11 can get a handle on it. And the
12 3rd District is not only No. 3 in
13 terms of the highest amount of
14 these cases, we also have the most
15 tangled titles in the City, we also
16 are experiencing gentrification in
17 many neighborhoods. So all of this
18 is sort of layered.

19 I really, really support
20 the ideas around the right to
21 counsel and more assistance to
22 owners with resources to do
23 renovation and rehabilitation of
24 their properties. I do think we'll
25 have to think about the timing,

1 right. So with many of these
2 programs it is quite a lengthy
3 process and I don't know that it
4 lines up with the pace of how these
5 cases move, but that's something
6 that I think we should look at the
7 City level.

8 I wanted to ask a question
9 because this is something that I've
10 been struggling with. I agree with
11 you all that in looking at the
12 highest and best use for these
13 properties, the community should be
14 at the table and we should not be
15 displacing folks. We should be in
16 cases where these properties are
17 turning into housing pushing for
18 affordable housing. But do you
19 also think there's an inherent
20 tension between wanting the owners
21 to get fees that they may deserve
22 in this sort of highest -- and
23 having this be a truly beneficial
24 community use which doesn't always
25 come with the highest level of sort

1 of revenue for the property? And
2 do you have thoughts -- is that a
3 tension that you see as well and do
4 you have thoughts on how to address
5 it?

6 MS. SHACKNEY: I can
7 respond to this as someone who went
8 through every single petition to
9 pull out names. So I kind of felt
10 some of that tension as well, but I
11 think that first there are some
12 clear distinctions between cases.
13 There are cases filed against LLCs
14 where the respondent is an LLC.
15 There are cases where the City's a
16 respondent.

17 There are different
18 groupings of the types of
19 respondents that you see, and
20 something we've discussed around
21 pushing for affordable housing and
22 community voice is doing that in
23 the cases where it's not -- like
24 some of the community members we've
25 heard today, cases where someone's

1 trying to fix up their family home
2 and just trying to get together the
3 finances to do that, so genuinely
4 meritorious cases where there's a
5 blighted property.

6 There are cases in the
7 docket filed against a cemetery.
8 There are religious institutions
9 that have been respondents. So
10 there's a lot more research that
11 could be done to better understand
12 the different buckets of
13 respondents here. And I think what
14 we're speaking to today is the two
15 buckets of respondents who are
16 trying to fight for their home and
17 respondents who really may not be
18 anywhere nearby.

19 COUNCILWOMAN GAUTHIER:

20 Thank you.

21 COUNCILMAN SQUILLA: Well,
22 again thank you so much for your
23 testimony and information you
24 provided. I think it'll be very
25 helpful in continuing this

1 conversation. So thank you so
2 much.

3 Okay. Next panel to
4 testify. Mr. McMonagle, please
5 read names of the next panel.

6 THE CLERK: Can we please
7 have Alex Balloon and Job
8 Itzkowitz.

9 COUNCILMAN SQUILLA: Thank
10 you.

11 Mr. McMonagle, do you know
12 if there's any other person to
13 testify after these two?

14 THE CLERK: I'm sorry?
15 Say --

16 COUNCILMAN SQUILLA: Do we
17 know if there's any other panels to
18 testify after these two?

19 THE CLERK: There are a few
20 other folks that have signed up,
21 yes.

22 COUNCILMAN SQUILLA: Okay.
23 All right. Thank you. Alex, I
24 guess if you want to state your
25 name for the record and proceed

1 with your testimony.

2 MR. BALLOON: Thank you so
3 much, Chairman Squilla. I'm going
4 to do my best to summarize because
5 my written testimony has been
6 submitted. My name is Alex Balloon
7 and I'm the Executive Director of
8 the Passyunk Avenue Revitalization
9 Corporation in South Philadelphia.

10 Prior to that position, I
11 was Executive Director and Corridor
12 Manager of the Tacony Community
13 Development Corporation in
14 Northeast Philadelphia. There I
15 was a participant as a witness and
16 at one time a petitioner in more
17 than 10 Act 135 cases. As a
18 commercial corridor manager, we
19 often serve as the eyes and ears of
20 our commercial corridors. We're
21 out meeting with our merchants and
22 our neighbors and they're bringing
23 blighted vacant and abandoned
24 buildings to our attention.

25 One of the most significant

1 challenges in many of our
2 commercial corridors is the
3 epidemic of gun violence. Make no
4 mistake, vacant blighted buildings
5 increase gun violence in
6 Philadelphia neighborhoods. A
7 recent study from the University of
8 Pennsylvania School of Medicine in
9 2022 found that blocks with
10 abandoned homes had 8.5 percent
11 more monthly weapons violations, 13
12 percent more gun assaults and 7
13 percent more shootings. This is no
14 surprise.

15 In Tacony, I spent a lot of
16 time working with our police
17 lieutenants and our bike officers
18 and these properties generated the
19 most calls for services and public
20 safety-related issues. In
21 communities facing the dual crisis
22 of gun violence and the opioid
23 epidemic, vacant buildings
24 compounded those issues
25 exponentially. This was widely

1 documented in the intersections of
2 injustice article from the
3 Philadelphia Inquirer.

4 It is critical that blight
5 remediation be part of the strategy
6 to reduce gun violence in our city.
7 In addition to gun violence, these
8 properties present tremendous fire
9 risk. I would like to speak to
10 just one particular case in Tacony,
11 St. Leo the Great, a landmark
12 church on Keystone Street was sold
13 in 2019. After the sale of the
14 building was not well-maintained
15 and frequently people trespassed
16 onto the property, I like many
17 neighbors placed multiple 311
18 calls.

19 Four teens went in the
20 property and lit a fire on May 9,
21 2021 and it burned to the ground.
22 The flames were so intense that
23 multiple fire companies responded
24 and the heat from the fire left
25 neighboring families homeless.

1 This is the result of a large
2 vacant and blighted building.
3 Lives that may have been different
4 had Act 135 been used to address
5 the problem. Speak to any fire
6 captain and they will tell you the
7 tremendous risk that our public
8 safety partners and first
9 responders face with blighted and
10 abandoned buildings.

11 These, according to a
12 National Fire Protection
13 Association report, only accounted
14 for 6 percent of structure fires,
15 but 13 percent of firefighter
16 injuries. Other speakers have
17 testified to some of the effects,
18 but any corridor manager will tell
19 you that most of our merchants,
20 about 70 percent, are new
21 Americans. So when they bring
22 these properties to our attention,
23 it's a major equity issue.

24 A study from Columbus, Ohio
25 indicated that vacant and blighted

1 buildings can take as much as 20
2 percent of value from a neighboring
3 property. For an average Tacony
4 homeowner, that's about \$40,000 in
5 a neighborhood with a median income
6 of only \$50,000. I would invite
7 this Committee to imagine to tell
8 these homeowners that Act 135 was
9 not available to them.

10 In addition, a 2010 study
11 from Philadelphia found that vacant
12 and blighted buildings cost more
13 than 3.6 Billion in reduced
14 household wealth. If we inflation-
15 adjust that figure to 2024, that is
16 more than \$5 billion in our City's
17 household wealth removed by vacant
18 and blighted buildings.

19 To that point, I'm glad to
20 have the opportunity to speak to
21 the author of the Penn Study and
22 express that I think it was an
23 important equity issue, but I think
24 that the study overlooked the
25 equity of the neighbors,

1 particularly those in Black and
2 Brown and low- and moderate-income
3 communities. Those are the
4 merchants that are faced with the
5 loss of customers and income. They
6 face the uncompensated cleanup work
7 due to negligence and they face the
8 nuisances that these properties
9 generate.

10 In the cases I participated
11 in, Act 135 was the only tool that
12 helped actually solve the problem
13 of what felt like a never-ending
14 merry-go-round of 311 calls,
15 Councilmember emails, CLIP cleanups
16 and L&I clean-and-seals. In the
17 end I think that the best solution
18 as some have spoken to Act 135 is
19 to prevent properties from getting
20 to the point of being blighted and
21 abandoned.

22 Our City's robust
23 investment in homeowner assistance,
24 tangled titles and Basic Systems
25 Repair are key to prevent blighted

1 buildings from becoming blighted
2 buildings. And it is critical when
3 a tool that has -- when the tool of
4 years of property maintenance code
5 violations, fines and outreach
6 efforts have failed, that Act 135
7 is available.

8 As Mayor Parker has stated,
9 our merchants and neighbors deserve
10 to live in neighborhoods that are
11 clean, green and home to economic
12 opportunity for all. So thank you
13 again for allowing me the time to
14 testify today and I welcome any
15 questions you may have.

16 COUNCILMAN SQUILLA: Thank
17 you. We'll let Job testify -- all
18 three testify and then we'll ask
19 questions.

20 MR. ITZKOWITZ: Sure. Good
21 afternoon, Chair Squilla and all
22 members of the Committee. I have
23 submitted my written testimony and
24 as a former staffer, I normally
25 rely on it. But in this case I

1 would like to read some of it into
2 the record with an eye on hearing
3 what the members of the Committee
4 have said, right. You're focusing
5 on bad apples.

6 But like Alex, I share
7 concerns about the impact that
8 these properties have on the
9 community. So as you're looking
10 for solutions for how you might
11 recommend to the Commonwealth or
12 whatever bills you can pass
13 locally, I'd like you to keep in
14 mind that the speed of Act 135 is
15 vitally important.

16 I'm also going to read some
17 of the testimony that was submitted
18 by a resident of Old City who was
19 unable to be here today. She had a
20 family emergency, so I have some
21 excerpts from that that just speak
22 to that point.

23 Again, my name is Job
24 Itzkowitz and I'm the Executive
25 Director of the Old City Special

1 Services District. As you know,
2 Old City is one of Philadelphia's
3 more expensive neighborhoods with
4 some of the City's highest demand
5 for real estate. So you may be
6 wondering why a representative of
7 an Old City neighborhood
8 organization is here to testify
9 about blight and the role that
10 conservatorship can play in
11 remediating it.

12 It's perhaps because like
13 litter and dumping, blight impacts
14 every neighborhood in the City.
15 I've served in my current role in
16 Old City since 2014. But in April
17 2013 I was serving in City Council
18 as a staffer with two members of
19 this Committee and that month City
20 Paper published a story called The
21 Trouble with Old City. It was a
22 cover story. I have this on a desk
23 in my office because it is
24 something that I was speaking about
25 when I interviewed for the job and

1 something we still talk about
2 pretty regularly today.

3 The story starts with the
4 following paragraph: Behind the
5 Continental, one of culinary
6 impresario Steven Starr's oldest
7 and most recognizable concepts, two
8 decaying buildings sit on South 2nd
9 Street in Old City. In stark
10 contrast to the surrounding block
11 alive with bars and restaurants,
12 infamous for its weekend hordes,
13 the buildings at 9 and 11 South 2nd
14 Street are boarded up and dark with
15 rusted, mangled security grates
16 warding off passersby.

17 The blight, now half a
18 century in the making, seemed
19 inexplicable, situated as it is on
20 a prominent corner in the heart of
21 one of Philadelphia's oldest, most
22 iconic and arguably most desirable
23 neighborhoods, a half a century.
24 The property was owned according to
25 records by Lillian Snyder but was

1 really managed by Ted Snyder, her
2 then 79-year-old son, suggesting
3 that the property really belonged
4 to his 100-year-old mother or her
5 estate.

6 The article later
7 continues, You might wonder where
8 is the City in all this? Why isn't
9 it forcing owners to clean up their
10 acts and does it have a plan for
11 this neighborhood at all. A look
12 at the Snyder family's court
13 records offered some insight. The
14 City's various code enforcement
15 lawsuits hit walls after servers
16 failed to make contact via Ted
17 Snyder's numerous false addresses,
18 including the now vacant Northeast
19 Philly offices of Segal & Drayer
20 Accounting and his sister's former
21 home in Lancaster.

22 Enforcement efforts were
23 gummed up for decades as the City
24 vainly attempted to serve Snyder
25 centenarian mother and dead father

1 21 times by certified mail sent to
2 empty offices and alias residences.
3 The City has pursued Ted Snyder
4 directly on only two occasions over
5 the last decade, both times
6 unsuccessfully. Both service
7 attempts for failure to renew a
8 business privilege license went to
9 a dummy address.

10 So in 2015 I had been with
11 the District for about a year. My
12 Board of Directors voted to explore
13 conservatorship action against
14 these properties. Unfortunately,
15 later that year the Court of Common
16 Pleas upended the City's windows
17 and doors ordinance, upon which
18 some of our case would have rested.
19 At that point, we decided not to
20 pursue any action.

21 Unbeknownst to anyone, the
22 property was causing harm to the
23 residential neighbors to its rear.
24 Though she cannot attend today, Old
25 City resident Evelyn Hammer has

1 submitted written testimony to the
2 Committee. Ms. Hammer lives at
3 Letitia Lofts, a six-story, 19 unit
4 converted warehouse at 8-10 South
5 Letitia Street that abuts this
6 property.

7 I'd like to read a few
8 brief excerpts from her testimony.
9 Ms. Hammer writes, Around February
10 of 2023 we discovered a
11 sub-basement in our property that
12 expands the full footprint of our
13 building. The area was filled with
14 debris and without lighting. Once
15 the area was cleared and lighting
16 installed, we noticed a tremendous
17 amount of moisture in the back area
18 of the sub-basement, the area that
19 abuts the abandoned properties at 9
20 and 11 South 2nd Street.

21 In addition to significant
22 bulging and the parging, the area
23 was wet to the touch, especially
24 after it rained and the nearby
25 wooden joists were rotting with the

1 excess moisture. Investigating all
2 possibilities of the source of the
3 water intrusion, we discovered that
4 the downspouts coming off of 9 and
5 11 South 2nd Street were not
6 connected to proper storm drainage
7 and instead were and still are
8 dumping inordinate amounts of water
9 behind our building with every
10 rain.

11 Viewing down from our roof,
12 we also discovered that there was
13 an illegal extension built behind 9
14 South 2nd Street, including a
15 toilet and sink installed in what
16 would be considered the far back
17 area of the backyard. This
18 extension has collapsed in on
19 itself. The area was open to the
20 elements, a total disaster zone
21 filled with dangerous materials and
22 pooling with every storm.

23 In late summer of 2023, we
24 discovered the access door to our
25 breezeway had been spray-foamed

1 shut and blocked from the inside,
2 that is, the 11 South 2nd Street
3 side. This breezeway is meant to
4 give us access to the back of our
5 property and provide emergency
6 egress for anyone on the 11 South
7 2nd Street side.

8 We contacted our insurance,
9 the Historical Commission, the
10 Preservation Alliance, the Water
11 Department, Leo Procopio with
12 Councilman Mark Squilla's office --
13 she wrote that -- L&I, the Fire
14 Department and attorney and even
15 the Philadelphia Inquirer. The
16 latter of which recently published
17 an article about the negative
18 impact Act 135 may have on
19 undersupported property owners
20 without representing a serious
21 situation such as ours.

22 Scioli Turco investigated
23 the matter and filed a petition for
24 conservatorship in November of
25 2023, and thank goodness they did.

1 I along with neighbors from another
2 Letitia Street condominium
3 association testified during a
4 December 19th status hearing, which
5 was advanced to an evidentiary
6 hearing held this past February
7 14th.

8 The judge agreed that the
9 stipulations for conservatorship
10 had been met. However, as a
11 testament to how seriously the
12 matter is considered, the judge has
13 given the Snyder Estate until late
14 May to submit a complete plan of
15 action in repairing the buildings,
16 correcting the downspouts, opening
17 our access door, approving property
18 insurance, et cetera.

19 While there appears that at
20 some point in late spring one way
21 or another the court will supervise
22 repairs in the correction of the
23 downspouts or a conservator will
24 see to this work, there is a lot of
25 rain, no doubt, in the immediate

1 future and the damage to our
2 foundation will continue. Without
3 Act 135, our historic building and
4 our property value would continue
5 to be in serious jeopardy. It is a
6 critical and important mechanism to
7 protect our neighborhoods.

8 Unfortunately, Ms. Hammer
9 and her neighbor's experience is
10 not an isolated incident. Though
11 he had to leave, another resident
12 from Old City was here to testify
13 about a petition he filed a few
14 blocks away. A lot has changed in
15 the last 10 years. I'm sitting
16 here as an Executive Director of a
17 Business Improvement District. Two
18 of my former colleagues are now
19 Councilmembers and I'm immensely
20 proud of how far we've come since
21 we worked together in this
22 building.

23 Unfortunately, certain
24 blighted buildings in Old City have
25 not made any progress over the same

1 period of time and without Act 135,
2 those properties would continue to
3 rot for years to come. I am happy
4 to answer any more questions. I
5 thank you for your time.

6 I did just want to join
7 Alex. Alex and I met with
8 Professor McClellan a few months
9 ago. And as a Penn Law alum, I
10 could not be more proud of the work
11 that students there are doing
12 today. I just did want to point
13 out there was a lot of discussion
14 about homeowners and homeowners
15 being the respondents in these
16 cases.

17 And as we talked about, as
18 the Committee talked about earlier,
19 these are not for the most part the
20 residences where people are living.
21 These are properties owned in
22 families. I think that's an
23 important issue to be discussed,
24 but we should not be displacing
25 anybody from those buildings

1 because they are supposed to be
2 unoccupied and vacant. Thank you
3 very much.

4 COUNCILMAN SQUILLA: Thank
5 you for your testimony.

6 Just proceed. State your
7 name for the record and proceed
8 with your testimony.

9 MS. FASSETT: Hello. My
10 name is Dawn Fassett. Thank you
11 very much to Council for having
12 this meeting and allowing us to
13 speak because I oppose Act 135.
14 I'm sorry I'm not better prepared,
15 but I just found out about the
16 meeting and I had to be here.

17 My house is 5105 Overbrook
18 Avenue, a block away from St. Joe's
19 University. We received a notice
20 for Act 135, it was placed on our
21 door. Our home was not vacant nor
22 was it -- or blighted. Okay. When
23 I received the notice -- when I saw
24 the notice on the door, I read it,
25 had no idea what it was or what it

1 was about. Maybe a week later I
2 received hand-delivered letter to
3 appear in court over the house. So
4 I sought advice from an attorney
5 and I showed them the house. It
6 was explained to me that I should
7 have no problem, explain to the
8 judge, show him the house and just
9 tell him the situation. Done so.

10 So the first court
11 appearance not knowing any better,
12 you have to appear in court with an
13 attorney, not only an attorney, a
14 real estate attorney and an
15 attorney that's well-known to the
16 135 Act. When I appeared, I
17 appeared with one of the
18 Councilman's -- somebody that
19 worked in the Councilman's office.

20 I just felt bullied from
21 the time I walked in the door.
22 Four attorneys, Paul Toner &
23 Associates, PCDC. I was told by
24 the clerk as soon as I walked
25 through the door, have you come to

1 an agreement. No, I haven't come
2 to an agreement because I don't
3 need any help with this house.

4 I told him my situation.
5 My mother was in the hospital. We
6 had two deaths. We planned on
7 moving into this house. So I was
8 really upset because the clerk
9 asked me did I come to an
10 agreement. You put me in a den
11 with the devil. This is who I make
12 an agreement with, somebody that I
13 spoke to on the telephone and told
14 him I don't need no help but you're
15 here so-called to help me.

16 The second court
17 appearance -- well, the first court
18 appearance was this -- well, I had
19 to come back again because I didn't
20 have an attorney and the judge
21 allowed me 30 days to get an
22 attorney, because I had received
23 the notice within 10 days and had
24 to appear in court.

25 So the second time I

1 appeared, I was ready. Again, I
2 had to sit down and talk to them.
3 It wasn't an issue -- this Act
4 looks a lot different on paper than
5 it does in the courtroom. I had to
6 appear in court and talk again to
7 the people that gave me the 135
8 Act, which included -- I was
9 prepared because we had over 200 --
10 we had over \$300,000 to show him
11 proof of loans to take care of this
12 house and take care of business.
13 But again, it was on deaf ears.
14 I was told by Mr. Toner
15 that I could have got this piece of
16 paper from the bank. I could have
17 downloaded that off the computer.
18 So this is the type of things we're
19 dealing with, and we need help. So
20 I'm going just leave it there
21 because I'm still in court over
22 this issue. I've been fighting it
23 since 2019. I really believe in my
24 heart that I came down to City Hall
25 on November 2018 to take care of

1 the taxes of that house. Okay.

2 One of the other

3 Councilmen's associates went to

4 court with me to get the issue

5 straight, helped me out with

6 getting my taxes straight in court

7 and told me it was a beautiful

8 house. I ride past this every day.

9 Later I found out that one of the

10 Toner associates went to school

11 with this individual and I had --

12 that's when I received the 135 Act

13 on my door. And I'm going to leave

14 it there. Thank you very much for

15 your time and thank you for

16 listening.

17 COUNCILMAN SQUILLA: Thank

18 you and thank you for your

19 testimony. As we heard both sides

20 of the story here at this table,

21 it's really important to understand

22 and I think even as you heard from

23 the Councilmembers here how we in

24 our capacity have also used the

25 conservatorship to better the

1 community and better the
2 neighborhood.

3 And I think the challenge
4 is how do we keep something that
5 can be used as a benefit to the
6 community but also not be used as a
7 a detriment to residents who are
8 living in a home that's being
9 conserved. It's not easy. We
10 always have this balancing act that
11 we try to do. And the goal is to
12 come up with ideas and ways to do
13 that.

14 So as we hear from -- and I
15 know, Job and Alex, you both have
16 heard from a lot of the folks that
17 you heard today, do you see any
18 opportunities for possibly changing
19 Act 135 that you think would
20 benefit?

21 MR. ITZKOWITZ: I thought
22 the witnesses today were excellent.
23 I think there were a lot of good
24 ideas. The one that really
25 reverberated with me was the idea

1 that the City could be the
2 petitioner and I think that solves
3 a lot of problems, especially what
4 Councilmember Gauthier was
5 concerned about was how can you
6 position this as affordable
7 housing.

8 I don't think you can force
9 something privately-owned or
10 petitioned by someone private to
11 force them to use it as affordable
12 housing. But if the City is the
13 petitioner, then maybe there's a
14 real opportunity or whether it's
15 PHA or an agency as the petitioner,
16 they might be able to say we're
17 going to clean this up. We're
18 going to lien this and we're going
19 to lease this on an affordable
20 basis. So I think that's really
21 beneficial. It could be helpful
22 both on a housing stock situation
23 and also with regards to cleaning
24 the neighborhood.

25 The concern of course is

1 that the City is on clean hands as
2 a petitioner. Because it has
3 blighted properties in its
4 possession, so it's sort of hard to
5 go to court and say, we're going to
6 clean up this property. Well, you
7 haven't cleaned up your own house.
8 So that's a challenge. So the City
9 can get its hands around that.

10 The other option I thought
11 of was we're about to enter budget
12 or budget was just introduced. I
13 haven't looked at the new budget
14 structure with regards to L&I, but
15 we're short, right, we're short on
16 inspectors. And so, a lot of the
17 discussion focused on how can we
18 get out ahead of this so the
19 properties don't get into this
20 blighted situation.

21 And one of that is to have
22 more inspectors writing more, you
23 know, if there's violations, real
24 violations, write those violations.
25 And there's two options, right.

1 When the City does a clean-and-
2 seal, you lien the property for the
3 value of that clean-and-seal.
4 Chicago does the same thing with
5 sidewalks, I think. I think
6 Chicago will fix your sidewalk and
7 lien the property, they'll give you
8 notice. But if you didn't fix your
9 own sidewalk, they'll fix it for
10 you and lien it.

11 There's a situation here
12 where the City can -- let's say
13 it's doors and windows, right. The
14 City can exercise its authority and
15 say we're going to fix these doors
16 and windows, give you warning and
17 lien the property, but eradicate
18 the blight even if there isn't
19 someone using it as housing, right.
20 And so, that way when that lien
21 gets filed, the property owner
22 says, oh, what's this, you've
23 eradicated the blight, you've fixed
24 some of the problem.

25 And then the last part, the

1 ultimate part of that is if you're
2 liening something, the real threat
3 is sheriff's sales. So without
4 sheriff's sales, the lien sort
5 of -- as an organization that files
6 a lot of liens, sort of loses some
7 of that blight. So if the City's
8 able to resolve the sheriff's sale
9 issue and either lien the
10 properties themselves or serve as
11 the petitioner, I think you get
12 around a lot of the issues and
13 avoid the point where we're so
14 blighted that someone has to file
15 an Act 135.

16 COUNCILMAN SQUILLA: Thank
17 you.

18 Alex, just state your name
19 and then proceed.

20 MR. BALLOON: Sure. Alex
21 Balloon. I agree with everything
22 Job said. I do think we need to
23 bring back the windows and doors
24 ordinance because it really nudged
25 property owners to do something and

1 we weren't taking their property.

2 I mean, there's still people that

3 will --

4 COUNCILMAN SQUILLA: Well,
5 let me just stop right there. That
6 was actually done through court and
7 it was challenged in the courts
8 and, therefore, the City had to
9 rescind it --

10 MR. ITZKOWITZ:

11 (Inaudible).

12 MR. BALLOON: Yeah, it was.

13 COUNCILMAN SQUILLA: The
14 court ruled that it was
15 unconstitutional.

16 MR. ITZKOWITZ: That was
17 Common Pleas Court Judge Carpenter,
18 but I think that was overturned.

19 COUNCILMAN SQUILLA: Wasn't
20 it under appeal?

21 MR. ITZKOWITZ: I thought
22 it went to Supreme Court of
23 Pennsylvania and was overturned.

24 COUNCILMAN SQUILLA: I
25 think it's still under appeal so --

1 MR. BALLOON: Okay. Well,
2 I could be wrong. Anyway --

3 COUNCILMAN SQUILLA: We'll
4 bring it back to them.

5 MR. BALLOON: I would just
6 say that that particular ordinance
7 was a big success in nudging
8 property owners to do something, so
9 it prevented -- it nudged people to
10 do something with their property.
11 If they didn't have the means to
12 repair it, they would sell it or
13 take other means.

14 I just wanted to address
15 Councilwoman Gauthier. You talked
16 a lot about concerns about
17 workforce affordable housing. I
18 remember working with then
19 Councilmember Parker on middle
20 neighborhoods legislation. And in
21 Tacony when we used Act 135, those
22 homes were renovated and sold from
23 anywhere between \$175,000 to
24 \$200,000. Typically it would be a
25 clean shell. Someone would come

1 in, renovate it and sell it to a
2 new family.

3 So I want to point out that
4 those homes were sold with no
5 taxpayer subsidy at a lower price
6 than Turn the Key. So I think
7 there are ways to be strategic with
8 Act 135, bad actors aside, that we
9 can actually make it part of
10 Philadelphia's affordable housing
11 solutions if we target it for
12 middle and emerging market
13 neighborhoods. And I totally share
14 the concerns about gentrification
15 and displacement and I think there
16 are ways that it can be used to get
17 ahead of it.

18 MR. ITZKOWITZ: Can I add
19 one more thing. There's a lot of
20 discussion about right to counsel
21 which I think is great. People who
22 can't afford to be represented in
23 these cases should be able to get
24 representation to protect their
25 assets. The question is how you

1 cut the bill, right, because by
2 definition the respondent has an
3 asset that has some value.

4 And so, I think there
5 should be thoughtful craftsmanship
6 of a bill around that to ensure
7 that the people who really need it
8 are able to get representation on
9 the City's dime, but also keep in
10 mind that the story I just told was
11 \$1 million property so many
12 millions of dollars of properties.
13 And that is not someone who
14 should --

15 COUNCILMAN SQUILLA: And
16 during this hearing we heard the
17 full gamut from a residential
18 property to a multi-million dollar
19 property, so thank you for that.

20 Councilman, you're going?

21 COUNCILMAN YOUNG: Thank
22 you. I guess this question is for
23 anyone on the panel. Well, I guess
24 for Job and Alex, specifically you
25 represent nonprofit organizations

1 who are tasked with a certain
2 boundary, a certain -- you have a
3 certain fiduciary duty to a
4 neighborhood, a community. Have
5 your organizations -- I guess for
6 the record I know, Job, you
7 mentioned you have.

8 But have you ever filed an
9 Act 135 petition for your
10 organizations, I guess, Alex?

11 MR. BALLOON: I have not
12 filed an Act -- we did actually
13 file one into Tacony because we
14 didn't have -- the partner we used
15 didn't have standing. What I would
16 tell you is, is we are not experts
17 in Act 135. And so, I come from
18 community development, no partner
19 left behind. And so, I would
20 typically refer a property and get
21 neighbors together to testify.
22 That's my job as a community, you
23 know, corridor manager, business
24 district manager. But I don't
25 think I would ever be a direct

1 filer because I don't want to
2 assume the financial risk and I
3 don't have the expertise.

4 COUNCILMAN YOUNG: But as a
5 nonprofit, I guess, it has a
6 fiduciary duty to the community,
7 right, and this Act pretty much
8 allows a windfall, I would just say
9 I think that windfall would be
10 better-suited to go to a nonprofit
11 incorporated to enhance the
12 community versus a nonprofit that
13 is a (c)(4) that's a social welfare
14 organization that kind of
15 internally deals with themselves.
16 So that's why I bring that up.

17 So would you -- this is for
18 anyone on the panel. So should
19 petitioners be able to essentially
20 get -- in your opinion, do you
21 think petitioners should be able to
22 get these properties with this
23 little to no risk that the current
24 process allows?

25 MR. ITZKOWITZ: Yeah. I

1 mean, I think you heard Beth
2 Grossman testify a little bit about
3 that. And just to answer your
4 first question, we haven't filed.
5 We're not a nonprofit. From an IRS
6 perspective, we're a municipal
7 authority under state law, so it
8 might be a little bit different
9 because we're a governmental
10 agency.

11 COUNCILMAN YOUNG: That
12 gives you more standing.

13 MR. ITZKOWITZ: Yeah. But
14 I'm an attorney and one thing I
15 always do when faced with an issue
16 like this is I hire an attorney.
17 And so, there's something to be
18 said -- someone asked a question
19 about whether this should be an
20 industry. Okay. I understand why
21 that doesn't appeal, right, the
22 idea that there is an industry that
23 has evolved around pursuing these
24 properties.

25 But for people in our

1 position who don't want to file it
2 themselves, there's a real
3 efficiency and a real expertise
4 that comes with saying, hey, when I
5 was able to talk to Ms. Hammer, I
6 said, look, I know this
7 organization that does this and you
8 can work with them because
9 Ms. Hammer wasn't interested in a
10 windfall. She's interested in
11 protecting her nest egg. She wants
12 to make sure her property doesn't
13 collapse. She wants to make sure
14 that she doesn't lose everything
15 she's worked for to buy that
16 condominium.

17 And so, I understand the
18 optics, right, and why it's not a
19 great look. But I think if we were
20 going to file a petition, I would
21 reach out to one of the groups of
22 attorneys that does this type of
23 work and ask them to do it rather
24 than take it on ourselves.

25 COUNCILMAN YOUNG: Thank

1 you.

2 Councilwoman Gauthier.

3 COUNCILWOMAN GAUTHIER:

4 Thank you, Mr. Chair.

5 Thanks to all of you for
6 your testimony. It's clear to
7 me -- I know you, Alex. I know
8 Job. I went to high school with
9 Job. I know that you are utilizing
10 this as a tool for true community
11 revitalization which was what was
12 meant in the first place. But I
13 think there's a stark difference
14 between what you all are doing and
15 folks who are just riding around
16 neighborhoods that have become hot
17 neighborhoods and filing these
18 petitions frivolously for a profit
19 motive.

20 And also, all of the
21 stories that we've heard today are
22 like, you know, these wonderful
23 ladies, right. All of the folks
24 that we've heard from today are
25 Black and Brown folks. All of them

1 are in neighborhoods that are
2 highly desirable. And I just think
3 that's what we have to attack,
4 right.

5 I wouldn't wish what you
6 described or what we heard earlier
7 on anybody. No one should be tied
8 up in court for years just because
9 somebody saw their property and
10 said, I want it, right, and I can
11 benefit from that. And so, I
12 definitely know of the merits of it
13 because I've seen that myself. But
14 it's this more sort of predatory
15 use that we have to go against that
16 was really clear from the data that
17 was presented as well.

18 I also really loved all of
19 your ideas about how the City can
20 have more of a role in this. I
21 certainly would like to see that,
22 right. It's an L&I piece, but it's
23 not just L&I, right. Because with
24 some of these properties we are
25 giving them violations. They're

1 ignoring the violations, and we're
2 not able to move things further
3 than that because we have limited
4 capacity in the Law Department to
5 really pursue these cases. So I
6 would love it if we could do more
7 from a City perspective to stop
8 properties from even getting to
9 this level and to assist owners in
10 a better way. But just thank you
11 all for your testimony.

12 MR. BALLOON: I would just
13 say to please read Oscar Beisert's
14 letter. This is an incredible tool
15 for endangered historic properties.
16 And as a champion of historic
17 preservation, we have a lot of
18 historic properties under threat,
19 and this has been a great way to
20 see some of them restored and fixed
21 up and put back into productive
22 use.

23 COUNCILWOMAN GAUTHIER:
24 Thank you. That's a good point,
25 and we are certainly dealing with

1 that in the 3rd District as well.

2 So thanks so much.

3 MR. ITZKOWITZ: I just
4 wanted to add I think we're all on
5 the same page, right.

6 COUNCILWOMAN GAUTHIER:
7 Yeah.

8 MR. ITZKOWITZ: We just
9 wanted to make sure that there was
10 testimony on the record about the
11 benefits because I know there was a
12 lot of remarks like we understand
13 that it's a good tool, but we
14 wanted to tell some of those
15 stories so that as you craft that
16 bill or craft that advocacy piece
17 to Harrisburg, we protect the
18 good --

19 COUNCILWOMAN GAUTHIER:
20 Absolutely.

21 MR. ITZKOWITZ: -- not just
22 get rid of the bad.

23 COUNCILWOMAN GAUTHIER:
24 Absolutely.

25 MS. FASSETT: Dawn Fassett

1 again. I think it's real important
2 that -- something that I left out,
3 that the third time I appeared in
4 court I was told that I owed
5 \$52,000 to the conservators for
6 stepping on my property and doing
7 what they did without even touching
8 the house. And I just pray that
9 you guys really pay attention to,
10 you know, and I'm quite sure
11 because I heard the responses that
12 you will because it's critical.

13 COUNCILWOMAN GAUTHIER:

14 Yeah.

15 MS. FASSETT: It's just
16 abusive.

17 COUNCILWOMAN GAUTHIER:

18 That's outrageous. I'm sorry that
19 happened to you and to Ms. Erdis as
20 well.

21 COUNCILMAN SQUILLA: Thank
22 you all. Thank you for your
23 testimony. Jay, you want to -- all
24 right.

25 Mr. McMonagle, can you

1 please read anyone else here to
2 testify in person.

3 THE CLERK: Can we please
4 have Deborah McCartney -- McCarty,
5 Dawn Fassett --

6 COUNCILMAN SQUILLA: Dawn
7 just testified.

8 THE CLERK: You're still
9 here. Was that Dawn?

10 COUNCILMAN SQUILLA: Yeah,
11 she just testified.

12 THE CLERK: Okay. And
13 Ephraim Bart, if he's still here.

14 (No response.)

15 COUNCILMAN SQUILLA: All
16 right. Deb, I think you're the
17 last one. Thank you for hanging in
18 there and appreciate it. Just
19 state your full name for the record
20 and then you can proceed.

21 MS. McCARTY: Yes. Good
22 afternoon, Councilmembers Squilla,
23 Young and Gauthier. My name is
24 Deborah McCarty and I am the
25 immediate Past President of the

1 Powelton Village Civic Association
2 and have been an active member of
3 their Zoning Committee for some
4 years.

5 I'm here today to testify
6 regarding some of the challenges
7 communities face regarding Act 135.
8 We believe that the intent of the
9 Act is definitely worthy and can be
10 beneficial. Unfortunately, as it
11 has evolved, it is too frequently
12 being used to the detriment of
13 communities, and as the Penn Law
14 Clinic has shown, to some
15 homeowners.

16 It is our understanding
17 that the intent of Act 135 is to
18 reactivate vacant blighted
19 properties, thus returning them to
20 the tax base. More importantly, to
21 neighborhoods to prevent the
22 decline of the block on which these
23 vacant blighted properties exist as
24 well as to the adjacent properties.

25 One of the problems with

1 the program as it currently exists
2 is that in addition to legal fees
3 and cost of stabilization which any
4 conservator should fairly receive
5 compensation for, the conservator
6 receives 20 percent of the sales
7 price or markup of their cost.

8 This built-in incentive to sell the
9 property to the highest bidder
10 invariably drives up prices in that
11 neighborhood and makes many homes
12 unaffordable to lower- and middle-
13 income folks, the same folks who
14 have resided in that community and
15 worked hard to make it a desirable
16 place to live and raise a family.

17 Another issue is the
18 predatory practices, many of which
19 we've heard of today, that are
20 being employed to obtain control of
21 some properties. These practices
22 disenfranchise owners and cause
23 undue duress as you all well know.
24 Is there a way to improve Act 135?
25 We believe so.

1 Why not require a potential
2 conservator to work with the RCO
3 designated by that District
4 Councilmember. We envision a
5 process for designating the RCO to
6 be similar to that which occurs
7 with the ZBA and CDR approval.
8 This could ensure community
9 involvement, which we've heard
10 today is important. Neighbors know
11 best for their neighborhoods
12 usually.

13 Would it be possible to
14 have bidders commit to how they
15 plan to use the property, rental,
16 owner-occupied, convert to multi-
17 family, retail? Is it possible for
18 the conservator, RCO and court
19 collectively select a buyer? Right
20 now the court approves, as you
21 know, but the RCO or neighbors have
22 no say. And for the deed to be
23 restricted to what the bidder
24 committed and to hold them
25 accountable for what they said

1 they're going to do, which we know
2 sometimes doesn't happen.

3 This could alleviate many
4 of the negative impacts that
5 neighborhoods and property owners
6 have experienced with Act 135.

7 Thank you for your interest in this
8 question and issue. And if you
9 have any questions, I'm happy to
10 answer them.

11 COUNCILMAN SQUILLA: Thank
12 you, Debbie, and thank you for your
13 civil service to the City for a
14 couple years. And we really
15 appreciate your input from the
16 community aspect as we do believe
17 the community should be part of
18 that resolution also.

19 Is there any other
20 questions from this Committee?

21 COUNCILWOMAN GAUTHIER:
22 Just thank you.

23 MS. McCARTY: Of course.

24 COUNCILWOMAN GAUTHIER: We
25 appreciate you.

1 MS. McCARTY: Thank you.

2 Appreciate your time.

3 COUNCILMAN SQUILLA:

4 Councilmember Young.

5 COUNCILMAN YOUNG: I also
6 want to thank you as well for
7 sticking around and providing your
8 testimony from a community
9 perspective. I think all
10 throughout the day we've been
11 hearing that the neighbors are
12 important in this process which
13 they are. So I welcome the
14 opportunity for neighbor
15 participation in this process to
16 allow for a better outcome for the
17 community, everyone in the
18 community to benefit from the
19 blight removal and not to have just
20 certain folks benefit from it. So
21 thank you.

22 MS. McCARTY: Thank you.

23 COUNCILMAN SQUILLA: Thank
24 you again. And thank everyone for
25 testifying because as we see, this

1 is a complicated but important
2 issue on both sides of it with the
3 benefits and the detriments of it.

4 And, Mr. McMonagle, do you
5 please want to read the group of
6 written testimony that will be
7 added to the record?

8 THE CLERK: Yes. Also
9 providing written testimony for the
10 hearing is Linsey Franklin from the
11 Pomroy family; Deborah McCarty who
12 just testified; Michael Froehlich
13 from Community Legal Services;
14 Michael McIlhenney from Orphanides
15 & Toner; Ken Weinstein from Philly
16 Office Retail; Evie Hammer from
17 Letitia Lofts Association; Allison
18 Weiss from the Germantown Civic
19 Association; Oscar Beisert from
20 Architectural Historian; Olivia A.
21 Adams, Esquire; Joseph Mistick from
22 Duquesne University School of Law;
23 and Lance Chimka, Allegheny County
24 Economic Development.

25 COUNCILMAN SQUILLA: All

1 right. Thank you. So I want to
2 add Andy Toy from PACDC.

3 And are there any last
4 comments before we end the hearing
5 today?

6 Councilmember Young.

7 COUNCILMAN YOUNG: Yes.

8 Thank you, Mr. Chair. I appreciate
9 your patience with this hearing
10 today. I know it went longer than
11 I expected, but I think this is a
12 very important issue, very
13 important matter that we face
14 throughout our City.

15 As I mentioned, from the
16 data you see that the 5th Council
17 District has the highest number of
18 petitions that are filed regarding
19 Act 135 in our City of
20 Philadelphia. And also, I want to
21 note for the record that the 5th
22 Council District has some of the
23 most gentrified neighborhoods and
24 communities in the City.

25 And so, we all want to

1 remove blight from our City. We
2 all want to make sure that our City
3 is the safest, cleanest, greenest
4 city, right, in America. But we
5 have to do it in a manner that is
6 fair for everyone, in a manner that
7 is equitable for everyone. And I
8 just believe that again to reassert
9 that property is the most -- real
10 property anyway is the most
11 valuable thing that someone can
12 own.

13 It is the most precious
14 thing. It is the backbone of this
15 country. And again, to divest the
16 interests of property owners in
17 their right to possess, use and
18 ultimately even sell their property
19 how they choose, I just think there
20 needs to be much higher standards,
21 much higher burden that a
22 petitioner should have to avail by.

23 Blight isn't just a
24 gentrifying community thing. It's
25 not a middle neighborhood thing,

1 but it's all over the City. But as
2 you see, this tool is not being
3 used in areas where the property
4 values aren't as high as they are
5 in certain communities. And so,
6 when I see that type of pattern,
7 that makes it seem as if it's
8 predatory and it's only about money
9 and not about the removal of
10 blight.

11 And so, if the tool is
12 really about blight removal, then
13 we should be able to provide
14 resources to those who are
15 really -- as a city, we should
16 provide resources to those who are
17 really in it for the removal of the
18 blight. Those are our nonprofits
19 or our CDCs and those organizations
20 like that.

21 I just don't believe that
22 someone should be able to get
23 property for free. And when it
24 comes down to it ultimately when
25 the petitioner files, they can get

1 a property literally for free
2 because they get every single penny
3 that they put in this property back
4 plus some.

5 And so, for me I just don't
6 think that -- if we're going to
7 allow that, I think we should have
8 a higher standard, a higher burden
9 to allow again someone to divest
10 your interest in your property, a
11 property that your family has
12 worked hard for, a property that
13 you have worked hard for again in
14 the biggest poorest city in the
15 country. We need resources to help
16 eliminate that blight. And I think
17 it's on the government to help us
18 eliminate that blight, not to
19 provide tools that take away and
20 access our equity in our property.

21 So I thank the Chair again
22 for allowing us to have this
23 hearing. I want to thank
24 Councilwoman Gauthier for
25 participating in this hearing. We

1 got a lot of great recommendations
2 today. I have some recommendations
3 that I'm going to try to figure out
4 how we can make changes to our City
5 Code to address Act 135.

6 But again, we're going to
7 take up some of these
8 recommendations and use it with our
9 advocacy to our state partners to
10 make some changes to this
11 legislation that can be beneficial
12 to all parties. I love the task
13 force idea. I look forward to
14 working with the public on creating
15 a task force on what we can do to
16 create some changes, some positive
17 changes.

18 I love the idea of
19 providing counsel to respondents in
20 this matter. But we as a City have
21 to do better again because we are a
22 blighted contributor as well. And
23 so, to ensure that the private
24 sector, the private market is doing
25 its job, we have to do our job as

1 well.

2 So again thank you,
3 Mr. Chair, for allowing this
4 hearing to continue.

5 COUNCILMAN SQUILLA: Thank
6 you also. And for the record, I do
7 want to note that the Supreme Court
8 did rule on the windows and doors
9 bill and they did overturn the
10 prior court's decision. And so,
11 therefore the windows and doors
12 bill does stand as the legal
13 process for L&I.

14 But thank you all for being
15 here. There being no further
16 questions from the members of the
17 Committee and no other witnesses to
18 testify, this concludes the
19 business before the Committee of
20 Commerce and Economic Development.
21 We will now recess the hearing to
22 the call of the Chair. Thank you
23 so much. Good job.

24 (Committee on Commerce and
25 Economic Development concluded at

1 4:12 p.m.)

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

2 I, hereby certify that the proceedings
3 and evidence noted are contained fully and
4 accurately in the stenographic notes taken by
5 me in the foregoing matter, and that this is a
6 correct transcript of the same.
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12 TANEHA CARROLL
13 Court Reporter - Notary Public

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