

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON FINANCE

Room 400, City Hall
Philadelphia, Pennsylvania
Friday, October 4, 2013
10:20 a.m.

PRESENT:

COUNCILMAN BILL GREEN, CHAIR
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN DENNIS O'BRIEN
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN MARK SQUILLA

BILLS 130531, 130583, 130591, 130592, and
130635

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COUNCILMAN GREEN: Good morning. Thank you, everyone, for your patience. This is a Finance Committee hearing, and I'd ask the Clerk to read the -- actually, I will state for the record that we have a quorum in the persons of Councilmembers Johnson, Blackwell, Greenlee, and Reynolds Brown, and I would ask the Clerk to read the title of the bills.

THE CLERK: Bill No. 130531, an ordinance amending Chapter 19-1300 of The Philadelphia Code, entitled "Real Estate Taxes," by authorizing the assignment or transfer to third-parties, real estate tax claims either absolutely or as collateral security, for an amount to be determined by the Department, all under certain terms and conditions.

Bill No. 130583, an ordinance amending Bill No. 130325, entitled "An ordinance approving the Fiscal Year 2014 Capital Budget providing for expenditures for the capital purposes of the

1 10/4/13 - FINANCE - BILL 130531, etc.
2 Philadelphia Gas Works (including the
3 supplying of funds in connection
4 therewith) subject to certain constraints
5 and conditions, and acknowledging receipt
6 of the Forecast of Capital Budgets for
7 Fiscal Years 2015 through 2019," by
8 approving a Revised Capital Budget for
9 Fiscal Year '14.

10 Bill No. 130591, an ordinance
11 amending Section 19-1303 of The
12 Philadelphia Code, entitled "Discounts
13 and Additions to Tax," by tolling
14 additions, interest and penalties when
15 the assessed value of property is under
16 appeal; limiting what the Department can
17 bill for tax years under appeal; and
18 requiring for the tax year under appeal
19 payment of an amount at least equal to
20 the prior year's taxes; all under certain
21 terms and conditions.

22 Bill No. 130592, an ordinance
23 amending Section 19-1806 of The
24 Philadelphia Code, entitled
25 "Authorization of Realty Use and

1 10/4/13 - FINANCE - BILL 130531, etc.
2 Occupancy Tax," by tolling interest,
3 penalties and costs when the assessed
4 value of taxable property is under
5 appeal; limiting what the Department can
6 bill for tax years under appeal; and
7 requiring for the tax year under appeal
8 payment of an amount at least equal to
9 the prior year's tax; all under certain
10 terms and conditions.

11 Bill No. 130635, an ordinance
12 amending Chapter 10-700 of The
13 Philadelphia Code, entitled "Refuse and
14 Littering," by further providing with
15 respect to the annual fee for
16 neighborhood sanitation and cleaning
17 services provided to owner-occupied
18 duplexes; all under certain terms and
19 conditions.

20 COUNCILMAN GREEN: Thank you.

21 We will first hear from PGW on
22 Bill No. 130583. My plan is to have the
23 hearing, go into the meeting, vote on
24 this measure, and then come back into the
25 hearing. I will recuse myself from this

1 10/4/13 - FINANCE - BILL 130531, etc.
2 and have submitted a letter to the Clerk
3 with the reasons therefor, and I now ask
4 Councilmember Blackwell to chair the
5 Committee.

6 COUNCILWOMAN BLACKWELL: Thank
7 you very much.

8 We thank you for being here,
9 and certainly we invite you to introduce
10 yourself to the record and begin your
11 testimony.

12 MS. PARRISH: Thank you very
13 much. Good morning, Madam Chairwoman.
14 I'm Janet Parrish, the Executive
15 Director --

16 COUNCILWOMAN BLACKWELL: Excuse
17 me one minute, Ms. Parrish. Let me note
18 that -- I was talking, so we did not
19 introduce certainly Councilman Squilla.
20 We did introduce Councilman Johnson,
21 myself, Jannie Blackwell, Councilman
22 O'Brien. So the others got introduced
23 twice.

24 Thank you.

25 MS. PARRISH: Thank you, and

1 10/4/13 - FINANCE - BILL 130531, etc.

2 good morning to you all.

3 COUNCILWOMAN BLACKWELL: Thank
4 you.

5 MS. PARRISH: Again, I'm Janet
6 Parrish, the Executive Director of the
7 Philadelphia Gas Commission. Seated to
8 my left is John Coogan, C-O-O-G-A-N, who
9 is the Policy Planning Analyst for the
10 Gas Commission, and to his left we have
11 John Zuk, who is the Vice President of
12 Marketing for Philadelphia Gas Works.
13 And what I'm going to do at this point is
14 ask Mr. Coogan is going to make a brief
15 presentation on behalf of the Gas
16 Commission.

17 COUNCILWOMAN BLACKWELL: Thank
18 you.

19 MS. PARRISH: Thank you.

20 MR. COOGAN: Good morning. I'm
21 here today to testify in support of the
22 Commission's recommendation that Council
23 approve Bill No. 130583, an amendment to
24 PGW's Fiscal '14 Capital Budget. The
25 recommendation was approved by the

1 10/4/13 - FINANCE - BILL 130531, etc.
2 Commission at the meeting on June 11th.
3 We've submitted written
4 testimony with a copy of the Commission's
5 Order and Resolution. I won't read from
6 that testimony, but I do have a few brief
7 remarks.

8 This amendment is for the
9 purchase of 24 compressed natural gas
10 vehicles and the fueling stations to go
11 along with them. It's an increase of
12 \$438,000 to the approved Capital Budget
13 of 102.487 million. The purpose of these
14 purchases is to support PGW's marketing
15 strategy to target Philadelphia fleets
16 for conversion to natural gas. In its
17 marketing strategy, PGW plans to lead by
18 example to really help jump-start the
19 natural gas market in Philadelphia. It
20 will demonstrate the feasibility of
21 running a natural gas vehicle fleet and
22 also it will promote the benefits of a
23 natural gas vehicle fleet, which will
24 include demonstrating that it's a cheaper
25 fuel. On average, it costs about \$2 a

1 10/4/13 - FINANCE - BILL 130531, etc.
2 gallon as compared to about 3.50 a gallon
3 for traditional gasoline, as well it has
4 environmental benefits. It's seen as a
5 cleaner fuel than traditional gasoline.

6 The economics don't work as
7 well for PGW's fleets as it might do for
8 other fleets such as a city bus fleet.
9 For instance, it has a lower mileage as
10 compared to a bus fleet. This is one
11 reason why the Commission cut PGW's
12 initial requests from about \$2 million to
13 \$438,000. The Commission still thinks
14 that PGW can achieve its marketing goals,
15 just within a more modest budget.

16 The Commission has directed PGW
17 to apply for grants and other cost
18 reductions, which there are available
19 both on a state and federal level, and
20 PGW has started to both apply and explore
21 these cost reductions.

22 My last point is regarding the
23 DBE participation rate. For PGW's
24 overall Fiscal '14 Capital Budget, the
25 DBE participation target range is from 20

1 10/4/13 - FINANCE - BILL 130531, etc.
2 to 27 percent. The vehicle replacement
3 program has a range of 10 to 15 percent.
4 Unfortunately, there's no DBE opportunity
5 for these natural gas vehicles, because
6 the Honda Civic is the only vehicle
7 available for this program and PGW has
8 not identified or has not been able to
9 identify any Honda dealership which
10 qualifies for DBE participation. PGW is
11 still evaluating the DBE participation
12 for the fueling equipment which will go
13 along with these vehicles.

14 Thank you for the opportunity
15 to provide this testimony. I request
16 suspension of the rules so that first
17 reading can occur at the next session of
18 Council.

19 We'd be pleased to answer any
20 questions you might have.

21 COUNCILWOMAN BLACKWELL:
22 Questions? Councilman Johnson.

23 COUNCILMAN JOHNSON: Yes. Can
24 you elaborate on the DBE component, and
25 what actual procedures were taken to find

1 10/4/13 - FINANCE - BILL 130531, etc.
2 specific minority firms to participate?

3 MS. PARRISH: Councilman
4 Johnson, we're going to ask Ken Williams,
5 who is the Director of Diversity Supply
6 at Philadelphia Gas Works. I think he
7 would be the best person to answer that
8 question. Thank you.

9 COUNCILMAN JOHNSON: Thank you.
10 (Witness approached witness
11 table.)

12 MR. WILLIAMS: Good morning.

13 COUNCILMAN JOHNSON: Good
14 morning.

15 MR. WILLIAMS: As we have
16 performed our research to this point,
17 there was a certification process by
18 Honda as the vehicle manufacturer by
19 which the representative dealers that
20 sell these CNG vehicles have to send so
21 many employees to training. There are
22 capital costs involved in parts for these
23 CNG vehicles. To this point, we have not
24 been able to identify a DBE vendor among
25 the Honda dealers that has this

1 10/4/13 - FINANCE - BILL 130531, etc.
2 classification. We're still looking. We
3 are hopeful that by the time the bids go
4 out to purchase these vehicles that we
5 will find someone that meets that
6 criteria.

7 COUNCILMAN JOHNSON: Okay. Can
8 you make sure that we stay updated. At
9 least as Chairman of Transportation and
10 Public Utilities, I want to play a role
11 in being updated as you move forward,
12 particularly on the minority
13 participation component.

14 MR. WILLIAMS: Yes.

15 COUNCILMAN JOHNSON: Thank you.

16 COUNCILWOMAN BLACKWELL: Let me
17 ask, custom and practice usually if you
18 can't find enough inclusion on one side,
19 then you do others. So if you can't find
20 it on one end, then you do drivers, you
21 do, I don't know, truck purchasing. You
22 make it up in other areas so that you
23 meet the City qualifications for
24 inclusion. Where are you in that area?

25 MR. WILLIAMS: At this point,

1 10/4/13 - FINANCE - BILL 130531, etc.
2 again, the particular bid has not been
3 put together, so those parameters have
4 not yet been set, but they would
5 certainly be something that we would
6 consider moving forward.

7 MS. PARRISH: And I think to
8 your point, Councilwoman, as we
9 indicated, for the Capital Budget as a
10 whole, which is the \$102 million that
11 Council has approved previously, there is
12 a participation range that has been
13 established of 20 to 27 percent, 20
14 percent at the low end, 27 percent at the
15 high end overall, and as we mentioned
16 with respect to vehicle, the vehicle
17 replacement program generally,
18 Mr. Williams had established a 10 to 15
19 percent participation range.

20 So I think to your point, you
21 have to look at the budget as a whole
22 and, as you say, in this particular area,
23 there may not be an opportunity, but
24 there are others that it can be
25 addressed.

1 10/4/13 - FINANCE - BILL 130531, etc.

2 COUNCILWOMAN BLACKWELL: We
3 would like to have in writing how you
4 make up the difference, where you will
5 have inclusion that makes up for not
6 having it here before certainly we pass
7 this legislation.

8 Councilwoman Reynolds Brown.

9 COUNCILWOMAN BROWN: Thank you
10 very much.

11 Good morning. My question,
12 sentiments are analogous to those
13 expressed by Councilmembers Kenyatta
14 Johnson, Councilwoman Jannie Blackwell.
15 And so hearing that reality as we know it
16 right now with regards to DBE vehicle, et
17 cetera, et cetera, let's hear about what
18 the other opportunities are where we can
19 make up for it. So I'll look forward to
20 that report as well. That's number one.

21 Number two, have there been any
22 other municipalities that have gone down
23 this road of seeking to do what PGW is
24 doing today?

25 MS. PARRISH: Again, Mr. Zuk

1 10/4/13 - FINANCE - BILL 130531, etc.
2 can probably add to this, but as you
3 know, PGW is really the only major gas
4 utility owned by a municipality in the
5 United States, but as far as cities
6 themselves, those that own trash fleets
7 and run trash fleets or run bus lines, et
8 cetera, yes, they are actively engaging
9 in this area, and perhaps Mr. Zuk can
10 speak to that.

11 MR. ZUK: I can give you one
12 example. The City of Richmond and their
13 trash fleets have done this already,
14 converted their trash trucks to that
15 point and some of their vehicles. So
16 they have already gone down this path for
17 probably four to five years at least.

18 COUNCILWOMAN BROWN: And might
19 you know the level of success or the
20 hurdles they ran into, because they
21 always become lessons for us as we go
22 down, create this new terrain.

23 MR. ZUK: Yes. Some of my
24 staff have gone down and visited them
25 years ago to see what some of the hurdles

1 10/4/13 - FINANCE - BILL 130531, etc.
2 were, and like I said, that's why we have
3 already -- we put in place to try to
4 evaluate garages for our own facilities,
5 to try to update them so they can handle
6 CNG vehicles, because that was one of the
7 larger hurdles that some of the other
8 municipalities and cities have found.

9 COUNCILWOMAN BROWN: I see.
10 Well, offline I would welcome my staff
11 and I to sit down with those staffers to
12 hear what they were, because as again
13 they become lessons for us.

14 MR. ZUK: Not a problem.

15 COUNCILWOMAN BROWN: And,
16 again, I know that PGW with the presence
17 of Councilwoman Marian Tasco there and
18 Councilman Jones, you have been vigilant
19 in seeking to honor this Council's
20 continued commitment and insistence that
21 MBE/WBE activity is real. So know that
22 that's appreciated, but this being a new
23 opportunity, we want to make sure we
24 exhaust all areas that aid us in meeting
25 this goal that you've set.

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2 So in saying you've done the
3 research, that means you've looked across
4 the country? Is that what that means?

5 MS. PARRISH: I think that
6 question is to Mr. Williams, who is the
7 prime doer of the research.

8 MR. WILLIAMS: Yes, that is
9 correct. At present we have a vendor
10 list of approximately 15 vendors within
11 about a 150 mile radius of Philadelphia
12 that are certified Honda dealers that can
13 sell us these CNG-dedicated vehicles.
14 Again, the research is not really
15 complete. Again, I would say that I am
16 still looking amongst the Honda dealers
17 to see if we can find a DBE vendor in
18 that network and perhaps have some
19 conversation with them moving forward as
20 this bid develops.

21 COUNCILWOMAN BROWN: Okay.
22 Well, it's certainly one of interest to
23 many on this Finance Committee, as you
24 can see.

25 Thank you. Thank you, Madam

1 10/4/13 - FINANCE - BILL 130531, etc.

2 Chairwoman.

3 MS. PARRISH: Thank you.

4 COUNCILWOMAN BLACKWELL: Thank
5 you.

6 And certainly I would ask the
7 Committee to hold up on voting for this,
8 unless Chairwoman Tasco or Majority
9 Leader Jones say that they are in front
10 of this. Unless they recommend that we
11 move forward, I would recommend that we
12 hold up until we have more details,
13 because they're still doing work as well.

14 Councilman O'Brien.

15 COUNCILMAN O'BRIEN: I guess I
16 have a question for Mr. Zuk. I
17 understand the fleet management for the
18 Streets Department is looking to upgrade
19 their trash vehicles. I'd be interested
20 in your marketing surveys in San
21 Francisco and other places. I understand
22 these vehicles would be more expensive at
23 the initial purchase, but as you
24 testified, the cost per gallon would be
25 much lower and the maintenance schedules

1 10/4/13 - FINANCE - BILL 130531, etc.
2 are very favorable. Would you give us
3 some more --

4 MR. ZUK: That is correct.
5 There's also incentives out there that
6 will match -- not match. They will
7 replace for any incremental cost from
8 diesel to CNG trash trucks, they will
9 provide half. So if it's \$50,000, these
10 grants of 25 per vehicle up to a certain
11 number. So they do provide that, the
12 state and the federal.

13 COUNCILMAN O'BRIEN: And this
14 capital expenditure would allow the City
15 to use those facilities in a timely
16 manner? When would these -- when would
17 this become a reality, and would that be
18 sufficient for the addition of the trash
19 trucks if they --

20 MR. ZUK: Well, right now they
21 could -- I can't remember the number of
22 years that it's in effect. I know that
23 per gallon is year to year, that the
24 state -- I mean, the federal government
25 allows for the reimbursement per gallon,

1 10/4/13 - FINANCE - BILL 130531, etc.
2 50 cents per gallon for GGE per year, but
3 I think it's renewed every year. But we
4 as PGW, once we have -- we've already
5 applied for the grants, and the City has
6 not applied, but once they apply, they
7 have so many years to recoup that money.

8 I hope that answers your
9 question.

10 COUNCILMAN O'BRIEN: Thank you.

11 COUNCILWOMAN BLACKWELL:
12 Councilman Greenlee.

13 COUNCILMAN GREENLEE: Thank
14 you, Madam Chair.

15 Following up on your point
16 about whether this gets voted out or not,
17 could I first ask timeframe. Is there a
18 problem in your --

19 MS. PARRISH: Thank you for
20 that question, because that's what I was
21 going to speak to. With respect, we
22 would appreciate if the Committee will
23 continue to move the bill forward, and
24 what I was going to mention in response
25 to Councilwoman Blackwell's concern is,

1 10/4/13 - FINANCE - BILL 130531, etc.
2 we actually already have available and
3 we'd be happy to supply the complete
4 assessment of line by line of every line
5 in the Capital Budget that this Council
6 approved this past June, June 6th I
7 believe was the date, that will show you
8 line by line how Mr. Williams has
9 assessed every single opportunity for DBE
10 participation. We'd certainly be happy
11 to provide that if that would be
12 responsive to your request.

13 This is somewhat time sensitive
14 in the fact that I believe there's a
15 little bit of a long lead time to acquire
16 the vehicles, and the sooner PGW starts
17 driving them, the sooner its marketing
18 activities to grow additional revenues
19 and contribute to environmental
20 improvements can occur.

21 But we certainly would -- we
22 always have, I think, worked very closely
23 with the Council to keep you informed,
24 involved and, as Councilwoman Reynolds
25 Brown said, to be responsive to those

1 10/4/13 - FINANCE - BILL 130531, etc.
2 concerns, and I know that Chairwoman
3 Tasco -- the Commission did approve this
4 last June 11th at its meeting, and we
5 would certainly, with respect, appreciate
6 if the bill could be reported out today.

7 COUNCILMAN GREENLEE: Madam
8 Chair, if I could just suggest kind of a
9 middle road here, since Councilwoman
10 Tasco is not here, and I know she's the
11 sponsor, is a possibility of reporting it
12 out, with the understanding we're not
13 committing to full Council to pass it
14 until we have those conversations with
15 the two Gas Commission members that City
16 Council -- or the two City Council
17 members that sit on the Gas Commission.

18 So I just throw that out as a
19 possibility, that maybe that's a way to
20 possibly keep this moving and deal with
21 the time issue, but still have time to
22 have conversations to address the issues,
23 the legitimate issues, that were raised
24 here.

25 COUNCILWOMAN BLACKWELL:

1 10/4/13 - FINANCE - BILL 130531, etc.
2 Certainly. I think that's a good idea.
3 Ms. Parrish knows that we've always
4 supported the Commission. We're
5 concerned because the gentleman said it's
6 not written and they're looking for
7 information. It didn't sound that the
8 program was tight and that we were sure
9 where we were going. We don't want the
10 City to even sell the Gas Works. We're
11 all there, but when it comes to inclusion
12 and all of the pressure we're getting
13 from our neighborhoods and communities
14 across the board, we have a
15 responsibility to fight for it and to
16 make sure that minorities are given every
17 consideration that we have DBE and MBE
18 inclusion. So that is always what we
19 will fight for, but certainly we look
20 forward to getting those details in place
21 and intact before it's passed.

22 Thank you.

23 MS. PARRISH: Thank you very
24 much. Thank you.

25 COUNCILWOMAN BLACKWELL:

1 10/4/13 - FINANCE - BILL 130531, etc.

2 Questions?

3 (No response.)

4 COUNCILWOMAN BLACKWELL: Anyone
5 else here to testify on this bill?

6 (No response.)

7 COUNCILWOMAN BLACKWELL: Now is
8 your opportunity. Anyone else, anyone on
9 the Committee have any further questions?

10 COUNCILWOMAN BROWN: No further
11 question, but simply to underscore my
12 interest in wanting to sit with the
13 gentleman here, my staff and I, on the
14 Richmond experience.

15 Thank you very much.

16 MS. PARRISH: Thank you.

17 COUNCILWOMAN BLACKWELL: Thank
18 you.

19 For the purposes of this bill
20 and our Chairman, we will temporarily
21 recess the hearing, go into a public
22 meeting with regard to Bill No. 130583.

23 The Chair recognizes Councilman
24 Greenlee for a motion with regard to
25 130583 with a suspension of the rules.

1 10/4/13 - FINANCE - BILL 130531, etc.

2 COUNCILMAN GREENLEE: Thank
3 you, Madam Chair. I move that Bill No.
4 130583 be reported out of this committee
5 with a favorable recommendation and that
6 the rules of Council be suspended to
7 allow for first reading at our next
8 session of Council.

9 (Duly seconded.)

10 COUNCILWOMAN BLACKWELL: It's
11 been moved and seconded that Bill No.
12 130583 be reported out of committee with
13 a favorable recommendation, also a
14 recommendation for suspension of the
15 rules so as to permit first reading at
16 our next session of Council.

17 All in favor, aye?

18 (Aye.)

19 COUNCILWOMAN BLACKWELL:

20 Opposed?

21 (No response.)

22 COUNCILWOMAN BLACKWELL: The
23 ayes have it, and so this bill is passed,
24 and we will now turn the Chairmanship
25 back over to Councilman Bill Green.

1 10/4/13 - FINANCE - BILL 130531, etc.

2 COUNCILMAN GREEN: Thank you,
3 Councilmember. I appreciate that.

4 We will now move from the
5 public meeting back into the public
6 hearing and call up Bills No. 130591 and
7 130592 and ask Mr. Dubow and Mr. Stanski
8 to please come testify.

9 (Witnesses approached witness
10 table.)

11 COUNCILMAN GREEN: Thank you.
12 Gentlemen, we have your testimony. It is
13 clear and succinct, so please don't feel
14 the need to read it in its entirety.
15 Obviously you can testify however you'd
16 like, but if you'd like to hit the high
17 points, that will be fine.

18 Please proceed with your
19 testimony.

20 MR. DUBOW: Good morning,
21 Chairman Green, members of the Committee.
22 My name is Rob Dubow. I'm the Finance
23 Director and I'm here to testify on Bills
24 No. 130591 and 130592, which propose
25 changes in the manner in which property

1 10/4/13 - FINANCE - BILL 130531, etc.
2 use and occupancy tax payments are made
3 when the assessment of a commercial
4 property is under appeal. And as you
5 said, you read the testimony, so I'll
6 just kind of summarize it.

7 Our concern with the bills is
8 the impact that they would have on cash
9 flow, particularly for the School
10 District. I mean, we understand the
11 concern they're trying to address. We
12 just think that the potential issues for
13 the District outweigh the benefit of the
14 bills, so we are opposed to them.

15 And with that, I'll turn it
16 over to Mr. Stanski.

17 MR. STANSKI: Good morning,
18 Chairman Green, members of the Committee.
19 My name is Matthew Stanski. I'm the
20 Chief Financial Officer for the School
21 District of Philadelphia, again, here to
22 provide testimony on Bills 130591 and
23 130592. I will summarize as well.

24 As you know, the District has
25 some serious financial challenges right

1 10/4/13 - FINANCE - BILL 130531, etc.
2 now and anything that could potentially
3 impact the District's finances both from
4 a cash perspective and just overall
5 revenue perspective, we respectfully
6 oppose at this time. We're looking at
7 this bill, if enacted, could cost the
8 District anywhere between \$7 to \$10
9 million in revenue in Fiscal '14, which
10 we've already budgeted for, and so it
11 would be very challenging given our
12 situation to even try to reduce our
13 budget by that much to come to stay
14 within balance.

15 And so with that, would be
16 happy to answer any questions.

17 COUNCILMAN GREEN: Thank you.

18 Mr. Stanski, how many appeals
19 has the School District filed with the
20 BRT challenging the OPA assessments to
21 date?

22 MR. STANSKI: I don't know that
23 we have any, but I don't know off the top
24 of my head. I'd have to get that back to
25 you.

1 10/4/13 - FINANCE - BILL 130531, etc.

2 COUNCILMAN GREEN: Frankly,
3 we've all pulled up properties; in fact,
4 seen recent sale data on properties, some
5 of them very large commercial properties
6 in the City of Philadelphia, and it's
7 clear that OPA has under-assessed many of
8 these properties. Are you aware of your
9 right to challenge those assessments?

10 MR. STANSKI: Yes, I am aware
11 of the right to challenge. Yes.

12 COUNCILMAN GREEN: Do you plan
13 to work this weekend so that you can make
14 sure you maximize the revenue for the
15 School District and file challenges to
16 those property assessments and,
17 therefore, U&O assessments?

18 MR. STANSKI: I had not really
19 thought about doing that this weekend,
20 no.

21 COUNCILMAN GREEN: Okay. Thank
22 you. That's my only question.

23 Councilmember Greenlee.

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

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2 Mr. Dubow, I guess this
3 question is for you, and this isn't my
4 bill, but I guess it's fair to say that
5 the idea behind this is fairness to the
6 taxpayer, because there are certainly
7 questions about assessments, that kind of
8 thing.

9 So how does -- and I certainly
10 understand what you and Mr. Stanski say.
11 We certainly understand the School
12 District budget problems, but I guess
13 we're trying to -- I guess the purpose of
14 the bill is to understand taxpayers'
15 budget problems too, and, in your
16 opinion, how does that balance out? I
17 mean, clearly there's been a lot of
18 questions about assessments and all that
19 kind of thing. So how do you factor that
20 in or how do you balance that out, I
21 guess would be my question.

22 MR. DUBOW: Right. I mean,
23 that's why there is an appeals process.
24 It's why we added the first-level
25 reviews, so people could have an

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2 additional appeals process.

3 COUNCILMAN GREENLEE: Which
4 only half have been decided.

5 MR. DUBOW: A little more than
6 half now, but, right. And we did
7 encourage people to go to the BRT if
8 their first-level review hadn't been
9 resolved. We sent out a couple letters
10 to reinforce that point. So, I mean,
11 that's kind of how we're trying to
12 balance that out.

13 COUNCILMAN GREENLEE: It just
14 seems like the balance isn't in favor of
15 the taxpayer, though, right now given
16 that so many appeals -- now, I'm not
17 saying they're all valid. Probably not,
18 but I got to think a lot are. I know of
19 a few who we helped who I would certainly
20 call valid, and it's a significant
21 difference in payment, you know. It's a
22 pretty good hit, and it's nice to say if
23 you win, you will get credit or whatever,
24 but you still got to put out the money.

25 MR. DUBOW: And there have been

1 10/4/13 - FINANCE - BILL 130531, etc.
2 a substantial number of reductions
3 already through the first-level review
4 process that have taken down assessments
5 substantially. I think the last number I
6 saw was about by 7 million in terms of
7 the dollar impact. So there has been --
8 that has been happening.

9 COUNCILMAN GREENLEE: That
10 would have gone back to what I said I
11 think at budget hearings. If they had
12 started the process earlier once those
13 appeals started coming in, I think we
14 would have gotten through a lot more of
15 the initial review. But that's
16 hindsight, I guess. I guess it wasn't
17 hindsight then because I said it.

18 MR. DUBOW: It was foresight.

19 COUNCILMAN GREENLEE: Okay.

20 Thank you, Mr. Chairman.

21 COUNCILMAN GREEN: Thank you.

22 Councilmember Squilla.

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

25 How many appeals have been so

1 10/4/13 - FINANCE - BILL 130531, etc.
2 far to the BRT? I know the deadline is
3 on the 7th. How many appeals so far have
4 been filed?

5 MR. DUBOW: I think as of two
6 or three days ago it was about 4,000,
7 although what they've said consistently
8 is that there will be kind of a late rush
9 in appeals, so that number will grow
10 substantially.

11 COUNCILMAN SQUILLA: And do you
12 believe that the assessments are fair and
13 accurate then citywide?

14 MR. DUBOW: So I believe that
15 overall they are fair and accurate, but I
16 also believe that when you do 579,000
17 assessments, there will be ones where you
18 don't get it right and that adjustments
19 should be made.

20 COUNCILMAN SQUILLA: So the
21 adjustments should be made. And do you
22 think it's fair then for people whose
23 assessments are overassessed to pay taxes
24 on that assessment that is wrong?

25 MR. DUBOW: Well, I think the

1 10/4/13 - FINANCE - BILL 130531, etc.
2 system we have in place is that if they
3 have done that, they should get a refund,
4 and I think that that is fair, that they
5 will get their money back.

6 COUNCILMAN SQUILLA: So they
7 should pay first and then because of the
8 wrong assessment, then whenever that
9 hearing is held, would get a refund maybe
10 a year later or two years later?

11 MR. DUBOW: Well, hopefully the
12 process doesn't take that long, but, I
13 mean, there are clearly -- and, as I
14 said, when I summarized my testimony, I
15 mean, we understand what the intention of
16 the bill is and there are balancing acts
17 here, and we're -- our concern is with
18 the financial health of the District, and
19 we think that outweighs what you're
20 trying to address.

21 COUNCILMAN SQUILLA: How much
22 money is in the budget for appeals?

23 MR. DUBOW: We have budgeted
24 approximately \$30 million in appeal
25 losses.

1 10/4/13 - FINANCE - BILL 130531, etc.

2 COUNCILMAN SQUILLA:

3 Thirty-three million this year?

4 MR. DUBOW: Yeah. For city and
5 school together, about 30 million.

6 COUNCILMAN SQUILLA: And what
7 was the number last year added to?

8 MR. DUBOW: What was the number
9 of appeals?

10 COUNCILMAN SQUILLA: No. How
11 much money was in the budget last year
12 for appeal losses?

13 MR. DUBOW: About 20 million.

14 COUNCILMAN SQUILLA: So that's
15 \$50 million that we've --

16 MR. DUBOW: No. It's an
17 increase from 20 to 30.

18 COUNCILMAN SQUILLA: We added
19 30 additional million?

20 MR. DUBOW: No. We added 10
21 additional to bring it to 30.

22 COUNCILMAN SQUILLA: And how
23 many dollars in appeals were granted last
24 year?

25 MR. DUBOW: I'd have to get

1 10/4/13 - FINANCE - BILL 130531, etc.

2 back to you on that.

3 COUNCILMAN SQUILLA: Of course.

4 Because it wasn't \$20 million.

5 MR. DUBOW: I'm really not

6 sure. I just don't know.

7 COUNCILMAN SQUILLA: Where did

8 the money go if it didn't cover the \$20

9 million in the General Fund that was

10 budgeted?

11 MR. DUBOW: I'm sorry?

12 COUNCILMAN SQUILLA: You

13 budgeted \$20 million for appeal losses

14 last year. We have no idea how many

15 people appealed and won, so those appeal

16 losses would come out of the general

17 budget. If that money was not used,

18 where did it go?

19 MR. DUBOW: You mean if appeal

20 losses were --

21 COUNCILMAN SQUILLA: Less than

22 \$20 million.

23 MR. DUBOW: -- less than 20

24 million? Then you'd have additional

25 property tax revenue for the District and

1 10/4/13 - FINANCE - BILL 130531, etc.
2 the City's General Fund.

3 COUNCILMAN SQUILLA: So it goes
4 into the General Fund?

5 MR. DUBOW: And the School
6 District. More of it goes to the School
7 District because the School District gets
8 more than half of the property tax.

9 COUNCILMAN SQUILLA: Well, this
10 was budgeted money for losses.

11 MR. DUBOW: For the District
12 and the City.

13 COUNCILMAN SQUILLA: All the
14 budgeted money we didn't use you gave to
15 the School District?

16 MR. DUBOW: No. That's not
17 what I'm saying. So property tax, about
18 55 percent goes to the School District
19 and about 45 percent goes to the City.
20 So to the extent that appeal losses come
21 in lower than we anticipate, for every
22 dollar in the appeal loss we don't have,
23 55 cents of that goes to the District, 45
24 cents goes to the City. And in the
25 converse, if appeal losses are higher,

1 10/4/13 - FINANCE - BILL 130531, etc.
2 the District loses 55 cents of that
3 dollar and we lose 45 cents.

4 COUNCILMAN SQUILLA: How much
5 last year then went to the School
6 District on appeal losses that didn't
7 reach the 20 million?

8 MR. DUBOW: I don't know the
9 total number. I'd have to get you the
10 total number and then I can give you the
11 breakout.

12 COUNCILMAN SQUILLA: Do you
13 believe it was more than 20 million?

14 MR. DUBOW: I don't know, and I
15 also am not sure whether they completed
16 the FY13 appeals yet. I mean, I just
17 don't know. I'd have to check with the
18 BRT on where they are in their process
19 and look at the appeal loss number.

20 COUNCILMAN SQUILLA: So if a
21 person pays, according to your schedule,
22 if they pay the U&O bill or the real
23 estate tax bill now, so the City -- are
24 they going to give them interest for all
25 the money that they paid ahead of time on

1 10/4/13 - FINANCE - BILL 130531, etc.

2 the wrong assessment?

3 MR. DUBOW: No.

4 COUNCILMAN SQUILLA: So you
5 want them to pay up front for something
6 that was done unfairly and wrong to pay
7 that money and then decide you know what,
8 that appeal process happened and they
9 corrected their assessment and then,
10 therefore, you will just credit that
11 amount for --

12 MR. DUBOW: I wouldn't say
13 unfairly, but, I mean, that is the way we
14 have done this for years, yes. That's
15 the way we do it.

16 COUNCILMAN SQUILLA: All right.
17 So if a business is assessed they feel
18 unfairly and they appeal it, they should
19 start paying the U&O, which they start
20 paying, some people, July 1st.

21 MR. DUBOW: Right. They've
22 already started paying.

23 COUNCILMAN SQUILLA: They
24 already started paying.

25 Now when they got that bill,

1 10/4/13 - FINANCE - BILL 130531, etc.
2 they realized, Oh, my goodness, this
3 assessment has also increased our U&O
4 payment, and they now have to pay this
5 bill. If the appeal process goes on for
6 a year -- we know from BRT we're hearing
7 they're not going to start maybe until
8 January '14 -- they have to keep paying
9 that. We could actually have businesses
10 close down. We could have businesses not
11 be able to make that payment, and then we
12 have less money for the School District
13 that is counting on U&O. Do you put that
14 into any type of thought pattern when you
15 oppose something like this?

16 MR. DUBOW: Well, again, it's
17 not proposing something. This is the way
18 we've done it. It's not like a new
19 proposal.

20 COUNCILMAN SQUILLA: So if
21 you've done it this way all the time,
22 that's the way we always should do it?

23 MR. DUBOW: No. That's not
24 what I'm saying, but you said "this
25 proposal," like we're proposing

1 10/4/13 - FINANCE - BILL 130531, etc.

2 something.

3 COUNCILMAN SQUILLA: No.

4 You're saying you're opposing this new
5 legislation to try to help people because
6 this is the way you always did it.

7 MR. DUBOW: No. Actually, why
8 I said I'm opposing it is because of the
9 impact it might have on the School
10 District. That's why I said I was
11 opposing it. You said when you put this
12 proposal together, and all I'm saying is,
13 we didn't put a proposal together.
14 That's all I was saying.

15 COUNCILMAN SQUILLA: I want to
16 defer to other questions and then come
17 back.

18 COUNCILMAN GREEN:
19 Councilmember Brown.

20 COUNCILWOMAN BROWN: I'm good.

21 COUNCILMAN GREEN: I think the
22 major point here is, Councilmember
23 Squilla's bill requires that people pay
24 the U&O tax that they owed the previous
25 year in order to take advantage of the

1 10/4/13 - FINANCE - BILL 130531, etc.
2 one-year hiatus that he is offering. So
3 this is a unique one-year situation that
4 requires the taxpayer to make a payment
5 equal to the U&O they owed last year, so
6 you don't lose the entire U&O payment
7 while you're waiting. It's just the
8 difference between last year's and this
9 year's U&O.

10 So I think it tries to balance
11 the concerns of taxpayers and the
12 District in terms of its need for a
13 predictable revenue stream. And the
14 point I made with my first question,
15 Mr. Stanski, is, there is a flip-side to
16 this coin, and, that is, the District's
17 ability to challenge the other side of
18 the equation. Just as property owners
19 are doing when they're overassessed, you
20 have the ability to go in and challenge
21 OPA when it under-assesses properties,
22 and if there's not \$20 or \$30 million
23 there, I'll eat my hat.

24 And so my point is, the fact
25 that you haven't done that creates a

1 10/4/13 - FINANCE - BILL 130531, etc.
2 revenue hole, but it was your job to do
3 that, in my view, and we shouldn't punish
4 taxpayers because the SRC didn't hire an
5 outside expert, do an analysis, go after
6 some large properties, and increase --
7 and maximize its revenue to the extent it
8 could. And may I suggest to you that for
9 next year, you do that. You go hire an
10 outside expert. You have them do
11 evaluations of major properties, and you
12 yourself take action that you believe
13 would cause the District to get
14 additional revenue. Hopefully that will
15 improve the product that comes out of OPA
16 as well. Okay?

17 I don't have a question there.
18 I just wanted to make that point.

19 Councilmember Greenlee.

20 COUNCILMAN GREENLEE: Thank
21 you, Mr. Chairman. I think your initial
22 points were kind of where I was going.

23 But, Mr. Dubow, just a
24 question. I think I kind of said this
25 before, but you said this is the way

1 10/4/13 - FINANCE - BILL 130531, etc.
2 we've done it for many years, this
3 process, and you have, but wouldn't you
4 say this year is a very unusual year with
5 the whole --

6 MR. DUBOW: And I just want to
7 make clear, I wasn't using that as a
8 justification for doing it that way. I
9 was just trying to make the point that we
10 not bring a new proposal on the table.

11 COUNCILMAN GREENLEE: I get
12 that, and the way you've done it before
13 I'm not even arguing with, because there
14 wasn't the upheaval that there seems to
15 be this year and the process isn't
16 taking -- hasn't taken as long previous
17 years. You appeal. It kind of moved
18 along a little more quickly, right, than
19 it will this year because of the volume
20 of appeals. And I guess that's why --
21 and as Chairman pointed out, this is a
22 one-year thing. And I know it costs the
23 School District some money in that year,
24 but it just seems to me that when you
25 balance it out, it just seems fair to the

1 10/4/13 - FINANCE - BILL 130531, etc.
2 taxpayer given this, what I would call,
3 unusual, maybe extraordinary situation.
4 It might not happen again, you know, in
5 this kind of volume. So that's why I
6 think it's a reasonable, fair balance to
7 try to do it this way.

8 MR. DUBOW: I understand what
9 you're saying and I think there's merit.
10 I just think on balance we come out on
11 the other side. And the length of time
12 it takes is kind of a dual-edged sword,
13 because the longer it takes, the longer
14 the District has to wait for whatever --
15 for the resolution.

16 COUNCILMAN GREENLEE: I'll
17 repeat, if some of those reviews have
18 gotten done faster, maybe we wouldn't be
19 here.

20 MR. DUBOW: I thought you might
21 say that.

22 COUNCILMAN GREENLEE: You left
23 it open for me. I had to take a shot at
24 it.

25 Thank you, sir.

1 10/4/13 - FINANCE - BILL 130531, etc.

2 COUNCILMAN GREEN:

3 Councilmember Squilla.

4 COUNCILMAN SQUILLA: And I'm
5 not going to belabor the point, but I'll
6 ask one question, Mr. Stanski.

7 Has the School District ever
8 appealed a residence after they have
9 appealed to the BRT and won? Has the
10 School District ever appealed that
11 result?

12 MR. STANSKI: I'm not aware of
13 one, but I can't speak to historically if
14 we've ever done that. But I'm not aware
15 that we've ever done it.

16 COUNCILMAN SQUILLA: Mr. Dubow,
17 would you --

18 COUNCILMAN GREEN: I recognize
19 Councilmember Greenlee for a point of
20 information.

21 COUNCILMAN GREENLEE: Just for
22 the record, there's been lots of times.
23 I know a number of people who the School
24 District has appealed and taken it to a
25 pretty high level to appeal that, just

1 10/4/13 - FINANCE - BILL 130531, etc.
2 for the record.

3 COUNCILMAN SQUILLA: Okay.

4 COUNCILMAN GREEN:

5 Councilmember Squilla.

6 COUNCILMAN SQUILLA: So,
7 Mr. Dubow, the School District has -- do
8 you know if the School District has
9 appealed a BRT decision?

10 MR. DUBOW: This year?

11 COUNCILMAN SQUILLA: This year,
12 last year, ever.

13 MR. DUBOW: I think as the
14 Councilman said, I think in previous
15 years it's happened. I don't know
16 whether it's happened this year.

17 COUNCILMAN SQUILLA: So they do
18 have the ability to appeal if they
19 believe an assessment is wrong?

20 MR. DUBOW: I think they do,
21 yes.

22 COUNCILMAN GREEN: Yes.

23 COUNCILMAN SQUILLA: So it
24 seems like right now, though, the only
25 time they have appealed is if the

1 10/4/13 - FINANCE - BILL 130531, etc.
2 homeowner had went to the BRT and the BRT
3 had ruled in their favor. They had
4 actually appealed that case; is that
5 correct?

6 MR. DUBOW: I believe that's
7 correct.

8 COUNCILMAN SQUILLA: So they
9 never have actually appealed an OPA
10 assessment that they believed was too low
11 and would just let that go so that person
12 would actually then pay a lower tax.
13 They're not going to appeal it. The
14 business owner or the homeowner is not
15 going to appeal it, but the School
16 District has never appealed what they
17 believe may be a wrong assessment by
18 anybody?

19 MR. DUBOW: I'm not -- I don't
20 know the answer to that.

21 COUNCILMAN SQUILLA: Okay. I'm
22 not going to belabor the point and we'll
23 let somebody else come up and speak.

24 COUNCILMAN GREEN: Thank you.

25 Any further questions?

1 10/4/13 - FINANCE - BILL 130531, etc.

2 (No response.)

3 COUNCILMAN GREEN: Seeing

4 none --

5 MR. DUBOW: One other thing. I
6 think we were -- one concern we had about
7 the bill as it's written is whether it
8 makes it clear on the U&O side that it's
9 a one-year program, and I think that was
10 the intention.

11 COUNCILMAN SQUILLA: That was
12 the intention, and I would agree to amend
13 it to make that a one-year 2013, because
14 we feel that maybe next year if it's
15 going to be even worse, then maybe we
16 could add that in the amendment next
17 year. I would be willing to amend that
18 this --

19 MR. DUBOW: Thank you.

20 COUNCILMAN GREEN: Okay.

21 MR. DUBOW: Can I just have
22 that language?

23 COUNCILMAN GREEN: Obviously if
24 we have an amendment to present today,
25 we'll circulate it.

1 10/4/13 - FINANCE - BILL 130531, etc.

2 MR. DUBOW: We do.

3 COUNCILMAN GREEN: Otherwise I
4 would expect pass it out and then amend
5 it on the floor.

6 MR. DUBOW: We have that
7 language. I think that's what they're
8 discussing now.

9 COUNCILMAN GREEN: Thank you.
10 Thank you for your testimony.

11 Mr. Ackerman.

12 (Witness approached witness
13 table.)

14 COUNCILMAN GREEN: I'd also
15 like to note for the record that there
16 are letters that we were putting on the
17 record from the Homeowners Association of
18 Philadelphia, the Auto Dealers and
19 Hotels.

20 Mr. Ackerman, we have your
21 testimony here for the record. Please
22 feel free to summarize it and proceed
23 with your testimony.

24 MR. ACKERMAN: Thank you,
25 Mr. Chairman, other Councilmembers. My

1 10/4/13 - FINANCE - BILL 130531, etc.
2 name is George Ackerman. My company owns
3 shopping centers, including one in
4 Northeast Philadelphia located near the
5 Franklin Mills Mall. We call it Franklin
6 Marketplace. It's over 200,000 square
7 feet, and in 2012 it paid a combined sum
8 for U&O and realty taxes of roughly
9 \$350,000. This property is a bit strange
10 looking and it has an unusual site plan
11 where much of the property lacks critical
12 visibility.

13 When we acquired the property
14 in 2004, it was almost entirely vacant,
15 as it had been for a great number of
16 years before that. We thought about
17 tearing it down and building a new
18 shopping center, but ultimately left the
19 building intact despite its flaws and
20 tried to position it as a low-rent
21 alternative to The Mills and some of the
22 other competitive properties. The result
23 has been pretty good. Our occupancy has
24 been about 90 percent since about 2007.
25 We spent millions of dollars on various

1 10/4/13 - FINANCE - BILL 130531, etc.
2 renovations, always using local
3 contractors, and we've brought lots of
4 new businesses and hundreds of jobs into
5 the City. As a result of this strategy,
6 however, our rent roll consists entirely
7 of very budget-conscious tenants. Some
8 of them are mom-and-pop tenants, a few
9 others are nationals, but they're equally
10 budget conscious. To be clear, none of
11 those tenants would be populating
12 Franklin Marketplace were it not for our
13 low-rent strategy.

14 Earlier this year we received
15 the City-proposed assessment for 2014,
16 allegedly a market-value assessment, but
17 in reality, it's about 50 percent higher
18 than what the property is truly worth.
19 We took immediate steps to resolve this
20 obvious mistake, including submitting all
21 of our financial statements, applying for
22 a first-level review, contacting our
23 local Councilman, and regularly calling
24 OPA to see if we can get an expedited
25 decision. Not until July did we even

1 10/4/13 - FINANCE - BILL 130531, etc.
2 receive a reply to our request for a
3 first-level review. It was a
4 cookie-cutter denial letter. I'm a
5 little bit surprised to hear the
6 testimony that first-level reviews have
7 actually been happening, because I've
8 heard that that process is a fiction. I
9 apologize if I'm incorrect.

10 After countless attempts, I
11 finally reached our evaluator at the OPA
12 and we spoke about the property's net
13 operating income, which is the only way
14 to truly value an income-producing
15 property. He acknowledged that our rents
16 were considerably lower than those of our
17 nearby properties. He had our financial
18 information in hand. But he informed me
19 that in arriving at his proposed
20 assessment, he had merely used a
21 guideline of \$130 a square foot. He also
22 advised me that he had totally
23 disregarded the many real estate tax
24 exemptions which the City had granted
25 every time that we did a construction

1 10/4/13 - FINANCE - BILL 130531, etc.
2 project over the years. He admitted that
3 his approach was ridiculous, but he said
4 that he had no choice but to follow the
5 guidelines.

6 I offered to meet with him and
7 his supervisor to review our finances.
8 He agreed to set up a meeting, but the
9 very next day I received an e-mail from
10 him saying that due to his busy schedule,
11 he would not be able to meet me for at
12 least three months.

13 This summer the City actually
14 began using this badly overstated
15 assessment, as you know, for the purpose
16 of U&O taxes. The result of this
17 overreach is that our U&O rates increased
18 by 82 cents a square foot, from 61 cents
19 to \$1.43, an increase of 134 percent.

20 The net result for some of our
21 mom-and-pop tenants: For Magic Floors,
22 an annual jump of about \$3,400; for
23 Galaxy Tanning, an increase of almost
24 \$3,300, and for Hibachi Grill, an annual
25 jump of \$9,300. And this is only for the

1 10/4/13 - FINANCE - BILL 130531, etc.
2 U&O. It does not include the massive
3 increase they'll endure under their net
4 leases, where the tenants pay the taxes,
5 if this preposterous assessment isn't
6 fixed by the time realty taxes come due
7 early next year.

8 If we're required to pay the
9 realty taxes due in February based on
10 this assessment, my estimate is that
11 these same budget-conscious tenants will
12 be required to pay about 60 cents a
13 square foot more than what they pay if
14 the assessment was actually approximate
15 to the property's true market value.
16 That's \$120,000. And I have a lot of
17 tenants that simply don't have the cash,
18 as the Councilman stated a few minutes
19 ago.

20 In conclusion, the OPA's method
21 to appraise our property was just
22 flat-out wrong. They did it the wrong
23 way, resulting in a proposed assessment
24 that's fantastically overstated, and they
25 also ignored their own laws by completely

1 10/4/13 - FINANCE - BILL 130531, etc.
2 disregarding documented real estate tax
3 exemptions that were already on the
4 books. The unjustifiable assessment has
5 now actually been implemented through the
6 U&O without any due process whatsoever,
7 causing unbearable hardship for a lot of
8 employers.

9 The OPA's conduct of blanket
10 denials on the first-level reviews and
11 its delay tactics in hearing the appeals
12 suggests that they're just trying to run
13 out the clock. The result will certainly
14 include destruction of lots of local
15 businesses and the departure from the
16 City of other national tenants who simply
17 can no longer earn a profit. Businesses
18 will close their doors. Jobs will be
19 lost. We are already experiencing
20 extreme revolt among our own rent roll.
21 We're doing everything possible to keep
22 the ship afloat, but without immediate
23 relief, the bloodshed is imminent.

24 I recognize the need for
25 comprehensive reassessment, and I get it

1 10/4/13 - FINANCE - BILL 130531, etc.
2 that proposed assessments are not
3 intended to be -- or are intended to be
4 debatable. I'm not really one to back
5 down from a negotiation, but the way that
6 this has been handled by the OPA is a
7 travesty.

8 This necessary process need not
9 be Armageddon, but that's precisely what
10 the OPA has launched. If something isn't
11 done immediately on the U&O and before
12 year end on the real estate taxes, I'm
13 certain that jobs will be lost and lives
14 will be ruined.

15 Thank you.

16 COUNCILMAN GREEN: Thank you,
17 Mr. Ackerman, for your testimony. I'm
18 very -- I'd like to apologize to you on
19 behalf of the City for the experience
20 that you had with the OPA. I know it's
21 very frustrating. We appreciate the fact
22 that you do business in the City of
23 Philadelphia, that you've put capital at
24 risk here. I understand your dilemma,
25 and I am more than confident you are

1 10/4/13 - FINANCE - BILL 130531, etc.
2 going to succeed at the BRT, and
3 hopefully this bill will come out of
4 committee today and provide you with the
5 relief you need, allow you to send a
6 letter to your tenants that you were in
7 here fighting for them and succeeded. I
8 wish you all the best, and thank you for
9 your testimony.

10 MR. ACKERMAN: Thank you very
11 much, Mr. Chairman.

12 COUNCILMAN GREEN:
13 Councilmember Squilla.

14 COUNCILMAN SQUILLA: One quick
15 question. Have your tenants already
16 started to pay the U&O?

17 MR. ACKERMAN: We invoiced them
18 immediately. In some cases they're being
19 paid through strong objections. In other
20 cases the tenants have been continuing to
21 pay the old amounts. In some cases that
22 is a situation where we're dealing with
23 some national tenants who it takes a few
24 months to sort of push things through
25 their system. In other cases we have

1 10/4/13 - FINANCE - BILL 130531, etc.
2 tenants who simply can't pay the
3 increased amounts. In at least one or
4 two cases we have people that have been
5 deducting the increases from the base
6 rent that they owe to me, which by the
7 way I need to pay my mortgage holder, and
8 handling it that way. So we have a
9 Chinese menu of different ways that
10 people have been handling it.

11 COUNCILMAN SQUILLA: Again, I'm
12 sorry for what is happening. I think
13 this is some unintended consequences of
14 some bad assessments, and we knew they
15 were out there and how they would be
16 handled, and I do believe this is a fair
17 way to approach it, to have you pay last
18 year's taxes until your assessments and
19 appeals are heard. But at this time, we
20 have to -- I think for the best way to
21 happen, we have to try to get them to pay
22 the U&O taxes that they owe here, because
23 if not, that may change something later
24 on when they go to pay last year's taxes.
25 If it's not up to date, it may cause a

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2 problem.

3 MR. ACKERMAN: We're dealing
4 with a certain amount of shock and awe at
5 the moment and we're doing the best that
6 we can, and I thank you for your advice.

7 COUNCILMAN SQUILLA: Thank you.

8 COUNCILMAN GREEN: Thank you.

9 Any further questions for
10 Mr. Ackerman?

11 (No response.)

12 COUNCILMAN GREEN:

13 Mr. Ackerman, thank you for coming in
14 today. We appreciate the time you took
15 and your testimony.

16 MR. ACKERMAN: Thank you,
17 everyone.

18 COUNCILMAN GREEN: We will now
19 hear Bill No. 130531, and we'd ask
20 Commissioner Tolson to come forward and
21 testify. We have your testimony here for
22 the record. If you'd like to summarize
23 it, please do.

24 (Witness approached witness
25 table.)

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2 COUNCILMAN GREEN: Please
3 proceed with your testimony, and thank
4 you for coming in today.

5 COMMISSIONER TOLSON: Good
6 morning, Chairman Green and members of
7 the Committee of Finance. My name is
8 Clarena Tolson and I am the Commissioner
9 of the Department of Revenue. I'm here
10 to testify in support of Bill No. 130531.

11 This bill proposes to authorize
12 the assignment of transfers -- the
13 assignment or transfer to third parties
14 of our real estate tax claims and liens.
15 We welcome the authority to use all the
16 tools available to us in our effort to
17 collect every dollar of unpaid real
18 estate taxes. These tools allow our
19 department to evaluate our various
20 options and to employ the option or
21 combination of options that give us the
22 opportunity to collect the money at the
23 earliest possible time.

24 If this option is used
25 properly, we believe it will protect the

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2 interest of all citizens by creating the
3 conditions for improving neglected
4 properties that are downgrading
5 neighborhoods. By including the private
6 sector in the mix through incentivizing
7 the collection effort, we believe the
8 bill enhances the collection process.
9 Also under this option, the City will get
10 the delinquent real estate tax amount up
11 front. The sale of real estate tax liens
12 provides highly secured interests in real
13 estate with a high likelihood of
14 redemption to the lienholder.

15 Our preliminary review of
16 experiences in other cities that are
17 similar to Philadelphia reflect the fact
18 that this is a viable option to be
19 considered. It is with this
20 understanding that we support Bill No.
21 130531.

22 Thank you for this opportunity
23 to be here, and I look forward to working
24 with Council.

25 COUNCILMAN GREEN: Thank you.

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2 Are there any questions?

3 Councilmember Squilla -- I'm
4 sorry.

5 COUNCILWOMAN BLACKWELL: We
6 look alike.

7 COUNCILMAN GREEN: Ladies
8 first. Councilmember Blackwell.

9 COUNCILWOMAN BLACKWELL: Thank
10 you.

11 Good afternoon, Commissioner.

12 COMMISSIONER TOLSON: Good
13 afternoon.

14 COUNCILWOMAN BLACKWELL: You
15 said this is fair to the taxpayer who
16 owes a bill. How is that?

17 COMMISSIONER TOLSON: It allows
18 us to address the liens, to address the
19 amount that is delinquent much more
20 quickly than some of the other processes
21 that we have, and then it thus allows the
22 citizens with a fair rate schedule to pay
23 those liens in a timely manner.

24 COUNCILWOMAN BLACKWELL: This
25 is for -- we're not talking commercial.

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2 We're talking residential as well?

3 COMMISSIONER TOLSON: Yes.

4 COUNCILWOMAN BLACKWELL: So

5 what do we do about people who are in

6 trouble because they can't pay?

7 COMMISSIONER TOLSON: I think

8 with all collection schema and

9 strategies, you want to have the right

10 tool for the right circumstance, and I

11 think that we in Revenue are particularly

12 sensitive to not looking to address

13 situations where people live in a home,

14 occupy a home, have low debt on those

15 homes. I say "debt," the receivable,

16 what is owed to the City, and then

17 looking at turning them towards liens.

18 There's other options that are available

19 to us, other ways that we can try to

20 connect with people so we will work

21 diligently to try to address it in

22 various ways.

23 COUNCILMAN GREEN: I will take

24 the privilege of the Chair just for a

25 second and say this bill does not mandate

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2 any solution. It provides another tool
3 to the Department of Revenue. The
4 alternative to lien sales that is
5 currently available to the Department of
6 Revenue is one, and that is foreclosure,
7 which is now mandated to happen within a
8 year under the law, or entering into a
9 settlement with the property owner. This
10 just allows the Department of Revenue to
11 decide among a various set of tools that
12 are available to them, but does not
13 require that this tool be used for any
14 particular property or property owner.

15 COUNCILWOMAN BLACKWELL: Well,
16 I would feel more comfortable if I knew
17 these circumstances. If I called
18 Commissioner Tolson and I say this person
19 owes \$4,000 and they've had a death in
20 their family and they've have horrible
21 situations, I'm very comfortable calling
22 her, but if we sell these liens to a
23 third party, they may not be willing to
24 enter into any agreement with the City or
25 with me as a representative of the

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2 people, and that's why I'm always worried
3 about selling off our companies, like
4 PGW, and I'm always worried about outside
5 people having influence, because then we
6 have no recourse to try to help people
7 when they come to us in trouble.

8 COUNCILMAN GREEN: Well, the
9 alternative to a lien sale are two. One
10 is foreclosure, which nothing you can do
11 once the property has been foreclosed and
12 sold, and one is a settlement agreement,
13 which the Department of Revenue is now
14 required because of legislation we passed
15 last session to enter into an agreement
16 on terms that make it possible for people
17 to pay. So those are the three options,
18 and if you're saying you want the only
19 tool to be foreclosure instead of a lien
20 sale, I believe that puts the property
21 owner in a worse situation, but certainly
22 you're entitled to that view. Thank you.

23 Feel free to address --

24 COMMISSIONER TOLSON: That was
25 correct.

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2 COUNCILWOMAN BLACKWELL: So
3 you're talking about Sheriff sale issues
4 or those who -- are you talking about
5 Sheriff sale issues and those that go to
6 foreclosure, in both circumstances?

7 COMMISSIONER TOLSON: The
8 foreclosure that the City would pursue is
9 through the Sheriff and the Sheriff sale.

10 COUNCILWOMAN BLACKWELL: So
11 that would be -- but are we talking about
12 people who owe back taxes?

13 COMMISSIONER TOLSON: Yeah. So
14 you owe back taxes. Let's say you owe
15 \$10,000 in taxes that you haven't paid
16 for some period of time, and you can
17 choose what period of time that may be.
18 It could be what's currently due or it
19 could be that which is older than some
20 number of years.

21 That lien or that debt is sold
22 to a third party, who then like a
23 collection agency says instead of owing
24 the City \$10,000, you now owe this lien
25 company \$10,000, and if you don't pay the

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2 lien company the fees that are owed, then
3 they could choose to seek foreclosure on
4 the property as well. But it is no
5 longer a debt to the City. The City will
6 have already received the \$10,000 that it
7 was owed.

8 COUNCILWOMAN BLACKWELL: Is
9 this much like the lien sale we had years
10 ago when Stephanie Suber was City
11 Solicitor?

12 COMMISSIONER TOLSON: No, this
13 is not like that sale.

14 COUNCILWOMAN BLACKWELL: How
15 not?

16 COMMISSIONER TOLSON: In this
17 case -- I'm going to invite Mr. Afessa to
18 come up.

19 In this case, the holder, the
20 private holder of the liens, is not
21 partnering with others. They own that
22 lien. It is no longer the City's liens.
23 We get paid up front, and we are
24 literally done with it. We will have our
25 cash and our money paid based upon the

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2 amount that the future lienholder would
3 have paid it for. Sometimes it is sold
4 at a discounted rate, sometimes at full
5 value, depending upon what the properties
6 may be. It could be batches of
7 properties. It could be all of a
8 described debt type that is sold at one
9 time.

10 But let's just say, for
11 example, that a company wanted to
12 purchase all the debt that became
13 delinquent as of January 1 and that they
14 were willing to pay us 98 cents for every
15 dollar of that debt. We are immediately
16 paid our 98 cents per dollar, and then
17 the vendor has the responsibility of
18 pursuing that debt, which would then be
19 owed to them, not to the City.

20 COUNCILWOMAN BLACKWELL: I
21 understand, and I remember when we went
22 through that process. In fact, President
23 Clarke then exempted his district, as I'm
24 tempted to do mine. I remember. Then
25 they gave us -- we ended up with boxes of

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2 computer sheets with all the properties
3 in our districts that were sold. And
4 having boxes of paper with addresses on
5 each sheet is like having no addresses at
6 all. It's just -- there's no way that
7 one could use that kind of data, and it
8 just didn't work. And I remember that
9 now President Clarke exempted his
10 district, and I understood why, because
11 when they gave us all these properties,
12 like we could even tell people to market
13 them, what are you going to do with
14 cardboard boxes filled with addresses?
15 You can't even organize it.

16 COMMISSIONER TOLSON: Can I --
17 COUNCILWOMAN BLACKWELL: And I
18 just --

19 COUNCILMAN GREEN: I --

20 COUNCILWOMAN BLACKWELL: Please
21 let her answer. Please let the
22 Commissioner answer, because they're
23 doing this. And I'm always for trying to
24 find a way to --

25 COUNCILMAN GREEN: Well, I'm

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2 going to take the privilege of the Chair
3 for a second, because I don't want to
4 mischaracterize what this is compared to
5 the Wachovia lien sale. The Wachovia
6 lien sale was a securitization of assets
7 of the City of Philadelphia that were
8 sold to Wachovia and placed great
9 restrictions on what we could then do
10 with those properties in the future,
11 including what Councilmembers could do
12 with those properties in the future.

13 Lien sales are not a
14 securitization. They are not an offering
15 in that sense, and so it is a completely
16 different animal. It works successfully
17 in many other jurisdictions in the
18 country, and, once again, the
19 alternative -- when the City has decided
20 that it cannot work with that taxpayer or
21 with that Council office to help that
22 taxpayer, they will have two options
23 available to them. One, foreclosure and,
24 one, a lien sale. It is at that point,
25 when the City decides they can't work

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2 with that taxpayer, that they will choose
3 between those two options. Today the
4 only option is foreclosure, which is far
5 worse for the property owner than a lien
6 sale, which gives them the opportunity to
7 pay back the lienholder without losing
8 their home. Foreclosure is certain
9 death. A lienholder paying it and the
10 City getting our money, by the way,
11 improving our cash flow by 50 or 60
12 million a year, that's what this
13 legislation does. It does not require
14 either the Department of Revenue to do a
15 lien sale or a foreclosure. They will
16 have to do one or the other, and a
17 foreclosure is far worse for the
18 property.

19 COUNCILWOMAN BLACKWELL: Well,
20 will you have a relationship with the
21 lienholder since you said it will be
22 better for the consumer?

23 COUNCILMAN GREEN: Well, the
24 alternative is --

25 COUNCILWOMAN BLACKWELL: How do

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2 we know that?

3 COUNCILMAN GREEN: Because the
4 alternative is foreclosure. The
5 alternative is foreclosure. You lose
6 your house in a foreclosure. That's the
7 alternative.

8 COUNCILWOMAN BLACKWELL: So why
9 couldn't we do a step in the middle?

10 Nobody is for the City losing
11 revenues for tax beats. There are always
12 a few of them. But we are for protecting
13 citizens who are just hit upon hard
14 times. And could not we have a process
15 in the middle where we're contacted? I
16 know the deadbeats from people in
17 trouble. If you or your department came
18 to me and said, Councilwoman Blackwell,
19 these are the places where we want to
20 foreclose, where we want to sell to a
21 third party, and I hear that and I said,
22 Oh, yeah, this guy, he's a bad landlord,
23 a slumlord or this person just won't pay,
24 they just keep buying other properties
25 and they own 60 properties and they won't

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2 pay, that's different.

3 We're all for the City getting
4 its part, but I am concerned about the
5 consumer who can't pay in hard times
6 who's caught up in this with the
7 lienholder that we don't know. So could
8 we have another step in there where we're
9 contacted? If we could find a process
10 where the District Councilperson is
11 contacted, I could support it. If we
12 can't, I can't support it and I would
13 want to exempt my district.

14 COUNCILMAN GREEN: Well,
15 Commissioner, if I might ask you this:
16 Right now when a Sheriff sale is going to
17 happen, when foreclosure is going to
18 happen, that list is sent to Council so
19 that they can know in advance that a
20 Sheriff sale is coming up. Could we
21 institute the same process for lien sales
22 so that once you have decided and
23 published the lien sale list, it comes to
24 Councilpeople, and they'll obviously have
25 a chance to look at it before the lien

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2 sale occurs, and if they could convince
3 you that you should remove a particular
4 property, they can; if they can't, they
5 can't, just like with foreclosures?

6 COMMISSIONER TOLSON: Right.
7 There's certainly public disclosure of
8 those properties that are going to go
9 forward with foreclosure, and we can
10 certainly look at doing the same with
11 potential lien sales if that were to
12 happen.

13 But I just want to add,
14 Councilwoman, I think that your concerns
15 are accurate and you should be concerned
16 as a District Councilperson. You should
17 be concerned. But understand that
18 there's other tools in our toolkit that
19 we have to exercise. So this is not to
20 say that we now forget everything else
21 that we have ever done and move away from
22 payment agreements, move away from
23 collection agencies, move away from
24 direct intervention for people that we
25 think are in trouble and offering

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2 hardship and offering longer-term
3 installment plans. We will not stop
4 doing that, and, in fact, our goal is to
5 get better at doing that. And if we can
6 do our job as well as possible, those who
7 are, say, in the thing that you're
8 concerned about, homeowners who may be in
9 trouble for one reason or another,
10 elderly, not understanding, someone
11 hasn't done what they need to do because
12 they didn't think there was a
13 consequence, our department is getting
14 better about defining what the
15 consequences are. The department is
16 getting better about making sure that the
17 consequences are predictable and that you
18 know that they're going to happen, so
19 that there is not a sense of we're not
20 sure that something could happen or we
21 may be able to get out of it for some
22 reason that's not valid. And I think as
23 we build that culture internally and
24 externally, that the taxpayers will
25 understand that they can know what's

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2 going to happen and they're going to know
3 their options.

4 So my hope is that we're going
5 to get better about letting people know
6 what options they have available to them
7 right now with regard to hardship and
8 payment plans and knowing that it's
9 important for them to sign up, and we can
10 work with Councilmembers to help us
11 educate people about that. But then at
12 the end of the day, if people ignore five
13 phone calls, three letters and we try to
14 do other things, then we have to do
15 something else in order to make a
16 difference. Right now one of our
17 challenges is that we're not doing the
18 something else or we're not doing the
19 something else consistently so that
20 people understand that there is an
21 ultimate consequence. And not suggesting
22 that one is better versus another, but
23 you use a hammer when you need a hammer
24 and a screwdriver when you need a
25 screwdriver, and we're just looking for

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2 having all the tools available to us.
3 This is a tool that is available to us
4 now and we want to be able to just have
5 it clear for the public that the City is
6 going to get better about collecting all
7 of its revenues so that the system is
8 fair, is fair as it could possibly be.
9 It's not to say that we're not going to
10 pay taxes in our future. We're all going
11 to pay taxes, but the system is fair such
12 that everybody that should be paying is
13 paying their fair share, however we have
14 to define "fair," and for some of those
15 who are in hardship situations, fair may
16 look different than somebody else's fair.

17 COUNCILWOMAN BLACKWELL:
18 Absolutely, and it is especially
19 important that we have this conversation
20 now since we're going through AVI and
21 some people have taxes go up. Mine are
22 going up almost 400 percent. So we have
23 people who are being hard hit who weren't
24 hit before.

25 If we want to come up with

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2 this, say to my colleague and sponsor, if
3 we want to come up with this, then we
4 need as District Councilwomen and
5 Councilmen proof that what we've done --
6 of all those steps we have done to try to
7 collect taxes before we say sell the
8 liens, that we need information on that
9 and we need to certainly agree to that
10 before we say, Okay, sell the lien. So
11 that's my recommendation.

12 COUNCILMAN GREEN:
13 Councilmember Johnson.

14 COUNCILMAN JOHNSON: Thank you,
15 Mr. Chairman.

16 I just wanted some additional
17 clarity on just how we go about the issue
18 of safeguarding the homeowners, but I
19 definitely know on the flip-side -- can
20 we actually -- to the maker of the bill,
21 are we able to categorize -- and I think
22 60 percent of delinquent taxes in the
23 City are from investors. Can we
24 categorize the two? Like I know you want
25 options in terms of how you utilize this

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2 tool, which I think is certainly a good
3 thing to do, but I think when you got the
4 slum land owners on this side who have
5 delinquent taxes, right, and their
6 properties and their land serves as a
7 blight on our districts, can it be
8 categorized, use the lien tool to
9 specifically target that particular area
10 of individuals and, on the other side,
11 continue to use some of the tools that
12 either we have on the books or have
13 already been implementing going after
14 those homeowners who are behind in their
15 mortgage? Can it be categorized that
16 way?

17 COMMISSIONER TOLSON: Let me be
18 transparent and say to you that as a
19 department, we are evolving, and I think
20 that may be clear for many people. And
21 I'll also be transparent to say that we
22 are developing our collection strategies,
23 which says under these circumstances, you
24 use this tool, under that circumstance
25 you use another tool. We're not there

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2 yet, where I can say that now at this
3 table that the best way to do that will
4 be to exclude a certain group versus
5 another group. Hopefully as we get
6 closer to having some new technology in
7 place, our data warehouse and our case
8 management systems, that will be easier
9 for us to define that. Right now I don't
10 think that we can. So now I have my
11 hammer touching my screwdriver touching
12 my pliers and I just need to dig in and
13 grab the right one under the right
14 circumstance.

15 At some point in the future, I
16 would love to be able to have a protocol
17 that makes it clearer for all of us
18 exactly under what circumstances in
19 advance that we can use that, but we
20 don't have the data that is necessary to
21 make those decisions and make them
22 accurately.

23 COUNCILMAN JOHNSON: And it's
24 probably because we're in the midst of
25 dealing with this whole tax issue.

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2 Obviously we have AVI, and I know I'm one
3 of the districts that's going to be
4 significantly impacted, with my other
5 colleague from South Philadelphia, Mark
6 Squilla, as well as Councilwoman Jannie
7 Blackwell and some parts of Darrell
8 Clarke's district. This is a hot-button
9 issue that we have to deal with, and our
10 primary purpose is keeping people in
11 homes, but also because we need revenue
12 to move forward and to be a viable city,
13 we want to go after those who own 10, 20
14 properties and just letting them serve as
15 a blight on our district.

16 But I think -- are you working
17 in partnership with this new CEO who the
18 City hired, the Administration hired to
19 collect taxes, Howard Neukrug? Are y'all
20 working in partnership on this?

21 COMMISSIONER TOLSON: I think
22 you're referring to Thomas Knudsen.

23 COUNCILMAN JOHNSON: Knudsen,
24 okay. Howard is the Water Commissioner.

25 COMMISSIONER TOLSON: Yes.

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2 COUNCILMAN JOHNSON: I got
3 water infrastructure on my mind for
4 another meeting, but go ahead.

5 COMMISSIONER TOLSON: That's
6 okay. And certainly --

7 COUNCILMAN JOHNSON: I don't
8 think you would necessarily -- I mean,
9 just knowing the work that you've done in
10 the past and what you stand for, I mean,
11 obviously you have a track record of
12 working and being here for the people.
13 So I want to say that to clarify the
14 record, but nevertheless, in the context
15 of working with the Administration and
16 AVI, OPA, and even the Board of Revision
17 of Taxes, we've been dealing with some
18 challenges as it relates to how AVI has
19 been rolled out, and we know after 2014
20 some of these very same tax housing
21 issues are going to be on our front
22 doorsteps in terms of how we're going to
23 respond to address those people. That's
24 probably why we're looking for as much
25 clarity up front as opposed to down the

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2 line after the bill already passed and
3 then there's some type of decision that
4 may be made that have drastic impacts on
5 some of our constituents.

6 COMMISSIONER TOLSON: I
7 couldn't agree with you more, and let me
8 just share with you the need to be
9 creative in what we're doing to try to be
10 creative.

11 So we are presently approaching
12 delinquents, trying to touch those in
13 ways that makes -- that gets their
14 attention. We have a program that was
15 started a few months ago called
16 Commercial Activity License Revocation,
17 and with that, we are targeting
18 strategically those taxes which impact
19 the School District. So we started with
20 liquor tax and now we've recently added
21 the use and occupancy tax. And through
22 that program, we're giving notice to
23 bricks and mortar -- businesses that have
24 an entity, a space that you could touch,
25 bricks and mortar locations that owe

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2 those taxes in arrears, and we're
3 notifying them that if they don't pay the
4 taxes that are due on those properties,
5 that we will revoke their commercial
6 activity license, thus closing down
7 whatever facility that they have.

8 That's a strategy that does not
9 work for every business type and it does
10 not work, say, for properties that may
11 have an owner occupant in there. So when
12 we go to our toolkit, we're looking for a
13 certain scenario where that tool can
14 work, and we are being -- we found that
15 we're very successful using that tool for
16 the right -- in the right circumstances,
17 applying it the right way, the same way
18 we've just recently added in the last
19 three weeks another tool called
20 receivership, technically called
21 sequestration, but we're calling it
22 receivership wherein we're looking at,
23 again, the right circumstances to apply
24 the tool. It could be applied to anybody
25 with their real estate taxes due.

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2 However, we're applying it to those who
3 have rental units, either commercial or
4 residential, so small apartment buildings
5 or large apartment buildings or some
6 other type of commercial activity, and we
7 are getting notice to those property
8 owners that if they do not pay the taxes,
9 then we're going to bring in a receiver
10 to take over the properties, collect the
11 rents, pay the City the debt that's owed,
12 and then return that back to the owner.
13 Both of those tools have different
14 applications, and sometimes the fine line
15 about where you apply it -- but I'm just
16 suggesting that to the same extent, this
17 is one where we have to look at --

18 COUNCILMAN JOHNSON: Additional
19 tool.

20 COMMISSIONER TOLSON: -- how we
21 apply it. And I just can't define it as
22 yet, but I think in time we will work to
23 that end.

24 COUNCILMAN JOHNSON: And just
25 last question. So the legislation has

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2 been drafted. Obviously there's an idea
3 behind the concept, right? So how best
4 would the Revenue Department use this
5 particular tool, your ideal situation?
6 Because obviously the idea came from
7 somewhere, the legislation was drafted,
8 you're supportive of it. So what's the
9 ideal situation where you would most
10 utilize this tool to make the Revenue
11 Department collect delinquent taxes more
12 effectively?

13 COMMISSIONER TOLSON: I think
14 an ideal being applying various
15 parameters of concerns or limitations.
16 The ideal might be for debt that is
17 delinquent for the first time, debt that
18 is above a certain level of value, debt
19 that may or may not be owner occupied but
20 just determining -- just getting some
21 clarification around that. That may be
22 where you get the highest value in terms
23 of somebody willing to pay for it and
24 willing to pay in a fairly high rate of
25 return, either no discounting or at a

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2 premium to the City.

3 COUNCILMAN JOHNSON: Okay.
4 Thank you.

5 COUNCILMAN GREEN:
6 Councilmember Blackwell.

7 COUNCILWOMAN BLACKWELL: Thank
8 you.

9 Commissioner, are you willing
10 to exempt owner-occupied properties?

11 COMMISSIONER TOLSON: I think
12 that as an agency, that we really need to
13 consider everything in the pot, and I
14 fully accept the level of accountability
15 that I hear Council saying that we have
16 to have, but to the extent that anything
17 limits our ability to pursue all tax
18 delinquencies I don't think is a hold of
19 that good thing.

20 COUNCILWOMAN BLACKWELL: All
21 right. I cannot support this bill. I
22 hope my colleagues will join me in that,
23 and also let me say that --

24 COUNCILMAN GREEN:
25 Councilmember, at this point --

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2 COUNCILWOMAN BLACKWELL: Let me
3 finish my statement. Let me finish my
4 statement, Mr. Chairman.

5 We've been talking a lot about
6 Registered Community Organizations and
7 zoning changes in the Zoning Board and
8 Philadelphia City Planning 2035. With
9 legislation like this, I'm not sure in
10 2035 we will have a lot of owner-occupied
11 properties in residential neighborhoods
12 in our city.

13 Bills like this that allow us
14 to sell off everything certainly make us
15 lose a sense of neighborhoods that we
16 have but invite outside investors and
17 developers to come in and just buy up all
18 our neighborhoods. I find it very
19 dangerous. I know we're in need of
20 money, but, you know, it's like you can't
21 throw the baby out with the bath water.
22 It's like we're losing focus on that as a
23 city.

24 We're still a city of
25 neighborhoods and we still have to

1 10/4/13 - FINANCE - BILL 130531, etc.
2 survive with all the culture, the
3 climate, the people, different ethnic
4 groups. We still have to survive in that
5 way, and I contend that this bill will
6 be -- is one of the nails that they put
7 in the coffin to end our city, to end our
8 neighborhoods, and to end the ability of
9 people who live in our city now to stay
10 where they are, maintain their homes and
11 move forward so that their children and
12 grandchildren will love this city and
13 feel a sense of it as we do.

14 Thank you.

15 COUNCILMAN GREEN: Thank you,
16 Councilmember. You're always a fighter
17 for the people and passionate about it,
18 and it's one of the things I admire about
19 you most, and you're certainly entitled
20 to your opinion but you're not entitled
21 to the facts, and the fact of the matter
22 is that the alternative to a lien sale,
23 which will keep someone in their home, is
24 a foreclosure sale, which will throw them
25 out of their home. And so this is a tool

1 10/4/13 - FINANCE - BILL 130531, etc.
2 that helps people stay in their homes and
3 homeowners as opposed to the other
4 alternatives available to the Revenue
5 Department.

6 COUNCILWOMAN BLACKWELL: I am
7 entitled to the facts. I don't mind
8 disagreement, but don't accuse me of not
9 being correct in what I think and the
10 facts I see. As long as we disagree and
11 you don't accuse me of something, we're
12 fine, but if you want to say that I'm
13 wrong in what I'm saying, then I'll sit
14 here until midnight and we can debate
15 that issue, even though I have a
16 groundbreaking on nanotechnology at
17 12:00. I'll sit here and we can go
18 through this until then. I'm not wrong
19 in what I'm saying.

20 COUNCILMAN GREEN:

21 Councilmember --

22 COUNCILWOMAN BLACKWELL: You
23 can disagree, but don't tell me that I'm
24 wrong, because I'm not wrong.

25 COUNCILMAN GREEN:

1 10/4/13 - FINANCE - BILL 130531, etc.
2 Councilmember, I'm not saying you're
3 wrong in your opinion, but I am saying
4 that when a --

5 COUNCILWOMAN BLACKWELL: I
6 might think you're wrong.

7 COUNCILMAN GREEN: The
8 alternative to a lien sale is a
9 foreclosure. And I don't know which you
10 would prefer your constituent have, a
11 foreclosure --

12 COUNCILWOMAN BLACKWELL: You
13 and I can vote differently, but when you
14 have your opinion, sometimes you want to
15 accuse other people of being wrong
16 because they don't think as you. It's
17 okay with me if you don't think as I do,
18 but don't make accusations. Otherwise,
19 as I said, I'll be here until-until.

20 COUNCILMAN GREEN:
21 Councilmember, once again, you're a
22 fighter for the people and it's one of
23 the things I admire most about you.

24 COUNCILWOMAN BLACKWELL: Thank
25 you. Thank you.

1 10/4/13 - FINANCE - BILL 130531, etc.

2 COUNCILMAN GREEN: Thank you.

3 Councilmember Brown.

4 COUNCILWOMAN BROWN: Thank you.

5 With regard to the third

6 parties and in hearing clearly

7 Councilwoman Blackwell's concerns

8 regarding -- because I'm reflecting that

9 we went through this also with PGW, I

10 believe, the concern that third parties

11 typically are not as sensitive in

12 extraordinary circumstances that citizens

13 endure. And so with that, typically

14 evidence suggests that many more folk end

15 up in this very, very awful dark place.

16 So when the bids go out to

17 these third parties, is there language,

18 are there provisions in that RFP that

19 speaks to the criteria that that third

20 party might consider with regards to

21 folks who have hardships?

22 COMMISSIONER TOLSON: I don't

23 know that that's precluded. I think that

24 the first part of your statement is one

25 of the challenges that we're trying to

1 10/4/13 - FINANCE - BILL 130531, etc.
2 overcome, and, that is, the perspective
3 that the third parties are private
4 companies, are tougher. And I think
5 that's one of the things that makes the
6 program work, unfortunately.

7 We as the City and Department
8 of Revenue may be the victim of the
9 perspective that we don't collect, that
10 we don't do a good job, and I say that
11 humbly, and it's something that we have
12 to work on and to address. But I think
13 that could be one of the problems that we
14 have as a city with regard to why people
15 pay or don't pay.

16 I've heard stories -- there's a
17 gentleman that shared with me the story
18 of how he rode on a bus with a bunch of
19 New York investors as they were touring
20 around the neighborhoods looking at
21 properties to gobble up and to buy. And
22 those investors were told or future
23 potential investors were told that it was
24 great to buy in Philadelphia because here
25 they didn't have to worry about paying

1 10/4/13 - FINANCE - BILL 130531, etc.
2 the taxes because nothing would happen to
3 them. I think that's a sad testament.

4 COUNCILWOMAN BROWN: Reputation
5 to have.

6 COMMISSIONER TOLSON: It's a
7 bad reputation. It's a sad reputation.
8 It's one, though, that I just am willing
9 to accept and understand, because now I
10 know what I have to deal with. I know
11 what I have to overcome. And if that is
12 one of the things that's in our way,
13 that's the culture that I'm talking about
14 that we need to change.

15 So to the extent that people
16 think that if there's a private entity
17 that's involved that they should be more
18 serious about paying their taxes, that
19 may encourage people to pay their taxes
20 and pay them in a more timely manner. I
21 think that they're going to learn over
22 time that the Department in and of itself
23 is going to be a very, very different
24 entity and very different creature, and
25 we will become the premier financial

1 10/4/13 - FINANCE - BILL 130531, etc.
2 management organization in this country.
3 We're going to work on that. We're going
4 to collect the taxes that are due to us,
5 and if that means that we use third
6 parties to help us improve that
7 reputation, then we'll do that. But it's
8 all going to happen in an environment
9 that's fair to our taxpayers, because
10 that's the right thing to do. But fair
11 also means that people have to pay
12 something, and we have taxpayers that pay
13 nothing for years, because they know they
14 can.

15 COUNCILWOMAN BROWN: First of
16 all, I applaud the vision that you have
17 going forward and your willingness to
18 approach this new paradigm in a way that
19 is first, second, and third of all, fair.

20 Herb Wetzel actually sat down
21 with me or I went to sit down with him
22 where he actually showed me dozens and
23 dozens and dozens of properties by
24 several different property owners who
25 have properties in the City, unpaid taxes

1 10/4/13 - FINANCE - BILL 130531, etc.
2 and actually have -- and then he would do
3 the technology where you can look at to
4 show me where those actual property
5 owners live. So the reality is harsh and
6 really requires us to do some things
7 differently.

8 The question becomes, are there
9 benchmarks or criteria for that property
10 owner that owns two dozen properties --
11 and I'm using an arbitrary number -- and
12 the strategies used to go after that
13 owner versus a single-family dwelling
14 senior who is in a desperate situation
15 and not able to pay her taxes? Are there
16 different criteria set for property
17 owners who are at different stages of
18 delinquency? I guess that's the
19 question.

20 COMMISSIONER TOLSON: That's a
21 very good question, and that's the
22 collection strategy that I was talking
23 about earlier, that I think that we are
24 evolving as a department to have a clear
25 understanding of what the strategy should

1 10/4/13 - FINANCE - BILL 130531, etc.

2 be and how it should be applied.

3 COUNCILWOMAN BROWN: So that is
4 not a one-size-fits-all.

5 COMMISSIONER TOLSON: It can
6 never been a one-size-fits-all. What we
7 are trying is trying to just develop our
8 toolkit, put in all the arrows to our
9 quiver that we can so that we are armed
10 to deal with all the circumstances that
11 we're presented with. Just as there are
12 investors that don't pay their taxes for
13 years, we also have owner occupants in
14 very nice homes that don't pay their
15 taxes for years.

16 So there are all kinds of
17 circumstances that we have to learn how
18 to address. So my interests are just
19 having all the tools available and then
20 being able to say, Here's what we need to
21 do in a certain circumstance and here's
22 how we need to apply it.

23 COUNCILWOMAN BROWN: Okay.

24 Thank you.

25 COMMISSIONER TOLSON: Thank

1 10/4/13 - FINANCE - BILL 130531, etc.

2 you.

3 COUNCILMAN GREEN:

4 Councilmember Greenlee.

5 COUNCILMAN GREENLEE: Thank

6 you, Mr. Chairman.

7 I think, though, just following
8 up a little bit on what Councilwoman
9 Reynolds Brown said, I think the thing is
10 I think we all want to be comfortable
11 that -- we get that you understand and
12 you want your department to understand --
13 how do we get the third party as much to
14 understand the differences that we're
15 talking about here.

16 COUNCILWOMAN BROWN: Yes.

17 COUNCILMAN GREENLEE: And I
18 think that's where she was going, if I
19 may, with the whole idea of what's in the
20 RFP or whatever. I don't know exactly
21 how you do that, so I'm throwing it out
22 kind of vaguely.

23 COMMISSIONER TOLSON: I'm
24 concerned about speaking out of hand and
25 out of turn with regard to what should be

1 10/4/13 - FINANCE - BILL 130531, etc.
2 included in the RFP. I think that to the
3 extent that what we do now with our
4 co-counsel, with our collection agencies,
5 the terms that we provide there in terms
6 of fairness, that we should be looking
7 for the same standards for any entity
8 that's involved with the City. I have no
9 interest in trying to deliver
10 Philadelphia taxpayers to the boogieman
11 to be taken advantage of.

12 So I think that it has to be
13 written so that it can work out to be a
14 system that's fair. I just am
15 uncomfortable sitting here right now
16 telling you what that language can be and
17 to what extent I can say whatever, absent
18 having talked to our legal team.

19 COUNCILMAN GREENLEE: And I'm
20 not -- I don't have language either. And
21 I guess the other thing is what oversight
22 of these companies might be if there are
23 allegations that they are not being fair.
24 That would be the other thing. Again, I
25 don't know how that factors in also. And

1 10/4/13 - FINANCE - BILL 130531, etc.

2 I agree, and my general opinion is to be
3 supportive, but I understand the concern
4 that's also raised too, because obviously
5 we don't want people thrown out of their
6 houses. I don't think anybody does. And
7 I guess you always try to find the middle
8 ground. You don't want it where people
9 think they don't have to pay their taxes,
10 but you don't want people to think, My
11 God, if I don't agree to something I know
12 I can't agree to, then I'm going to get
13 thrown out either.

14 COMMISSIONER TOLSON: And
15 that's why -- we do have a payment plan.
16 If you're involved in a payment plan,
17 you're not considered delinquent to the
18 extent that we would move you along. So
19 if you have a payment plan and that you
20 are staying on top of your payment plan,
21 that's great. That's a tool to keep you
22 in your home and to manage that.

23 COUNCILMAN GREENLEE: And the
24 Revenue I know does that. I guess my
25 concern is, we just want to make sure

1 10/4/13 - FINANCE - BILL 130531, etc.
2 that the third party, whoever they may
3 be, understands that sort of basic
4 principle too.

5 COUNCILWOMAN BROWN:
6 Completely. Because in places where
7 you're using those differing strategies
8 for different seniors, if they're
9 working, that's a good thing. So if
10 they're working, then the hope would be
11 that the third party would sustain those
12 practices that you're already executing
13 in your department or adopt those
14 practices, if you will.

15 COMMISSIONER TOLSON: Yes. I
16 understand.

17 COUNCILWOMAN BROWN: So are you
18 able at this point to say where you are
19 in the RFP process or did I hear you say
20 that's still being framed out?

21 COMMISSIONER TOLSON: No.
22 There is no RFP process that's going on.
23 I was responding to your question about
24 could something -- or someone's question
25 about could something be included in an

1 10/4/13 - FINANCE - BILL 130531, etc.
2 RFP.

3 COUNCILWOMAN BROWN: Okay.

4 COUNCILMAN GREEN: And just for
5 clarification, what is state law today
6 with respect to whether or not a lien
7 sale can occur?

8 COMMISSIONER TOLSON: A lien
9 sale can occur today.

10 COUNCILMAN GREEN: So what is
11 the difference between this proposal and
12 state law?

13 COMMISSIONER TOLSON: I'll let
14 Mr. Afessa answer that.

15 COUNCILMAN GREEN: Okay. Well,
16 I will endeavor. We have limited, unlike
17 state law, some of the costs that would
18 be associated with a lien sale, and
19 unlike a foreclosure sale, those costs
20 are limited and defined in this
21 legislation, whereas today if we were not
22 to pass this measure, the Department of
23 Revenue would have this tool under state
24 law and could commence lien sales today.

25 COMMISSIONER TOLSON: Correct.

1 10/4/13 - FINANCE - BILL 130531, etc.

2 COUNCILMAN GREEN: Okay. Thank
3 you.

4 Councilmember Brown, are you
5 finished?

6 COUNCILWOMAN BROWN: Yes.

7 COUNCILMAN GREEN: Thank you.
8 Councilmember Blackwell.

9 COUNCILWOMAN BLACKWELL: Thank
10 you.

11 As has been said, we are
12 interested. We would like to put
13 parameters on third-party agreements and
14 what they can do, but not having that --
15 where there's no law, there's no
16 discretion. We would like to -- and as
17 has been talked about, this issue of
18 foreclosure, selling liens still doesn't
19 prevent foreclosure. So whether we do it
20 or a third party has it, it still doesn't
21 necessarily protect a homeowner. You
22 talk about your toolkit. We'd love to
23 see what's in it.

24 I believe that we should,
25 insofar as we can, have an open process,

1 10/4/13 - FINANCE - BILL 130531, etc.
2 we know what will happen, so we can tell
3 our constituents what will happen. But a
4 process whereby we sell it off, we tell
5 somebody else to foreclose on people, it
6 doesn't absolve us of the responsibility
7 of protecting our people. We don't know
8 what's in your toolkit. Maybe you don't
9 know yet. We don't know what's in this
10 third-party legislation to try to protect
11 people. It just takes the responsibility
12 away from us as their elected officials
13 to try to make agreements and we give it
14 to somebody else who can say forget you,
15 and that is my, I suppose, my last
16 statement on the issue.

17 COUNCILMAN GREEN: Thank you.
18 Thank you, Councilmember.

19 Thank you very much for your
20 testimony. We appreciate it.

21 COMMISSIONER TOLSON: Thank
22 you.

23 COUNCILMAN GREEN: Thank you.

24 We'd like next to call Allan
25 Domb and GPAR and anybody who will be

1 10/4/13 - FINANCE - BILL 130531, etc.
2 testifying with him on this bill.

3 (Witness approached witness
4 table.)

5 MR. DOMB: Good morning.

6 COUNCILMAN GREEN: Thank you
7 for your patience, Mr. Domb. We
8 appreciate you staying here this morning.
9 And please proceed with your testimony.

10 MR. DOMB: Well, our testimony
11 is regarding this bill, but also
12 regarding the current delinquencies in
13 Philadelphia across 16 different taxes,
14 which we have a chart from the
15 Controller's Office that indicates over
16 the last 25 years delinquencies are \$1.6
17 billion of delinquencies. Real estate
18 taxes are between \$450 and \$500 million.
19 Wage taxes that were collected by
20 employers but not remitted are 200
21 million. BIRT, business income revenue
22 tax, 400 million; liquor tax, 34 million;
23 use and occupancy tax, 28 million; water
24 and sewer liens, 250 million; gas liens,
25 120 million. These are unbelievable

1 10/4/13 - FINANCE - BILL 130531, etc.
2 numbers, and we're talking about money
3 for the School District. There's a lot
4 of opportunity here to collect money.

5 Having said that -- I can give
6 you this chart, by the way, if you'd
7 like.

8 This tax lien bill is very
9 important, and this isn't new. There are
10 28 states currently that have the tax
11 lien sales in effect, including the State
12 of New Jersey, South Carolina, New York,
13 Illinois, Florida. In fact, I was
14 listening to some of the prior testimony.
15 Camden, Newark, and Trenton have tax lien
16 sales. And when I presented this idea,
17 by the way, to Jerry Sweeney and Paul
18 Levy, they challenged me to find urban
19 cities that did tax lien sales and how it
20 was effective. So we did, and we found
21 that Camden, Trenton, and Newark collect
22 97 to 98 percent of their taxes, while
23 Philadelphia collects 85 to 87 percent.

24 What's very interesting and
25 what should be known is that less than 1

1 10/4/13 - FINANCE - BILL 130531, etc.
2 percent of all tax lien sales, less than
3 1 percent, end up in foreclosure
4 nationwide in 28 states, less than 1
5 percent.

6 But think about something else.
7 We've heard different numbers on the tax
8 collection rate in real estate for
9 Philadelphia. We've heard 85 percent.
10 We've heard 87 percent. We have heard 90
11 percent. I'm not sure what the right
12 number really is, but I'm going to guess
13 it's between 85 and 87 percent.

14 That means 87 percent of our
15 residents pay their taxes, 13 percent do
16 not, and on a tax budget of \$1.1 billion,
17 that's a lot money every year that's not
18 being collected, almost \$150 to \$160
19 million.

20 What's interesting, though, of
21 the delinquencies, 57 percent are
22 investors, of which 40 percent of the
23 total delinquency are suburban investors
24 who own properties.

25 COUNCILWOMAN BROWN: Repeat

1 10/4/13 - FINANCE - BILL 130531, etc.
2 that fact.

3 MR. DOMB: Sure. Of the
4 delinquent taxes not paid, 57 percent of
5 your 13 percent delinquency are
6 investor-owned properties. Of the total
7 delinquency of 13 percent, 40 percent of
8 those people are investors who don't live
9 in the City. And, by the way, Herb
10 Wetzel is the best source of this
11 information. He's got a whole file on
12 all the investors who aren't paying their
13 taxes. But 40 percent of the delinquency
14 of real estate taxes are suburbanite
15 investors who don't pay taxes. It's not
16 right. And, by the way, if for no other
17 reason why this bill should pass is
18 because 85 to 87 percent of the
19 Philadelphia residents pay their taxes,
20 and as an example that we appreciate them
21 paying their taxes, we should collect
22 from the people who don't pay their
23 taxes.

24 The bigger issue, though, GPAR
25 did a little chart, which you may have in

1 10/4/13 - FINANCE - BILL 130531, etc.
2 front of you, and these are based on the
3 old AVI numbers. So on new AVI numbers,
4 the numbers are double in value. But
5 what we did was, we took the delinquent
6 tax bills from the Controller's Office.
7 We matched them to properties and came up
8 with market values for the delinquencies.
9 So what this chart shows is about \$8
10 billion of real estate value against
11 delinquent taxes for the last 25 years of
12 about \$500 million. But that's old AVI
13 numbers, and if we were to recalculate
14 the new AVI numbers, because many AVI
15 numbers are two times or three times the
16 number, you have almost \$16 to \$20
17 billion of real estate value against \$500
18 million of delinquent taxes. Anyone in
19 the tax collection business will tell you
20 this is extremely collectible.

21 To also keep in mind -- I'll
22 give you an example. Look at 19103,
23 which is Rittenhouse Square. What this
24 says is there's 230 parcels in
25 Rittenhouse Square that haven't paid

1 10/4/13 - FINANCE - BILL 130531, etc.
2 their taxes. Against \$165 million of the
3 old AVI numbers, which today is probably
4 350 million, and what's owed the City,
5 \$3.8 million.

6 COUNCILMAN JOHNSON: So the
7 rich people are not paying taxes either.

8 MR. DOMB: Nobody is paying.
9 The 13 percent, by the way, is not --
10 what a lot of people think is that the 13
11 percent of the people not paying is an
12 85-year-old grandmother in a row home.
13 Those people pay their taxes. Those
14 people were brought up to pay their
15 bills. They're not the people that are
16 beating the system. They pay their
17 bills. My mother is 84. She gets
18 worried if she pays a bill two days late.
19 They pay their bills. I'm in the
20 property management business also. It's
21 the same people who try to beat the
22 system, and when we allow them to beat
23 the system, they're taking advantage.
24 That's the people not paying their taxes.

25 But look at South Philadelphia,

1 10/4/13 - FINANCE - BILL 130531, etc.
2 I think 19148, 1,660 properties, 243
3 million of old AVI value. Two million
4 dollars or 2.4 million is owed. That's
5 very collectible. There's a lot of money
6 here.

7 The worst zip code I think is
8 Germantown. I think it's 19129. That's
9 the worst, and that's old AVI numbers of
10 80 million of real estate value against
11 37 million of taxes collected. Keep in
12 mind, taxes are a first lien on real
13 estate.

14 The other important thing you
15 should know, in the other 28 states
16 across the United States, 50 percent of
17 the sales of tax liens are to the
18 mortgage companies. They buy them. Why?
19 To protect their lien. Because if they
20 don't buy them, they're going to get
21 blown out of the transaction. So they're
22 buying them, and they're not going to
23 probably do anything other than write a
24 check, give the City the money, and then
25 they'll deal with how to deal with the

1 10/4/13 - FINANCE - BILL 130531, etc.
2 homeowner. They're probably not getting
3 paid on the mortgage either. A lot of
4 these are probably subject to short sales
5 or foreclosures by lenders and the taxes
6 haven't been paid, but the lender is
7 going to write us the check if we put
8 this in place. This is very important
9 for us to support, very important.

10 Having said all that, when you
11 look at this map, I think in general
12 there's no way you can't support this.
13 The other piece of this, though, that
14 this can also accomplish is the utility
15 liens. Water and sewer liens for \$250
16 million, you could sell them the same
17 way. You could sell these gas liens that
18 are 120 million the same way.

19 Liquor tax, it's \$34 million of
20 liquor tax not paid. Today to get a
21 liquor license it's \$80,000. You
22 probably could sell those the same way or
23 you could lien the liquor license and
24 collect it.

25 Use and occupancy tax is a real

1 10/4/13 - FINANCE - BILL 130531, etc.
2 estate tax really. Twenty-seven million
3 is due.

4 So there's a lot of money. I
5 think at the end of the day, you put this
6 type of bill through and you allow it to
7 go through the system, you have hundreds
8 of millions of dollars. It could be
9 anywhere from \$600 to 800 million
10 collectible with an efficient tax lien
11 sale.

12 Anyway, I wanted to thank you
13 for the opportunity. I'm very happy
14 you're presenting this bill. It's like a
15 culmination of what we've been trying to
16 get to, so we're very pleased.

17 Thank you.

18 COUNCILMAN GREEN: Thank you
19 very much for your testimony. Just based
20 on your testimony and doing some quick
21 math, if across the country in all these
22 states 50 percent of the tax lien sales
23 are actually being bought by mortgage
24 companies, mortgage companies are then
25 dealing with the homeowners. In the City

1 10/4/13 - FINANCE - BILL 130531, etc.
2 of Philadelphia before a mortgage can
3 foreclose, they have to go to Mortgage
4 Foreclosure Court and that whole process.
5 But if that is true and that would imply
6 essentially that of the 160 million a
7 year we're not collecting in taxes,
8 because we collect 13 percent less than
9 we bill, perhaps as much as \$80 million a
10 year would come in just from mortgage
11 companies, not third-party investors or
12 other things, and every year we would
13 have upwards of \$60, \$80 million that
14 we're not collecting now just through
15 putting this process in place.

16 MR. DOMB: That's accurate.
17 I'm going to give you one example,
18 because it's real life. A month ago a
19 person comes up to me around Rittenhouse
20 Square and says to me, I owe the City
21 five years of real estate taxes, Allan.
22 Can you help me?

23 I said, What are you out of
24 your mind? I'm the biggest proponent to
25 pay your taxes. You're crazy.

1 10/4/13 - FINANCE - BILL 130531, etc.

2 He says, I owe \$36,000. It's
3 five years.

4 I said to the guy, Your home is
5 worth like a million two. I said, What's
6 your mortgage?

7 He said, It's 120,000.

8 I said, You'd better pay your
9 taxes right away. They're going to
10 foreclose on you.

11 This is what's going on.
12 There's no will to collect. This gives
13 you the will to collect. It's very
14 important.

15 COUNCILMAN GREEN: Thank you.

16 Councilmember Brown.

17 COUNCILWOMAN BROWN: I would
18 simply like to comment on your very
19 excellent testimony and to see the
20 numbers for me is very, not only
21 instructive but it makes it exceedingly
22 clear the severity of the problem.

23 MR. DOMB: Thank you.

24 COUNCILWOMAN BROWN: Thank you.

25 COUNCILMAN GREEN: Thank you.

1 10/4/13 - FINANCE - BILL 130531, etc.

2 Any other questions?

3 (No response.)

4 COUNCILMAN GREEN: Seeing none,
5 thank you very much for your testimony.

6 MR. DOMB: Thank you.

7 COUNCILMAN GREEN: Is there
8 anybody else -- sorry. Councilmember
9 Brown.

10 I'm sorry, Mr. Domb. I
11 apologize.

12 Councilmember Brown.

13 COUNCILWOMAN BROWN: Yes. So
14 given the clarity you've given around
15 suburbanites versus Philadelphia
16 residents, and particularly seniors -- I
17 have my own bias towards looking out for
18 that part of the world -- do we know
19 if -- the Revenue Department still here?
20 I'd be curious to know if the Revenue
21 Department has in its, I like the
22 expression, toolbox a different set of
23 strategies for going after suburbanites
24 versus Philadelphians who are egregious
25 when it comes to paying taxes.

1 10/4/13 - FINANCE - BILL 130531, etc.

2 MR. DOMB: First of all, I
3 think there was a bill by Council
4 President Clarke that was trying to
5 enforce legislation to go to the suburbs.

6 COUNCILWOMAN BROWN: That's
7 exactly right.

8 MR. DOMB: But with this
9 legislation, you don't need to do that,
10 because what you do is sell the lien to a
11 third party and let them collect. This
12 is so great. You get a check. It's
13 unbelievable. This is the best business
14 to be in. City of Philadelphia can
15 predict what they're going to get in
16 revenue. They get the check, and they're
17 done.

18 COUNCILWOMAN BROWN: Okay.
19 Thank you.

20 MR. DOMB: Sure. Thank you.

21 COUNCILMAN GREEN: Thank you
22 for your testimony.

23 Is there anybody else here to
24 testify on this bill?

25 (No response.)

1 10/4/13 - FINANCE - BILL 130531, etc.

2 COUNCILMAN GREEN: Seeing none,
3 would those people testifying -- I guess
4 Commissioner David Perri on 130635.

5 (Witnesses approached witness
6 table.)

7 COUNCILMAN GREEN: Please state
8 your name for the record and proceed with
9 your testimony.

10 COMMISSIONER PERRI: Good
11 morning, Chairman Green and members of
12 the Finance Committee. My name is David
13 Perri and I am the Acting Streets
14 Commissioner. With me this morning is
15 Sanitation Deputy Commissioner Donald
16 Carlton. We're here to offer testimony
17 on Bill No. 130635, which, if enacted,
18 would amend The Philadelphia Code to
19 change the annual fee for commercial
20 trash collection from \$300 to \$150 for
21 owner-occupied duplex apartment
22 buildings.

23 The Office of Property
24 Assessment reports that there are a total
25 of 24,272 duplex apartment buildings

1 10/4/13 - FINANCE - BILL 130531, etc.
2 within the City of Philadelphia. The
3 Department of Licenses and Inspections
4 reports that the owner occupies one of
5 the two dwelling units in approximately
6 13.3 percent of the buildings.

7 The Department of Streets does
8 not support the passage of Bill 130635.
9 If enacted, the City's Operating Budget
10 would lose approximately \$456,000 of
11 revenue on an annual basis. The cost to
12 the City of Philadelphia to collect and
13 dispose of trash is approximately \$300
14 per household per year. That cost is the
15 same regardless of whether a dwelling
16 unit is occupied by the owner or a
17 tenant. Owners of duplex apartment
18 buildings already receive substantial
19 discounts, as the actual cost to service
20 a duplex building for trash collection is
21 \$600 per year.

22 A \$456,000 reduction to the
23 Streets Department budget would eliminate
24 either 11 positions from our Short Dump
25 Unit, resulting in the inability to

1 10/4/13 - FINANCE - BILL 130531, etc.
2 remove 15,000 tons of illegally dumped
3 materials on abandoned lots and streets,
4 or eliminate 12 positions from our Street
5 Sweeping Operation, resulting in 24,000
6 less miles cleaned and leaving 12,000
7 tons of litter and debris on City
8 streets.

9 That concludes my testimony.
10 Thank you for the opportunity to testify
11 on this bill, and we would be happy to
12 answer any questions that you may.

13 COUNCILMAN GREEN:
14 Councilmember Greenlee.

15 COUNCILMAN GREENLEE: Thank
16 you, Mr. Chairman.

17 Good afternoon, Commissioner
18 and Deputy Commissioner. And I guess in
19 some ways this has some similarities to
20 the first bill we considered today. We
21 certainly don't want the City to lose any
22 money. I get that. But isn't it true
23 for the most part realistically that a
24 lot of the people who live in a duplex
25 and rent the other floor aren't making a

1 10/4/13 - FINANCE - BILL 130531, etc.
2 tremendous amount of money off that? I
3 mean, they're not like major rental
4 property owners. They're just -- and
5 just the fact there's only 13 percent of
6 them, I mean, and they're still paying
7 something. They're not saying not pay
8 anything. But it just seems to me to
9 make some sense that because they're
10 probably -- what would you call it? The
11 amount of money they make off these
12 properties are probably not very much as
13 compared to major rental properties. And
14 I guess obviously if you look at just the
15 money figure, you're losing money. I get
16 it. But when you look at the people
17 factor, if I want to call it, is that a
18 consideration?

19 COMMISSIONER PERRI: I mean, to
20 be fair, we have to base this on what our
21 costs are to service the dwelling unit,
22 and unfortunately that's \$300 a dwelling
23 unit regardless of whether the owner
24 lives there or a tenant lives there. If
25 you think about it, if you own a duplex,

1 10/4/13 - FINANCE - BILL 130531, etc.
2 by right you should be paying \$600 a year
3 and currently you're only paying \$300 a
4 year. So you're already in a mode in
5 which you are receiving a discount from
6 the true cost.

7 COUNCILMAN GREENLEE: Wait a
8 minute. Wait a minute. But if you live
9 there, you're the owner of half the
10 property, right? You wouldn't be
11 paying -- I mean, if you're looking at
12 your figure -- so you're saying to
13 collect from everybody, it's \$300?

14 COMMISSIONER PERRI: To collect
15 from --

16 COUNCILMAN GREENLEE: Every
17 unit.

18 COMMISSIONER PERRI: I'm sorry.
19 To collect -- citywide calculations are
20 it costs \$300 per dwelling unit if you
21 take our total budget and break it down
22 by the number of dwelling units in the
23 City.

24 COUNCILMAN GREENLEE: But in
25 fairness, isn't that a little misleading?

1 10/4/13 - FINANCE - BILL 130531, etc.

2 I mean, if you're talking about a
3 single-family dwelling, they generate, I
4 think, on average less trash than a five,
5 six-unit building, right? So, I mean, in
6 pure numbers when you break it down and
7 just divide by the number of properties,
8 you're right, but, again, in reality, I
9 mean, that's not really a fair
10 comparison, is it? I mean, wouldn't it
11 be accurate to say that the normal
12 single-family dwelling -- they're not all
13 the same -- generates less trash than a
14 five-unit building?

15 COMMISSIONER PERRI: Yeah. I
16 think that's a fair assessment, that if
17 you add up the total amount of trash from
18 five units, it's going to be greater than
19 the trash from one unit. But that fee
20 basis was already established by
21 ordinance to be \$300 per property
22 regardless of the amount of dwelling
23 units within the property.

24 COUNCILMAN GREENLEE: I
25 understand that, but, I mean, the amount

1 10/4/13 - FINANCE - BILL 130531, etc.
2 of trash isn't the same, and I guess I
3 would argue that in a -- and I think the
4 idea -- again, this isn't my bill either,
5 but the idea behind the bill was that
6 you're talking about, one, probably a
7 generation of less trash if this is a
8 duplex and there's a homeowner there, and
9 then, secondly, I think if I remember
10 right, when this fee was first put in,
11 part of the reasoning was that, well,
12 they should pay -- the owners of rental
13 properties should pay more because
14 they're making money off these properties
15 too. I think I saw Deputy Commissioner
16 shake his head there. Am I correct in
17 that?

18 DEPUTY COMMISSIONER CARLTON:
19 Yes. Yes, you are correct.

20 COUNCILMAN GREENLEE: So I
21 guess if income is going to be
22 considered, then shouldn't you not
23 consider in a duplex that is owner
24 occupied on the first floor that there is
25 less income probably coming in and that

1 10/4/13 - FINANCE - BILL 130531, etc.
2 maybe splitting that in half is a
3 reasonable calculation?

4 COMMISSIONER PERRI: I think
5 your premise is sound, that --

6 COUNCILMAN GREENLEE: That's a
7 good start.

8 COMMISSIONER PERRI: -- a
9 person that owns a duplex is bringing in
10 less revenue than a person that owns a
11 six-apartment building.

12 But with that being said, how
13 do we make this revenue neutral? How do
14 we make sure that ultimately the City is
15 not collecting less money for servicing
16 trash than it currently is? I mean, you
17 would have to consider raising that base
18 fee of \$300 to a higher number.

19 COUNCILMAN GREENLEE: You said
20 that. I didn't. But all right. I mean,
21 we could go back and forth on this. It
22 just seems that the idea -- if you're
23 collecting less from a property, then
24 maybe you shouldn't -- collecting less
25 trash, maybe you shouldn't collect as

1 10/4/13 - FINANCE - BILL 130531, etc.
2 much money as you would for higher rental
3 properties.

4 COMMISSIONER PERRI: Or we can
5 look at that in the other way and say
6 maybe we should be charging more for
7 multiple-family dwellings. If you have
8 six units, maybe that charge should be
9 much more than \$300.

10 COUNCILMAN GREENLEE: Again,
11 you said that. I didn't.

12 DEPUTY COMMISSIONER CARLTON:
13 When we're looking at the --

14 COUNCILMAN GREENLEE: I
15 understand what you're saying. I hear
16 you.

17 DEPUTY COMMISSIONER CARLTON:
18 Councilman, when you look at the service
19 that we provide compared to other
20 municipalities, we pick up a lot more
21 than other municipalities would. They
22 would charge you for certain things.
23 When you look at us picking up sofas,
24 box-spring mattresses, things of that
25 nature and there's no charge, no fee, the

1 10/4/13 - FINANCE - BILL 130531, etc.
2 \$300 isn't really that big of a fee, I
3 should say, when you look at the service
4 that's being provided compared to other
5 municipalities.

6 COUNCILMAN GREENLEE: Okay.
7 But we're in this municipality, and there
8 are costs obviously for property owners
9 that maybe some other municipalities
10 don't pay too. So you can go back and
11 forth on that too.

12 I mean, I get you. It just
13 seems that knowing what I know of most
14 people who live in and rent a second
15 floor or something, you're not getting a
16 lot of money -- making a lot of money off
17 those properties, and they're still
18 paying the City something under this
19 bill. It would be \$150. It wouldn't be
20 as much. I get you. But it would be --
21 again, it just gets back to fairness to
22 me. It just seems like a reasonably fair
23 compromise.

24 DEPUTY COMMISSIONER CARLTON:
25 When we look at the amount of the bill

1 10/4/13 - FINANCE - BILL 130531, etc.
2 itself and you try and be fair about it,
3 you start looking at, Okay, well, is it
4 fair that say a home in North Central
5 Philadelphia, a duplex, may only get \$300
6 a month, where a home or duplex in
7 Northwest or Northeast, they may get \$700
8 a month. So then you get into the point
9 of, Okay, we want to charge a fee or
10 scale based on where you are, how much
11 you make. Then it kind of becomes
12 subjective based on income.

13 COUNCILMAN GREENLEE: I guess
14 I'm not saying break it down that
15 geographically. I'm just talking about
16 generally I would think -- and, look,
17 nothing is a hundred percent one way or
18 the other, but I just think that the
19 majority of those properties, the 13
20 percent where people live and rent, I'm
21 to going to say, a second floor -- that's
22 probably what mostly it is -- there's
23 just not a lot of income generated,
24 wherever part of the City it's in.
25 Obviously if it's in a higher rent area,

1 10/4/13 - FINANCE - BILL 130531, etc.

2 you get a little bit more, but you
3 probably pay more taxes too.

4 So, again, we could go back and
5 forth all day and we've been here a
6 while.

7 Thank you, Mr. Chairman.

8 COUNCILMAN GREEN: Thank you.

9 Councilmember Squilla.

10 COUNCILMAN SQUILLA: Thank you.

11 Thank you guys for testifying.

12 I think we're going to see more and more
13 of bills like this. I mean, as the
14 Administration put forward, they wanted
15 to be more fair and accurate on things
16 and make things fair for all residents
17 throughout the City of Philadelphia. And
18 you go in and each resident who lives in
19 their home does not have to pay a fee
20 right now for trash. I know that was
21 brought up before. But at this point, if
22 you live in your house, you do not have
23 to pay. It's included with your taxes.
24 So if a person is living in their home,
25 they're still living in part of that

1 10/4/13 - FINANCE - BILL 130531, etc.
2 house.

3 If you have an apartment and
4 say it's a duplex and they wanted to give
5 you homestead, they don't give you the
6 full homestead if you rent the second
7 floor. So, again, on being fair, you get
8 \$30,000 off if you own your home, but if
9 you're renting part of it, you don't get
10 the whole 30,000.

11 So we can't have it both ways.
12 We can't say, All right, certain times we
13 need to say, yes, you only get part of it
14 because you're using your house either
15 for business or you're renting part of it
16 out, so you only get part of your
17 homestead, but then you have to pay the
18 whole tax fee because that would make it
19 work.

20 So I think on Council here,
21 we're looking to try to do things fairly.
22 If we're going to use that logic on some
23 things, we have to use it just about on
24 all of them, and we can't pick and choose
25 which ones to be fair on and which ones

1 10/4/13 - FINANCE - BILL 130531, etc.
2 to choose not to be fair on. So I think
3 that's where we're coming from. We
4 definitely don't want to lower the value
5 of the Streets, what they're getting,
6 because we appreciate everything that you
7 guys do on the street. And I got to say
8 one thing, that every time we call over
9 to the Streets Department, whether it's a
10 sanitation issue or a streets issue, that
11 you guys are very responsive, and we
12 really do appreciate that, because that's
13 a big help to us and our constituents.
14 So we don't want to lower the value
15 there. But I believe even in this
16 instance, I think the Administration even
17 has the authority to increase costs. So
18 if they deem necessary could raise a cost
19 per unit or raise the cost of how much
20 the fees duplexes get.

21 COMMISSIONER PERRI: Well, the
22 ordinance -- first of all, Councilman, I
23 agree with your logic. It's sound logic
24 about being fair based on the amount of
25 trash generated. The ordinance currently

1 10/4/13 - FINANCE - BILL 130531, etc.
2 has a provision that allows us to raise
3 that base \$300 fee by regulation, but
4 that's only if our cost basis increases.
5 And our cost base isn't increasing here.
6 It's still the same. So there has to be
7 another way of making up for that loss in
8 revenue. So maybe the correct thing to
9 do is, if we want to give the duplex
10 owner the \$150 reduction or 50 percent
11 reduction, then we need to raise that
12 cost basis from 300 to a higher number.

13 COUNCILMAN SQUILLA: I
14 understand that too, but if you go back
15 to the tax issue, again, we're trying to
16 now go through and try to be fair on all
17 these issues, and if the City happens to
18 lose a little bit of revenue because of
19 being fair, we will try to make it up
20 eventually. I mean, maybe that's
21 something that could be talked about in
22 the future, but at this point, it's kind
23 of hard to do that when we're hitting
24 people with so many new taxes and we're
25 hitting people with fees and other things

1 10/4/13 - FINANCE - BILL 130531, etc.
2 that we're doing. This here is just
3 trying to say, You know what, these
4 homeowners have a point. They live
5 there. They're still paying the same
6 rate as if it's a duplex, a triplex,
7 whatever it is. So they should, in our
8 mind -- and this is my -- I'll just speak
9 for myself. I'm sorry. In my mind, I
10 think that it comes to a point where if
11 we're going to be fair on one thing, we
12 have to be fair on another. And maybe
13 that doesn't help you get your extra
14 dollars back that you're losing from
15 this, but if we go out there and really
16 pay attention to some of these apartments
17 and buildings that don't have proper
18 licenses and, therefore, are not paying
19 the trash fees, we may be able to make
20 that up. And I don't know if you have a
21 number or we could work with realtors as
22 far as HAPCO and other people to go out
23 there and say, Let's go after the people
24 who are renting properties illegally that
25 do not have rental licenses, so,

1 10/4/13 - FINANCE - BILL 130531, etc.
2 therefore, we know that we could collect
3 some more trash dollars off them, and
4 maybe we can make up the money of the 15
5 percent or 13 percent of these homeowners
6 out there, because I'm sure there's a lot
7 of people out there that are doing this,
8 and maybe we could work with you in order
9 to increase those numbers.

10 Thank you.

11 COUNCILMAN GREEN: Thank you.

12 Have you seen the amendment
13 that's been circulated on this bill? It
14 makes only one change in (d). It says
15 "collection from a duplex" and then in
16 parens it now says "two-family dwelling,"
17 close parens.

18 COMMISSIONER PERRI: When was
19 that change done? Was that recently?

20 COUNCILMAN GREEN: I don't
21 know, but it's before me, and I assume
22 that would mean that it doesn't apply to
23 commercial duplexes.

24 COMMISSIONER PERRI: We are --

25 COUNCILMAN GREEN: Only to

1 10/4/13 - FINANCE - BILL 130531, etc.
2 residential duplexes, and that's the
3 clarification, but I just wondered if
4 you -- is that what your numbers were
5 based on, just residential duplexes, not
6 half commercial, half residential
7 duplexes?

8 COMMISSIONER PERRI: They were
9 on residential duplexes, yes.

10 COUNCILMAN GREEN: So it's
11 apples to apples.

12 COMMISSIONER PERRI: Yes.

13 COUNCILMAN GREEN: Thank you.
14 Very good.

15 Any further questions for these
16 witnesses?

17 (No response.)

18 COUNCILMAN GREEN: Thank you.

19 Seeing none, we will now move
20 from the hearing on the bills that were
21 read by the Clerk into a meeting on the
22 bills, and I'd ask Councilmember Greenlee
23 to move us through these bills.

24 COUNCILMAN GREENLEE: Thank
25 you, Mr. Chairman. I move the adoption

1 10/4/13 - FINANCE - BILL 130531, etc.
2 of the amendment to Bill No. 130531 be
3 adopted.

4 (Duly seconded.)

5 COUNCILMAN GREEN: It's been
6 moved and seconded that the amendment to
7 Bill 130531 be approved.

8 All in favor?

9 (Aye.)

10 COUNCILWOMAN BLACKWELL: One
11 question. What amendment is that?

12 COUNCILMAN GREENLEE: It's in
13 the packet there.

14 COUNCILWOMAN BLACKWELL: You're
15 not talking 635; you're talking 531?

16 COUNCILMAN GREEN: 531. It's
17 right here, Councilmember.

18 COUNCILWOMAN BLACKWELL: Thank
19 you.

20 COUNCILMAN GREEN: I'm going to
21 recess the public meeting, go back into a
22 public hearing. I understand there are
23 additional people to testify on Bill 635.

24 I'd ask you to please summarize
25 your testimony as much as possible. If

1 10/4/13 - FINANCE - BILL 130531, etc.
2 you're testifying in favor of this bill,
3 it is expected to pass, I believe.

4 (Witness approached witness
5 table.)

6 MR. MALLOY: Commissioner [sic]
7 Green and your committee, hello. We
8 didn't send any testimony in advance, but
9 in your reference to brief, I already
10 made it very brief.

11 GPAP would like to thank
12 Mr. O'Neill --

13 COUNCILMAN GREEN: Please state
14 your name for the record.

15 MR. MALLOY: Oh, I beg your
16 pardon. Jack Malloy, Greater
17 Philadelphia Association of Realtors, and
18 we'd like to thank Brian O'Neill, Mark
19 Squilla, and Marian Tasco for their
20 invitation to testify today.

21 The refuse fee at the time and
22 remains so today is an unfair tax because
23 it's levied only on owners of certain
24 properties. Also unfair is the result of
25 this fee, which is double taxation. The

1 10/4/13 - FINANCE - BILL 130531, etc.
2 duplex owner occupant is already paying
3 an annual property tax for the service of
4 refuse and recycle collection, but is
5 then paying another annual tax for these
6 same services.

7 We're very pleased to support
8 this legislative act of fairness taken by
9 those members, easing the tax burden on
10 these property owners by removing the
11 portion of the refuse fee that applies to
12 the owner occupant. So on behalf of
13 those consumers and our association, we
14 thank you.

15 I do have to, if you'll indulge
16 me, Chairman --

17 COUNCILMAN GREEN: If it's not
18 on Bill 635, I do not want to hear
19 testimony.

20 MR. MALLOY: I'm sorry?

21 COUNCILMAN GREEN: Is it on
22 this bill --

23 MR. MALLOY: Oh, yeah.

24 COUNCILMAN GREEN: -- your
25 additional comment?

1 10/4/13 - FINANCE - BILL 130531, etc.

2 MR. MALLOY: Oh, yeah, yeah. I
3 just want to address Mr. Greenlee, who
4 hit the nail on the head. Most of the
5 duplex owners do not produce a lot of the
6 trash you're talking about, the point you
7 were making. And also the mortgage, if I
8 use myself -- I'm here for GPAR, but just
9 as myself as an owner occupant of a
10 duplex, the rent that I collect still
11 does not cover the mortgage. So to your
12 point earlier about all the money we're
13 making or whatever, which was the
14 origination of the fee in the first
15 place, it's not. You summarized it
16 perfectly. You're not Donald Trumps
17 owning the one duplex and collecting the
18 rent and the trash fee. And this morning
19 coming here -- Friday is collection day
20 for me. I walked out the door with one
21 13-gallon bag of trash. So we just don't
22 produce that, and Mr. Greenlee summarized
23 it perfectly of what he assumed it was.

24 COUNCILMAN GREEN: Thank you.

25 Any questions for this witness?

1 10/4/13 - FINANCE - BILL 130531, etc.

2 (No response.)

3 COUNCILMAN GREEN: Thank you
4 for your testimony.

5 MR. MALLOY: Thank you very
6 much.

7 COUNCILMAN GREEN: Anybody else
8 here to testify on this bill?

9 (Witness approached witness
10 table.)

11 COUNCILMAN GREEN: Please state
12 your name for the record and proceed with
13 your testimony.

14 MR. EYERS: Hi. My name is
15 Michael Eyers and I own a duplex in the
16 Northeast. I live on the first floor,
17 rent out the second floor. Several years
18 ago, this trash collection fee bill was
19 passed, and my understanding, this was
20 passed as a commercial trash collection
21 fee, but I'm not running a commercial
22 business. I'm renting out one apartment.
23 Now, it's my understanding you were
24 talking earlier about all of these houses
25 that are bought up by investors in New

1 10/4/13 - FINANCE - BILL 130531, etc.
2 York. These are all these single-family
3 homes. They come and they buy up dozens
4 of these homes. Some of these homes,
5 from what I understand, have 10, 15
6 people living in them. They create tons
7 of trash, but because they are considered
8 single-family homes, they don't have to
9 pay this fee. These are the people that
10 are running a real commercial business,
11 but they're not paying this commercial
12 trash fee. And because I rent out what
13 is basically part of my home, I'm paying
14 a \$300 commercial fee.

15 You're talking about how do you
16 make up the money that's lost from this
17 13 percent of owner occupied, and the
18 answer is to go after these people that
19 are buying up dozens of houses. And
20 they're running an actual commercial
21 business out of this, but because they
22 are single-family homes, they don't pay
23 for their trash collection. And I also
24 think it's unfair to say it costs \$300
25 for each house and we're getting a break,

1 10/4/13 - FINANCE - BILL 130531, etc.
2 when the average homeowner it's included
3 as part of their taxes.

4 So for that reason, I
5 personally feel that this fee should not
6 apply at all to owner-occupied duplexes,
7 but any break we could get would
8 certainly be appreciated.

9 COUNCILMAN GREEN: Thank you.
10 Councilmember Blackwell.

11 COUNCILWOMAN BLACKWELL: No.

12 COUNCILMAN GREEN: Any
13 questions for this witness?

14 (No response.)

15 COUNCILMAN GREEN: Seeing none,
16 thank you very much for your testimony.

17 MR. EYERS: Thank you.

18 COUNCILMAN GREEN: We will now
19 recess the hearing on the bills read by
20 the Clerk and move into the public
21 meeting. I believe we called the
22 question on the amendment to 531.

23 All in favor?

24 (Aye.)

25 COUNCILMAN GREEN: All opposed?

1 10/4/13 - FINANCE - BILL 130531, etc.

2 COUNCILWOMAN BLACKWELL: No.

3 COUNCILMAN GREEN: Let the
4 record reflect that all present voted aye
5 except for Councilmember Blackwell.

6 Councilmember Greenlee.

7 COUNCILMAN GREENLEE: Thank
8 you, Mr. Chairman. I move that Bill No.
9 130531, as amended, be reported out of
10 this committee with a favorable
11 recommendation, that the rules of Council
12 be suspended to allow for first reading
13 at our next session of Council.

14 (Duly seconded.)

15 COUNCILMAN GREEN: It's been
16 properly moved and seconded that Bill No.
17 130531, as amended, be reported from this
18 committee with a favorable recommendation
19 and a rules suspension.

20 All in favor?

21 (Aye.)

22 COUNCILMAN GREEN: All opposed?

23 COUNCILWOMAN BLACKWELL: No.

24 COUNCILMAN GREEN: Let the
25 record reflect that everyone present

1 10/4/13 - FINANCE - BILL 130531, etc.
2 voted aye except for Councilmember
3 Blackwell.

4 Councilmember Greenlee.

5 COUNCILMAN GREENLEE: Thank
6 you, Mr. Chairman. I move that Bill No.
7 130591 be reported out of this committee
8 with a favorable recommendation, that the
9 rules of Council be suspended to allow
10 for first reading at our next session of
11 Council.

12 (Duly seconded.)

13 COUNCILMAN GREEN: It's been
14 properly moved and seconded that the bill
15 just read by Councilmember Greenlee be
16 reported from this committee with a
17 favorable recommendation and a rules
18 suspension.

19 All in favor?

20 (Aye.)

21 COUNCILMAN GREEN: All opposed?

22 (No response.)

23 COUNCILMAN GREEN: The ayes
24 have it.

25 Councilmember Greenlee.

1 10/4/13 - FINANCE - BILL 130531, etc.

2 COUNCILMAN GREENLEE: Thank
3 you, Mr. Chairman. I move the adoption
4 of the amendment to Bill No. 130592 that
5 was circulated.

6 (Duly seconded.)

7 COUNCILMAN GREEN: It's been
8 properly moved and seconded that 130592
9 be amended.

10 All in favor?

11 (Aye.)

12 COUNCILMAN GREEN: All opposed?

13 (No response.)

14 COUNCILMAN GREEN: The ayes
15 have it.

16 Councilmember Greenlee.

17 COUNCILMAN GREENLEE: Thank
18 you, Mr. Chairman. I move that Bill No.
19 130592, as amended, be reported out of
20 this committee with a favorable
21 recommendation with a rules suspension to
22 allow for first reading at our next
23 session of Council.

24 (Duly seconded.)

25 COUNCILMAN GREEN: It's been

1 10/4/13 - FINANCE - BILL 130531, etc.
2 properly moved and seconded that Bill No.
3 130592, as amended, be reported from this
4 committee with a favorable recommendation
5 and a rules suspension.

6 All in favor?

7 (Aye.)

8 COUNCILMAN GREEN: All opposed?

9 (No response.)

10 COUNCILMAN GREEN: The ayes
11 have it.

12 Councilmember Greenlee.

13 COUNCILMAN GREENLEE:

14 Mr. Chairman, I move the adoption of the
15 amendment to Bill No. 130635.

16 (Duly seconded.)

17 COUNCILMAN GREEN: It's been
18 properly moved and seconded that Bill No.
19 130635 be amended.

20 All in favor?

21 (Aye.)

22 COUNCILMAN GREEN: Any opposed?

23 (No response.)

24 COUNCILMAN GREEN: The ayes
25 have it.

1 10/4/13 - FINANCE - BILL 130531, etc.

2 Councilmember Greenlee.

3 COUNCILMAN GREENLEE:

4 Mr. Chairman, I move that Bill No.
5 130635, as amended, be reported out of
6 this committee favorably with a rules
7 suspension to allow for first reading at
8 our next session of Council.

9 (Duly seconded.)

10 COUNCILMAN GREEN: It's been
11 properly moved and seconded that Bill No.
12 130635, as amended, be reported from this
13 committee with a favorable recommendation
14 and a rules suspension.

15 All in favor?

16 (Aye.)

17 COUNCILMAN GREEN: All opposed?

18 (No response.)

19 COUNCILMAN GREEN: The ayes
20 have it.

21 This concludes this meeting of
22 the Finance Committee. Thank you all for
23 your attendance.

24 (Committee on Finance concluded
25 at 12:30 p.m.)

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CERTIFICATE

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

MICHELE L. MURPHY
RPR-Notary Public

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direct control and/or supervision of the
certifying reporter.)

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