

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LICENSES AND INSPECTIONS

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, June 9, 2016
9:25 a.m.

PRESENT:

COUNCILWOMAN MARIA D. QUINONES-SANCHEZ, CHAIR
COUNCILMAN ALLAN DOMB
COUNCILMAN WILLIAM K. GREENLEE
COUNCILWOMAN HELEN GYM
COUNCILMAN CURTIS JONES, JR.

BILL 160462 - An ordinance amending Subcode
"A" (The Philadelphia Administrative Code),
Subcode "F" (The Philadelphia Fire Code) and
Subcode "PM" (The Philadelphia Property
Maintenance Code) of Title 4 of The
Philadelphia Code...

BILL 160472 - An ordinance amending Subcode
"PM" of The Philadelphia Code ("The
Philadelphia Property Maintenance Code"), by
adding certain provisions related to drinking
facilities in schools...

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2 COUNCILWOMAN SANCHEZ: The
3 Committee on Licenses and Inspections
4 hearing will now come to order, having
5 established a quorum. To my right, the
6 Vice Chair, Councilman Domb. To my left,
7 Councilman Greenlee, and temporarily
8 appointed Councilwoman Gym to the
9 Committee of Licenses and Inspection.

10 Will the Clerk read the title
11 to Bill No. 160472.

12 THE CLERK: Bill No. 160472, an
13 ordinance amending Subcode "PM" of The
14 Philadelphia Code ("The Philadelphia
15 Property Maintenance Code"), by adding
16 certain provisions related to drinking
17 facilities in schools; all under certain
18 terms and conditions.

19 COUNCILWOMAN SANCHEZ: Thank
20 you.

21 I'm going to ask Councilwoman
22 Gym if you have any opening statements
23 with regards to your bill.

24 COUNCILWOMAN GYM: Yes. Thank
25 you, Madam Chair. First of all, I want

1 6/9/16 - L&I - BILL 160462, etc.
2 to thank this Committee and I want to
3 thank the Department of Licenses and
4 Inspections, as well as the School
5 District of Philadelphia for working
6 together to ensure that our schools have
7 water access and that this small
8 modification of the Plumbing Code will do
9 a significant effort towards that.

10 So we're excited to work
11 together. We're excited to work with L&I
12 and with the School District to ensure
13 water access in schools. And thank you
14 to the Committee for taking that on.

15 COUNCILWOMAN SANCHEZ: Thank
16 you, Councilwoman.

17 I'll tell you that I am now,
18 every time I walk into a school, counting
19 water fountains, and now I have to look
20 and inspect them too.

21 Thank you, Rebecca. You want
22 to get started.

23 MS. SWANSON: Good morning,
24 Chairwoman Quinones-Sanchez and members
25 of the Committee on Licenses and

1 6/9/16 - L&I - BILL 160462, etc.
2 Inspections. My name is Rebecca Swanson.
3 I am the Planning Director for the
4 Department of Licenses and Inspections.
5 Today I am here to provide testimony on
6 Bill No. 160472, which, if enacted, will
7 amend the Philadelphia Property
8 Maintenance Code to add requirements for
9 drinking fountains in schools.

10 The bill would add a
11 requirement that buildings or portions of
12 buildings that are used for educational
13 occupancy must be equipped with one
14 drinking fountain for every 100 students
15 and at least one fountain on each floor
16 of the building. The bill's definition
17 of drinking fountain is a plumbing
18 fixture that we all know as a traditional
19 water fountain. The one fountain per 100
20 student ratio is consistent with the
21 minimum fixture requirement for schools
22 set forth in the Philadelphia Plumbing
23 Code.

24 Facilities would be permitted
25 to substitute water dispensers for up to

1 6/9/16 - L&I - BILL 160462, etc.
2 50 percent of the required number of
3 drinking fountains. The bill defines
4 water dispenser as a plumbing fixture or
5 freestanding apparatus that dispenses
6 water into a cup or other vessel.

7 The Department supports this
8 bill and, should it become law, we are
9 prepared to enforce its provisions
10 through our annual school building
11 inspection program. L&I inspectors visit
12 all public and charter schools on an
13 annual basis, typically each summer, and
14 thoroughly inspect for all Property
15 Maintenance and Fire Code issues. The
16 drinking fountain requirement will be
17 part of this inspection going forward.

18 Thank you for the opportunity
19 to provide the Department's testimony.
20 Happy to answer any questions.

21 COUNCILWOMAN SANCHEZ: Thank
22 you. Can you just briefly talk about the
23 summer inspection process and how it's
24 coordinated with the District.

25 MS. SWANSON: Of course. We do

1 6/9/16 - L&I - BILL 160462, etc.
2 coordinate with the District. We do the
3 summer because it's easier to do when the
4 students aren't there obviously. We go
5 through each building, typically with the
6 a representative of the District or of
7 that school. We go through very
8 thoroughly floor by floor. We point out
9 any issues, and then notices of violation
10 are issued just to explain the
11 violations. Most of them typically are
12 minor and we just ask for a correction.
13 If there's any serious violation, we
14 obviously go back and ensure that that
15 violation has been complied, and we
16 partner with the School District to make
17 sure all the issues in each building have
18 been addressed. Typically we try to
19 complete that before school starts again
20 in September.

21 COUNCILWOMAN SANCHEZ: Okay.

22 Thank you.

23 Any questions from the
24 Committee?

25 Councilman Domb.

1 6/9/16 - L&I - BILL 160462, etc.

2 COUNCILMAN DOMB: Thank you,
3 Madam Chairwoman.

4 Good morning. Just a quick
5 question. When L&I does these
6 inspections, will they also be looking at
7 the water quality?

8 MS. SWANSON: We will not.

9 COUNCILMAN DOMB: You will not.
10 Is that hard to do if that was to be
11 added down the road?

12 MS. SWANSON: That's not an L&I
13 function. That isn't part of our
14 inspection process. It's not in the
15 Property Maintenance Code or the Fire
16 Code or the other codes that we enforce.

17 COUNCILMAN DOMB: But they're
18 already going to be there. There's no
19 way for them to also do that?

20 MS. SWANSON: We don't have the
21 ability to test water quality. That
22 doesn't fall under the Department's
23 discretion.

24 COUNCILMAN DOMB: Okay. Thank
25 you.

1 6/9/16 - L&I - BILL 160462, etc.

2 COUNCILWOMAN SANCHEZ: Thank
3 you.

4 Anyone else here to testify on
5 this bill?

6 (No response.)

7 COUNCILWOMAN SANCHEZ: Seeing
8 none, thank you, Rebecca.

9 Will the Clerk read the title
10 of the next bill.

11 THE CLERK: Bill No. 160462, an
12 ordinance amending Subcode "A" (The
13 Philadelphia Administrative Code),
14 Subcode "F" (The Philadelphia Fire Code)
15 and Subcode "PM" (The Philadelphia
16 Property Maintenance Code) of Title 4 of
17 The Philadelphia Code, by adding certain
18 provisions related to the maintenance and
19 inspection of fire escapes; all under
20 certain terms and conditions.

21 COUNCILWOMAN SANCHEZ: Thank
22 you.

23 The Chair recognizes the
24 sponsor of the bill, Councilman Jones,
25 for an opening comment.

1 6/9/16 - L&I - BILL 160462, etc.

2 COUNCILMAN JONES: Thank you,
3 Madam Chair and members of this
4 Committee.

5 All too often the big-ticket
6 items are what the newspapers report on,
7 and we're measured by that work. It is
8 the small ball, every day, quality of
9 life things that actually matter as much.

10 When we start talking about
11 public safety, we start talking about
12 when this city was built, and my
13 colleague knows more in one finger about
14 real estate than I will ever know in my
15 entire body, but as someone who has lived
16 in developments that were designed one
17 way and then matured a different way,
18 sometimes those speculations aren't
19 always up to date. Fire escapes being
20 one.

21 As we get a new urban hipper
22 group of folk moving into and discovering
23 our inner city lifestyles, those kind of
24 infrastructures, including fire escapes,
25 weren't always built to be a party

1 6/9/16 - L&I - BILL 160462, etc.
2 location, weren't always called upon to
3 bear the kind of loads that they
4 sometimes find themselves in. We as
5 government have to step in to also evolve
6 with the times, evolve in a way that
7 keeps our citizens safe, even sometimes
8 from themselves, and to do that, this
9 type of legislation is not designed to be
10 a boil on the butt of progress, but it is
11 designed to make sure that we keep up
12 with that progress in a meaningful,
13 responsible way. And I thank the members
14 of this Committee for considering this
15 legislation.

16 COUNCILWOMAN SANCHEZ: Thank
17 you, Councilman Jones.

18 For the record, there was
19 testimony, written testimony, that has
20 been submitted by the Pennsylvania
21 Apartment Association where they support
22 the bill and make some additional
23 recommendations that in the
24 implementation of this bill L&I will
25 consider, and if any further tweaking is

1 6/9/16 - L&I - BILL 160462, etc.

2 necessary, they come back to the drawing
3 board.

4 So with that, Rebecca, would
5 you want to testify on behalf of L&I.

6 MS. SWANSON: Sure. Good
7 morning, Chairwoman Quinones-Sanchez and
8 members of the Committee on Licenses and
9 Inspections. My name is Rebecca Swanson.
10 I'm the Planning Director for L&I. Today
11 I am here to provide testimony on Bill
12 No. 160462, which, if enacted, will amend
13 the Philadelphia Fire, Property
14 Maintenance, and Administrative Codes to
15 add requirements for the maintenance and
16 inspection of fire escapes.

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

20 Exterior fire escapes, which
21 are a common feature in older multi-unit
22 residential construction in some City
23 neighborhoods, are designed to be a
24 life-saving means of egress, and it is
25 imperative that they are in safe

1 6/9/16 - L&I - BILL 160462, etc.
2 condition for use by building residents
3 in the event an emergency escape from the
4 building is needed. This bill would help
5 ensure that fire escapes and their
6 landings, balconies, stairs, and ladders
7 are consistently kept in a safe condition
8 by requiring owners of properties that
9 have exterior fire escapes to implement a
10 rigorous fire escape inspection program.
11 Specifically, the Fire Code would require
12 property owners to retain a professional
13 structural engineer to physically inspect
14 the condition of the building's fire
15 escapes every five years.

16 As part of his or her
17 inspection, the engineer would be
18 required to conduct the appropriate tests
19 on all components of the fire escape in
20 order to detect any structural defects or
21 deterioration, including a load test or
22 analysis to determine whether the fire
23 escape meets load requirements. In
24 addition to the physical inspection, the
25 engineer would also be required to review

1 6/9/16 - L&I - BILL 160462, etc.
2 all relevant documents related to the
3 maintenance of the fire escape, including
4 records of previous repairs or
5 inspections. At the conclusion of the
6 inspection process, the engineer is to
7 determine whether the fire escape is
8 safe, safe with a repair and maintenance
9 program, or unsafe. The engineer is to
10 issue a detailed written report to the
11 building owner and to L&I with this
12 finding and any recommendations.

13 If a fire escape is classified
14 as unsafe, the building owner would be
15 required to take prompt remedial action,
16 including immediately posting notice to
17 building residents of the unsafe
18 condition, providing interim fire safety
19 measures, and commencing work to repair
20 the fire escape within ten days.

21 Owners of buildings with
22 exterior fire escapes would be required
23 to submit their first inspection report
24 to the Department no later than July 1st,
25 2017 and then submit subsequent reports

1 6/9/16 - L&I - BILL 160462, etc.
2 every five years from the date of the
3 initial report. As it does with other
4 self-reported inspections, the Department
5 will monitor the submission of the
6 reports to ensure that building owners
7 remain compliant and will take
8 appropriate enforcement action against
9 building owners who fail to adhere to the
10 requirement.

11 In addition to adding the
12 inspection and reporting requirement to
13 the Fire Code, the bill also amends the
14 Property Maintenance Code to require that
15 building owners perform regular
16 maintenance of fire escapes, including
17 snow and ice removal and conduct periodic
18 inspections of structural conditions in
19 between the required engineer
20 inspections.

21 All together, the requirements
22 of this bill will hold property owners
23 accountable for the maintenance of fire
24 escapes just as they are responsible for
25 the maintenance of all other components

1 6/9/16 - L&I - BILL 160462, etc.
2 of their buildings. The Department
3 believes that requiring this level of
4 inspection and reporting will help keep
5 residents of buildings with fire escapes
6 safe in the event that they must use the
7 fire escape as a means of egress.

8 Thank you for the opportunity
9 to provide the Department's testimony.
10 Happy to answer any questions.

11 COUNCILWOMAN SANCHEZ: Are
12 there any questions from the Committee?
13 (No response.)

14 COUNCILWOMAN SANCHEZ: Seeing
15 none, is there anyone here to testify on
16 this bill?

17 Please come forward. Do you
18 have written testimony?

19 MS. CHEN: It's for me to read
20 off of.

21 COUNCILWOMAN SANCHEZ: Excuse
22 me?

23 MS. CHEN: It's written for me
24 to read off of.

25 COUNCILWOMAN SANCHEZ: Okay.

1 6/9/16 - L&I - BILL 160462, etc.

2 (Witness approached witness
3 table.)

4 COUNCILWOMAN SANCHEZ: Speak
5 into the microphone. Say your name for
6 the record.

7 MS. CHEN: Good morning,
8 members of City Council. My name is
9 Nancy Chen. I am here today to testify
10 in support of the fire escape inspection
11 bill that was introduced by Councilman
12 Jones.

13 Two and a half years ago, my
14 roommates Albert Suh and Laura O'Brien
15 and I -- excuse me.

16 (Witness in tears.)

17 COUNCILMAN JONES: Take your
18 time.

19 MS. CHEN: The three of us were
20 standing on the fire escape of our fourth
21 floor apartment at 22nd and Locust Street
22 when the fire escape collapsed and the
23 three of us fell 40 feet to the ground.
24 Albert was killed in the fall. All three
25 of us were rushed to the emergency room

1 6/9/16 - L&I - BILL 160462, etc.
2 and I never saw him again. He was not
3 yet 23 years old when this happened. He
4 was less than a year out of college and
5 had started working for JP Morgan and was
6 certainly poised for a bright career with
7 his whole life ahead of him.

8 Laura and I, respectively, 24
9 and 26 years of age at the time of the
10 accident, both sustained serious injuries
11 in the fall. We both broke our backs and
12 both underwent spinal fusion and other
13 surgical procedures. I had a severe
14 pelvic fracture that necessitated the
15 insertion of a metal screw in my hip.

16 While I am very fortunate to
17 have my full mental capacity and no
18 debilitating handicap of my body, my
19 injuries will certainly affect me the
20 rest of my life, including my ability to
21 successfully have children and have my
22 own family, which I certainly hope to do
23 one day.

24 I am here because the fire
25 escape collapse was a tragic accident

1 6/9/16 - L&I - BILL 160462, etc.
2 that none of us could have reasonably
3 expected to occur. We were young people
4 in our mid 20's living in a prosperous
5 area of Center City Philadelphia with no
6 conception that something like that would
7 or could happen to us. How could
8 something like that happen?

9 With the memory of my roommate
10 and friend Albert Suh first and foremost
11 in my mind, I am here testifying today to
12 urge you to move this bill forward and to
13 take further actions in support of
14 necessary reforms that will reduce the
15 chance that this type of tragedy could
16 happen again and end, in a single
17 incident, such a promising life so full
18 of potential.

19 The fire escape collapse is
20 connected, in essence, to other recent
21 tragedies, including a similar collapse
22 of the fire escape of the building where
23 Monk's Restaurant is located at 15th and
24 Locust that killed one man in August 2009
25 and the collapse of the Salvation Army

1 6/9/16 - L&I - BILL 160462, etc.
2 building at 22nd and Market Streets that
3 killed six and injured many others in
4 June of 2013. These tragedies each
5 occurred because the fatally inadequate
6 oversight our City's building inspection
7 codes, fire code enforcement, and legal
8 requirements for landlords are not up to
9 standard.

10 I hope you will see that this
11 bill is one step among many necessary
12 reforms that must be made in order to
13 make sure that Philadelphians and their
14 families, not to mention firefighters and
15 other emergency rescue personnel in the
16 event of fighting a fire, like the recent
17 four-alarm blaze at 2125 Locust Street,
18 which happens to be across the street
19 from my old apartment, are not at the
20 risk of experiencing these needless
21 tragedies. Landlords should be regulated
22 by law to maintain crucial safety
23 features of their properties, including
24 their fire escapes. If there continues
25 to be no legal requirement for fire

1 6/9/16 - L&I - BILL 160462, etc.
2 escape maintenance and insufficient
3 oversight, landlords will either not be
4 aware of this vital responsibility or
5 neglect this responsibility as part of an
6 inclination to maximize their profit.

7 The Department of Licenses and
8 Inspections, in collaboration with the
9 Philadelphia Fire Department, should be
10 responsible for conducting regular
11 inspections of fire escapes within its
12 role of upholding essential standards of
13 safe buildings in our city.

14 I sincerely hope that you will
15 not only pass this particular bill, but
16 also make it a priority to bring about
17 broader reforms that will make our city a
18 safer and better place to live. Some of
19 these essential reforms have been
20 outlined by the Building Safety Oversight
21 Board chaired by Michael Nadol and Edward
22 Dunham, appointed by Mayor Nutter and
23 continuing under Mayor Kenney, as I
24 understand.

25 Thank you for your time and all

1 6/9/16 - L&I - BILL 160462, etc.

2 you do for the people of Philadelphia.

3 COUNCILWOMAN SANCHEZ: Thank
4 you.

5 Any questions of this panel?

6 Councilman Jones.

7 COUNCILMAN JONES: This type of
8 work is why we come to work. We can't go
9 back in time and change your experience,
10 but we can go forward in time to make
11 sure that no one else has to go through
12 this tragedy. There will always be
13 accidents, but every time we see
14 something that we as a municipality can
15 correct, it is incumbent upon us to take
16 the steps, to make the moves, to make the
17 laws that make a difference. And thank
18 you for coming forth and testifying and
19 emphasizing that we should do our jobs.
20 Thank you.

21 COUNCILWOMAN SANCHEZ: I wish
22 you well in your recovery. I know that
23 this is kind of a life situation for you
24 in terms of your injuries, and we're
25 very, very sorry, and we take public

Committee On Licenses and Inspections
June 9, 2016

Page 22

1 6/9/16 - L&I - BILL 160462, etc.

2 safety very seriously here. Thank you.

3 This concludes -- anyone else
4 here to testify?

5 (No response.)

6 COUNCILWOMAN SANCHEZ: This
7 concludes the public hearing of the
8 Committee on Licenses and Inspection.
9 The Committee will now go into its public
10 meeting.

11 Having established a quorum, I
12 am going to ask Vice Chair Councilman
13 Domb for a motion on Bill 160462 and
14 160472.

15 COUNCILMAN DOMB: Thank you,
16 Madam Chairwoman. I move that Bill No.
17 160462 and 160472 be reported from this
18 Committee with a favorable recommendation
19 and further move that the rules of
20 Council be suspended to permit first
21 reading of this bill at the next session
22 of Council.

23 (Duly seconded.)

24 COUNCILWOMAN SANCHEZ: All
25 those in favor?

Committee On Licenses and Inspections
June 9, 2016

Page 23

1 6/9/16 - L&I - BILL 160462, etc.

2 (Aye.)

3 COUNCILWOMAN SANCHEZ: Any

4 opposition?

5 (No response.)

6 COUNCILWOMAN SANCHEZ: Seeing

7 none, Bill No. 160462 and 160472 will be

8 reported out of this Committee with a

9 favorable recommendation and further

10 moved that the rules of Council be

11 suspended as to permit first reading at

12 our next public session.

13 Thank you very much.

14 (Committee on Licenses and

15 Inspections concluded at 9:45 a.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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Committee On Licenses and Inspections
June 9, 2016

Page 1

A	10:21 16:21 19:19	20:21 body 9:15 17:18	charter 5:12 Chen 15:19 15:23 16:7 16:9,19	23:8,14 common 11:21	correction 6:12 Council 1:2 16:8 22:20 22:22 23:10	11:23 detailed 13:10 detect 12:20 deterioration 12:21	emphasizing 21:19 enacted 4:6 11:12 enforce 5:9 7:16 11:18
ability 7:21 17:20 access 3:7,13 accident 17:10,25 accidents 21:13 accountable 14:23 accurately 24:5 action 13:15 14:8 actions 18:13 add 4:8,10 11:15 added 7:11 adding 1:19 2:15 8:17 14:11 addition 12:24 14:11 additional 10:22 addressed 6:18 adhere 14:9 Administra... 1:15 8:13 11:14 affect 17:19 age 17:9 ago 16:13 ahead 17:7 Albert 16:14 16:24 18:10 ALLAN 1:10 amend 4:7 11:12 amending 1:14,18 2:13 8:12 amends 14:13 analysis 12:22 and/or 24:23 annual 5:10 5:13 answer 5:20 15:10 apartment	appointed 2:8 20:22 approached 16:2 appropriate 12:18 14:8 area 18:5 Army 18:25 Association 10:21 August 18:24 aware 20:4 Aye 23:2	boil 10:10 briefly 5:22 bright 17:6 bring 20:16 broader 20:17 broke 17:11 building 4:16 5:10 6:5,17 12:2,4 13:11,14,17 14:6,9,15 18:22 19:2 19:6 20:20 building's 12:14 buildings 4:11,12 13:21 15:2 15:5 20:13 built 9:12,25 butt 10:10	children 17:21 citizens 10:7 city 1:2,6 9:12,23 11:22 16:8 18:5 20:13 20:17 City's 19:6 classified 13:13 Clerk 2:10,12 8:9,11 code 1:15,15 1:16,17,18 1:19 2:14 2:15 3:8 4:8 4:23 5:15 7:15,16 8:13,14,16 8:17 12:11 14:13,14 19:7 codes 7:16 11:14 19:7 collaboration 20:8 collapse 17:25 18:19 18:21,25 collapsed 16:22 colleague 9:13 college 17:4 come 2:4 11:2 15:17 21:8 coming 21:18 commencing 13:19 comment 8:25 Committee 1:3 2:3,9 3:2,14,25 6:24 9:4 10:14 11:8 15:12 22:8 22:9,18	complete 6:19 compliant 14:7 complied 6:15 components 12:19 14:25 conception 18:6 concluded 23:15 concludes 22:3,7 conclusion 13:5 condition 12:2,7,14 13:18 conditions 2:18 8:20 14:18 conduct 12:18 14:17 conducting 20:10 connected 18:20 consider 10:25 considering 10:14 consistent 4:20 consistently 12:7 construction 11:22 contained 24:5 continues 19:24 continuing 20:23 control 24:23 coordinate 6:2 coordinated 5:24 correct 21:15 24:8	Councilman 1:10,11,12 2:6,7 6:25 7:2,9,17,24 8:24 9:2 10:17 16:11 16:17 21:6 21:7 22:12 22:15 Councilwo... 1:10,11 2:2 2:8,19,21 2:24 3:15 3:16 5:21 6:21 8:2,7 8:21 10:16 15:11,14,21 15:25 16:4 21:3,21 22:6,24 23:3,6 counting 3:18 course 5:25 crucial 19:22 cup 5:6 CURTIS 1:12	determine 12:22 13:7 developments 9:16 difference 21:17 different 9:17 direct 24:23 Director 4:3 11:10 discovering 9:22 discretion 7:23 dispenser 5:4 dispensers 4:25 dispenses 5:5 District 3:5 3:12 5:24 6:2,6,16 documents 13:2 Domb 1:10 2:6 6:25 7:2 7:9,17,24 22:13,15 drawing 11:2 drinking 1:19 2:16 4:9,14 4:17 5:3,16 Duly 22:23 Dunham 20:22	engineer 12:13,17,25 13:6,9 14:19 ensure 3:6,12 6:14 12:5 14:6 entire 9:15 equipped 4:13 escape 12:3 12:10,19,23 13:3,7,13 13:20 15:7 16:10,20,22 17:25 18:19 18:22 20:2 escapes 8:19 9:19,24 11:16,20 12:5,9,15 13:22 14:16 14:24 15:5 19:24 20:11 essence 18:20 essential 20:12,19 established 2:5 22:11 estate 9:14 event 12:3 15:6 19:16 evidence 24:4 evolve 10:5,6 excited 3:10 3:11 excuse 15:21 16:15 expected 18:3 experience 21:9 experiencing 19:20 explain 6:10 exterior
	B		C		D		
	back 6:14 11:2 21:9 backs 17:11 balconies 12:6 ball 9:8 basis 5:13 bear 10:3 behalf 11:5 believes 15:3 better 20:18 big-ticket 9:5 bill 1:14,18 2:11,12,23 3:1 4:1,6,10 5:1,3,8 6:1 7:1 8:1,5,10 8:11,24 9:1 10:1,22,24 11:1,11,18 12:1,4 13:1 14:1,13,22 15:1,16 16:1,11 17:1 18:1 18:12 19:1 19:11 20:1 20:15 21:1 22:1,13,16 22:21 23:1 23:7 bill's 4:16 blaze 19:17 board 11:3		called 10:2 capacity 17:17 career 17:6 Center 18:5 certain 1:19 2:16,17 8:17,20 certainly 17:6 17:19,22 CERTIFIC... 24:2 certification 24:20 CERTIFY 24:3 certifying 24:24 Chair 1:10 2:6,25 8:23 9:3 22:12 chaired 20:21 Chairwoman 3:24 7:3 11:7 22:16 chance 18:15 change 21:9			date 9:19 14:2 day 9:8 17:23 days 13:20 debilitating 17:18 defects 12:20 defines 5:3 definition 4:16 Department 3:3 4:4 5:7 11:17 13:24 14:4 15:2 20:7,9 Departmen... 5:19 7:22 15:9 designed 9:16 10:9,11	
					E		
					easier 6:3 educational 4:12 Edward 20:21 effort 3:9 egress 11:24 15:7 either 20:3 emergency 12:3 16:25 19:15		

Committee On Licenses and Inspections
June 9, 2016

Page 2

11:20 12:9 13:22	folk 9:22	half 16:13	insertion	18:24 19:3	location 10:2	microphone	O
F	foregoing	Hall 1:6	17:15	kind 9:23	Locust 16:21	16:5	O'Brien
F 1:15 8:14	24:7,20	handicap	inspect 3:20	10:3 21:23	18:24 19:17	mid 18:4	16:14
facilities 1:20	foremost	17:18	5:14 12:13	know 4:18	look 3:19	mind 18:11	objections
2:17 4:24	18:10	happen 18:7	inspection 2:9	9:14 21:22	looking 7:6	minimum	24:4
fail 14:9	forth 4:22	18:8,16	5:11,17,23	knows 9:13	M	4:21	obviously 6:4
fall 7:22	21:18	happened	7:14 8:19	L	Madam 2:25	minor 6:12	6:14
16:24 17:11	fortunate	17:3	11:16 12:10	L 24:14	7:3 9:3	modification	occupancy
families 19:14	17:16	happens	12:17,24	L&I 3:1,11	22:16	3:8	4:13
family 17:22	forward 5:17	19:18	13:6,23	4:1 5:1,11	maintain	monitor 14:5	occur 18:3
fatally 19:5	15:17 18:12	Happy 5:20	14:12 15:4	6:1 7:1,5,12	19:22	Monk's 18:23	occurred 19:5
favor 22:25	21:10	15:10	16:10 19:6	8:1 9:1 10:1	maintenance	Morgan 17:5	Okay 6:21
favorable	fountain 4:14	hard 7:10	22:8	10:24 11:1	1:16,19	morning 3:23	7:24 15:25
22:18 23:9	4:15,17,19	hearing 2:4	inspections	11:5,10	2:15 4:8	7:4 11:7	old 17:3
feature 11:21	4:19 5:16	22:7	1:3 2:3 3:4	12:1 13:1	5:15 7:15	16:7	19:19
features	fountains	HELEN 1:11	4:2,4 7:6	13:11 14:1	8:16,18	motion 22:13	older 11:21
19:23	3:19 4:9 5:3	help 12:4	14:4,18,20	15:1 16:1	11:14,15	22:16,19	opening 2:22
feet 16:23	four-alarm	15:4	20:8,11	17:1 18:1	13:3,8	moved 23:10	8:25
fell 16:23	19:17	hip 17:15	23:15	19:1 20:1	14:14,16,23	moves 21:16	opportunity
fighting	fourth 16:20	hipper 9:21	inspectors	21:1 22:1	14:25 20:2	moving 9:22	5:18 15:8
19:16	fracture	hold 14:22	5:11	23:1	man 18:24	multi-unit	opposition
find 10:4	17:14	hope 17:22	insufficient	ladders 12:6	MARIA 1:10	11:21	23:4
finding 13:12	freestanding	19:10 20:14	20:2	landings 12:6	Market 19:2	municipality	order 2:4
finger 9:13	5:5	I	interim 13:18	landlords	matter 9:9	21:14	12:20 19:12
fire 1:15 5:15	friend 18:10	ice 14:17	introduced	19:8,21	24:7	MURPHY	ordinance
7:15 8:14	full 17:17	immediately	16:11	20:3	matured 9:17	24:14	1:14,18
8:19 9:19	18:17	13:16	issue 13:10	Laura 16:14	maximize	N	2:13 8:12
9:24 11:13	fully 24:5	imperative	issued 6:10	17:8	20:6	Nadol 20:21	outlined
11:16,20	function 7:13	11:25	issues 5:15	law 5:8 11:19	Mayor 20:22	name 4:2	20:20
12:5,9,10	18:13 22:19	implement	6:9,17	19:22	20:23	11:9 16:5,8	oversight
12:11,14,19	23:9	12:9	items 9:6	laws 21:17	meaningful	Nancy 16:9	19:6 20:3
12:22 13:3	fusion 17:12	implementa...	J	left 2:6	10:12	necessary	20:20
13:7,13,18	G	10:24	jobs 21:19	legal 19:7,25	means 11:24	11:2 18:14	owner 13:11
13:20,22	go 6:4,7,14	inadequate	Jones 1:12	legislation	15:7 24:22	19:11	13:14
14:13,16,23	21:8,10,11	19:5	8:24 9:2	10:9,15	measured 9:7	necessitated	owners 12:8
15:5,7	22:9	incident	10:17 16:12	level 15:3	measures	17:14	12:12 13:21
16:10,20,22	going 2:21	18:17	16:17 21:6	Licenses 1:3	13:19	needed 12:4	14:6,9,15
17:24 18:19	5:17 7:18	inclination	21:7	2:3,9 3:3,25	meeting	needless	14:22
18:22 19:7	22:12	20:6	JP 17:5	4:4 11:8	22:10	19:20	P
19:16,24,25	Good 3:23	9:24 12:21	JR 1:12	20:7 22:8	meets 12:23	neglect 20:5	panel 21:5
20:9,11	7:4 11:6	13:3,16	July 13:24	23:14	3:24 9:3	neighborho...	part 5:17
firefighters	16:7	14:16 17:20	June 1:7 19:4	life 9:9 17:7	10:13 11:8	11:23	7:13 12:16
19:14	government	18:21 19:23	K	21:23	16:8	never 17:2	20:5
first 2:25	10:5	incumbent	K 1:11	life-saving	memory 18:9	new 9:21	particular
13:23 18:10	Greenlee 1:11	21:15	keep 10:11	11:24	mental 17:17	newspapers	20:15
22:20 23:11	2:7	infrastruct...	15:4	lifestyles 9:23	mention	9:6	partner 6:16
five 12:15	ground 16:23	9:24	keeps 10:7	live 20:18	19:14	notes 24:6	party 9:25
14:2	group 9:22	initial 14:3	Kenney	lived 9:15	metal 17:15	notice 13:16	pass 20:15
fixture 4:18	Gym 1:11 2:8	injured 19:3	20:23	living 18:4	Michael	notices 6:9	pelvic 17:14
4:21 5:4	2:22,24	injuries 17:10	kept 12:7	load 12:21,23	20:21	number 5:2	Pennsylvania
floor 4:15 6:8	H	17:19 21:24	killed 16:24	loads 10:3	MICHELE	Nutter 20:22	1:6 10:20
6:8 16:21		inner 9:23		located 18:23	24:14		people 18:3

Committee On Licenses and Inspections
June 9, 2016

Page 3

21:2 percent 5:2 perform 14:15 periodic 14:17 permit 22:20 23:11 permitted 4:24 personnel 19:15 Philadelphia 1:2,6,15,15 1:16,17,18 1:19 2:14 2:14 3:5 4:7 4:22 8:13 8:14,15,17 11:13 18:5 20:9 21:2 Philadelphi... 19:13 physical 12:24 physically 12:13 place 20:18 Planning 4:3 11:10 Please 15:17 plumbing 3:8 4:17,22 5:4 PM 1:16,18 2:13 8:15 point 6:8 poised 17:6 portions 4:11 posting 13:16 potential 18:18 prepared 5:9 11:18 PRESENT 1:9 previous 13:4 priority 20:16 procedures 17:13 proceedings 24:4 process 5:23	7:14 13:6 professional 12:12 profit 20:6 program 5:11 12:10 13:9 progress 10:10,12 promising 18:17 prompt 13:15 properties 12:8 19:23 property 1:16 1:19 2:15 4:7 5:14 7:15 8:16 11:13 12:12 14:14,22 prosperous 18:4 provide 4:5 5:19 11:11 15:9 providing 13:18 provisions 1:19 2:16 5:9 8:18 11:19 public 5:12 9:11 21:25 22:7,9 23:12 24:15 Q quality 7:7,21 9:8 question 7:5 questions 5:20 6:23 15:10,12 21:5 quick 7:4 Quinones-S... 1:10 3:24 11:7 quorum 2:5 22:11 R ratio 4:20 read 2:10 8:9 15:19,24	reading 22:21 23:11 real 9:14 reasonably 18:2 Rebecca 3:21 4:2 8:8 11:4 11:9 recognizes 8:23 recommend... 22:18 23:9 recommend... 10:23 13:12 record 10:18 16:6 records 13:4 recovery 21:22 reduce 18:14 reforms 18:14 19:12 20:17,19 regards 2:23 regular 14:15 20:10 regulated 19:21 related 1:19 2:16 8:18 13:2 relevant 13:2 remain 14:7 remedial 13:15 removal 14:17 repair 13:8 13:19 repairs 13:4 report 9:6 13:10,23 14:3 reported 22:17 23:8 reporter 24:24 reporting 14:12 15:4 reports 13:25 14:6 representat... 6:6	reproduction 24:21 require 12:11 14:14 required 5:2 12:18,25 13:15,22 14:19 requirement 4:11,21 5:16 14:10 14:12 19:25 requirements 4:8 11:15 12:23 14:21 19:8 requiring 12:8 15:3 rescue 19:15 residential 11:22 residents 12:2 13:17 15:5 respectively 17:8 response 8:6 15:13 22:5 23:5 responsibility 20:4,5 responsible 10:13 14:24 20:10 rest 17:20 Restaurant 18:23 retain 12:12 review 12:25 right 2:5 rigorous 12:10 risk 19:20 road 7:11 role 20:12 room 1:6 16:25 roommate 18:9 roommates 16:14 RPR-Notary 24:15	rules 22:19 23:10 rushed 16:25 S safe 10:7 11:25 12:7 13:8,8 15:6 20:13 safer 20:18 safety 9:11 13:18 19:22 20:20 22:2 Salvation 18:25 SANCHEZ 2:2,19 3:15 5:21 6:21 8:2,7,21 10:16 15:11 15:14,21,25 16:4 21:3 21:21 22:6 22:24 23:3 23:6 saw 17:2 school 3:4,12 3:18 5:10 6:7,16,19 schools 1:20 2:17 3:6,13 4:9,21 5:12 screw 17:15 seconded 22:23 see 19:10 21:13 Seeing 8:7 15:14 23:6 self-reported 14:4 September 6:20 serious 6:13 17:10 seriously 22:2 session 22:21 23:12 set 4:22 severe 17:13 significant 3:9 similar 18:21 sincerely	20:14 single 18:16 situation 21:23 six 19:3 small 3:7 9:8 snow 14:17 sorry 21:25 Speak 16:4 Specifically 12:11 speculations 9:18 spinal 17:12 sponsor 8:24 stairs 12:6 standard 19:9 standards 20:12 standing 16:20 start 9:10,11 started 3:22 17:5 starts 6:19 statements 2:22 stenographic 24:6 step 10:5 19:11 steps 21:16 street 16:21 19:17,18 Streets 19:2 structural 12:13,20 14:18 student 4:20 students 4:14 6:4 Subcode 1:14 1:15,16,18 2:13 8:12 8:14,15 submission 14:5 submit 13:23 13:25 submitted 10:20 subsequent	13:25 substitute 4:25 successfully 17:21 Suh 16:14 18:10 summer 5:13 5:23 6:3 supervision 24:23 support 10:21 16:10 18:13 supports 5:7 11:17 sure 6:17 10:11 11:6 19:13 21:11 surgical 17:13 suspended 22:20 23:11 sustained 17:10 Swanson 3:23 4:2 5:25 7:8 7:12,20 11:6,9 T table 16:3 take 13:15 14:7 16:17 18:13 21:15 21:25 taken 24:6 talk 5:22 talking 9:10 9:11 tears 16:16 tell 3:17 temporarily 2:7 ten 13:20 terms 2:18 8:20 21:24 test 7:21 12:21 testify 8:4 11:5 15:15 16:9 22:4 testifying 18:11 21:18	testimony 4:5 5:19 10:19 10:19 11:11 15:9,18 tests 12:18 thank 2:19,24 3:2,3,13,15 3:21 5:18 5:21 6:22 7:2,24 8:2,8 8:21 9:2 10:13,16 15:8 20:25 21:3,17,20 22:2,15 23:13 things 9:9 thoroughly 5:14 6:8 three 16:19 16:23,24 Thursday 1:7 time 3:18 16:18 17:9 20:25 21:9 21:10,13 times 10:6 title 1:16 2:10 8:9,16 today 4:5 11:10 16:9 18:11 traditional 4:18 tragedies 18:21 19:4 19:21 tragedy 18:15 21:12 tragic 17:25 transcript 24:8,21 true 24:7 try 6:18 tweaking 10:25 Two 16:13 type 10:9 18:15 21:7 typically 5:13 6:5,11,18 U understand
---	---	---	---	---	---	--	--

Committee On Licenses and Inspections
June 9, 2016

Page 4

20:24	year 17:4	<u>6</u>					
underwent	years 12:15	6/9/16 3:1 4:1					
17:12	14:2 16:13	5:1 6:1 7:1					
unsafe 13:9	17:3,9	8:1 9:1 10:1					
13:14,17	young 18:3	11:1 12:1					
upholding		13:1 14:1					
20:12	<u>Z</u>	15:1 16:1					
urban 9:21		17:1 18:1					
urge 18:12	<u>0</u>	19:1 20:1					
use 12:2 15:6		21:1 22:1					
	<u>1</u>	23:1					
<u>V</u>	100 4:14,19						
vessel 5:6	15th 18:23	<u>7</u>					
Vice 2:6	160462 1:14						
22:12	3:1 4:1 5:1	<u>8</u>					
violation 6:9	6:1 7:1 8:1						
6:13,15	8:11 9:1	<u>9</u>					
violations	10:1 11:1	9 1:7					
6:11	11:12 12:1	9:25 1:7					
visit 5:11	13:1 14:1	9:45 23:15					
vital 20:4	15:1 16:1						
	17:1 18:1						
<u>W</u>	19:1 20:1						
walk 3:18	21:1 22:1						
want 2:25 3:2	22:13,17						
3:21 11:5	23:1,7						
water 3:7,13	160472 1:18						
3:19 4:19	2:11,12 4:6						
4:25 5:4,6	22:14,17						
7:7,21	23:7						
way 7:19 9:17	1st 13:24						
9:17 10:6							
10:13	<u>2</u>						
we're 3:10,11	20's 18:4						
9:7 21:24	2009 18:24						
weren't 9:25	2013 19:4						
10:2	2016 1:7						
WILLIAM	2017 13:25						
1:11	2125 19:17						
wish 21:21	22nd 16:21						
witness 16:2	19:2						
16:2,16	23 17:3						
work 3:10,11	24 17:8						
9:7 13:19	26 17:9						
21:8,8							
working 3:5	<u>3</u>						
17:5							
written 10:19	<u>4</u>						
13:10 15:18	4 1:16 8:16						
15:23	40 16:23						
	400 1:6						
<u>X</u>							
	<u>5</u>						
<u>Y</u>	50 5:2						