

October 29, 2021 Committee on Housing
October 29, 2021

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON HOUSING, NEIGHBORHOOD DEVELOPMENT
AND THE HOMELESS

Remote location using Microsoft® Teams
Friday, October 29, 2021
9:00 a.m.

PRESENT:

COUNCILWOMAN JAMIE GAUTHIER, CHAIR
COUNCILMAN CURTIS JONES, JR., VICE-CHAIR
COUNCILWOMAN CINDY BASS
COUNCILWOMAN KENDRA BROOKS
COUNCILMAN ALLAN DOMB
COUNCILWOMAN KATHERINE GILMORE RICHARDSON
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILMAN MARK SQUILLA

RESOLUTION: 210838

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2 COUNCILWOMAN GAUTHIER: Good
3 morning, everyone.

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

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

22 Cydney Shearlds, will you
23 please call the roll to take attendance.
24 Members that are in attendance will
25 please indicate that you are present

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

5 THE CLERK: Councilmember
6 Jones.

7 COUNCILMAN JONES: Present.
8 Thank you, Madam Chair.

9 COUNCILWOMAN GAUTHIER: Good
10 morning. Thank you.

11 THE CLERK: Councilmember
12 Gilmore Richardson.

13 COUNCILWOMAN GILMORE
14 RICHARDSON: Good morning, Madam Chair.
15 Good morning, colleagues. I'm present.

16 COUNCILWOMAN GAUTHIER: Good
17 morning.

18 THE CLERK: Councilmember
19 Quinones-Sanchez.

20 COUNCILWOMAN QUINONES-SANCHEZ:
21 Good morning, Madam Chair. Good
22 morning, Members.

23 COUNCILWOMAN GAUTHIER: Good
24 morning.

25 THE CLERK: Councilmember Bass.

1 (No response.)

2 THE CLERK: Councilmember
3 Squilla.

4 COUNCILMAN SQUILLA: Mark
5 Squilla. Present.

6 THE CLERK: Councilmember Domb.

7 COUNCILMAN DOMB: Good morning,
8 Madam Chair and colleagues. Present.

9 THE CLERK: Councilmember
10 Brooks.

11 COUNCILWOMAN BROOKS: Good
12 morning, Madam Chair and colleagues.
13 I'm present.

14 COUNCILWOMAN GAUTHIER: Okay.
15 Thank you. A quorum of the Committee
16 has been established, and this hearing
17 is now called to order. This is the
18 public hearing of the Committee on
19 Housing, Neighborhood Development and
20 The Homeless regarding Resolution No.
21 210838.

22 Ms. Shearlds, will you please
23 read the title of the resolution.

24 THE CLERK: Resolution 210838,
25 authorizing the Committee on Housing,

1 Neighborhood Development and The
2 Homeless to conduct hearings that
3 identify barriers and solutions to
4 permanently preserving community gardens
5 and open spaces in the City of
6 Philadelphia.

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

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

1 Act, the chat feature must only be used
2 for this purpose.

3 I want to start by saying thank
4 you to the sponsor of this resolution,
5 Councilmember Brooks, for putting
6 forward a hearing on this really
7 important topic as the building boom has
8 continued across our City. And in my
9 District in particular, we've seen so
10 many of our precious community gardens
11 and green spaces at risk, and these
12 spaces mean so much for the community.
13 They're places where people go for
14 respite. They're places where people
15 come together to connect as neighbors
16 and we have to find ways to preserve
17 them, that they're a very important part
18 of our neighborhood culture.

19 And so, thank you so much to
20 Councilmember Brooks for this
21 discussion. And with that, I would like
22 to recognize Councilmember Brooks for
23 any opening remarks.

24 COUNCILWOMAN BROOKS: Thank you
25 so much, Madam Chair. And thank you to

1 my Council colleagues who were able to
2 join us for this hearing.

3 Preserving Philadelphia's
4 community gardens and open spaces that
5 are currently encumbered by U.S. Bank
6 liens and on the verge of being
7 irrefutably lost is something that I
8 know is of grave concern to all of us.
9 We can all agree that these sacred
10 neighborhood-run green spaces are
11 essential for creating safe, livable
12 communities in every zip code.

13 And we can also agree that
14 community members who have taken it upon
15 themselves to care for these spaces,
16 remediate toxic soil and beautify their
17 neighborhood should not be stripped of
18 the land ownership so that predatory
19 developers can displace them for profit.
20 We agree about the end goal, ensuring
21 the long-term preservation of these
22 essential community gardens.

23 So we are here today to better
24 understand what the barriers to long-
25 term preservation are and to identify

1 solutions. It's time to get to work.

2 And I want to thank everyone who is here
3 to speak today and all the concerned
4 constituents who have signed up for
5 public testimony.

6 Thank you so much, Madam Chair.

7 COUNCILWOMAN GAUTHIER: Thank
8 you.

9 Are there any other members of
10 the Committee that would like to give
11 opening comments?

12 COUNCILWOMAN QUINONES-SANCHEZ:
13 Madam Chair, if I may for a moment.

14 COUNCILWOMAN GAUTHIER: Yes,
15 please.

16 COUNCILWOMAN QUINONES-SANCHEZ:
17 Thank you, Madam Chair. And I also want
18 to acknowledge Councilmember Brooks and
19 her work in this and making this a city-
20 wide issue.

21 As many of you know, as the
22 author of the Land Bank legislation we
23 were very intentional in carving out and
24 prioritizing green spaces in our public
25 land works, and I know you'll hear from

1 them momentarily. Our office has worked
2 with our social justice lawyers and our
3 partners like NGT, who you will also
4 hear from, who has really led my
5 understanding on this issue and provided
6 much assistance and guidance.

7 For many gardeners who want to
8 establish their capacity and be
9 independent, the power and our ability
10 to really work through this is our
11 ability to work together in forums like
12 the one that Councilmember Brooks is
13 creating today, which will help us keep
14 us focused around how do we do this and
15 how do we protect these vital spaces.

16 For me, NGT offers the
17 structure to demonstrate a capacity and
18 will help us ensure that preservation
19 happens for long-term bills and
20 sustainability, not only with folks
21 acquiring this land and having the
22 capacity. Through our work, we've
23 learned around water conservation, water
24 access and really waiving fees and costs
25 to gardeners is an important tool that

1 the City can do. I still think there's
2 much more we can do.

3 And I want to thank,
4 Councilmember Brooks and you, Madam
5 Chair, for continuing to bring this to
6 the forefront and I look forward to
7 working with all of you. I want to
8 thank all the gardeners and all the
9 folks who have done tremendous work.

10 And this work sometimes goes
11 unrecognized. I call it the sweat
12 equity that has tremendous value,
13 because the work of sweat equity of the
14 volunteers can never be quantified or
15 qualified.

16 We know it cost \$750 to clean a
17 lot, to remediate a lot. So if you
18 imagine the years of work the gardeners
19 do, you can just imagine the amount of
20 money they save the City. So I want to
21 make sure that when we're having this
22 conversation, we're adding and we're
23 putting the numbers and the value to the
24 hard labor related to this for the
25 volunteers.

1 Thank you, Madam Chair. Look
2 forward to the conversation.

3 COUNCILWOMAN GAUTHIER: Thank
4 you, Councilmember Quinones-Sanchez, for
5 all of your hard work on the Land Bank
6 and around saving these gardens in our
7 City. We appreciate you.

8 Ms. Shearlds, will you please
9 call the first panel or witness we have
10 to testify this morning.

11 COUNCILWOMAN BASS: Madam
12 Chair.

13 COUNCILWOMAN GAUTHIER: Oh, I'm
14 sorry. I would like to acknowledge the
15 presence of Councilmember Cindy Bass.
16 Good morning.

17 COUNCILWOMAN BASS: Thank you
18 very much.

19 COUNCILWOMAN GAUTHIER: You're
20 welcome.

21 Okay. Ms. Shearlds, you want
22 to call the first panel.

23 THE CLERK: Got it. Sheriff
24 Rochelle Bilal, Philadelphia Sheriff's
25 Office.

1 COUNCILWOMAN GAUTHIER: Sheriff

2 Bilal, are you there and connected?

3 MR. EL-SHABAZZ: Sheriff Bilal

4 isn't in right yet. In fact, she just

5 texted me and told me she's about five

6 minutes away. Is it possible that we

7 can move her testimony to later on or

8 once she arrives, I can contact you.

9 And I'm sorry. I didn't even introduce

10 myself. This is Tariq El-Shabazz, the

11 Undersheriff.

12 COUNCILWOMAN GAUTHIER: That's

13 okay.

14 Councilmember Brooks, is that

15 okay with you?

16 COUNCILWOMAN BROOKS: Yes, it

17 is. Thank you.

18 COUNCILWOMAN GAUTHIER: Okay.

19 COUNCILWOMAN BROOKS: She can

20 be moved --

21 MR. EL-SHABAZZ: And I

22 apologize.

23 COUNCILWOMAN BROOKS: -- to the

24 second panel.

25 COUNCILWOMAN GAUTHIER: Okay.

1 Fantastic.

2 Ms. Shearlds.

3 THE CLERK: Panel 2, Michael

4 Moran, Iglesias Garden; Elizabeth

5 Waring, Holly Street Neighbors Community

6 Garden; and Bettye Ferguson, Belmont

7 Alliance Civic Association.

8 COUNCILWOMAN GAUTHIER: Okay.

9 Michael Moran, are you there and
10 connected?

11 MR. MORAN: I am. How's my
12 audio?

13 COUNCILWOMAN GAUTHIER: Sounds
14 great. Please state your name for the
15 record and please proceed with your
16 testimony.

17 MR. MORAN: Okay. Thank you
18 very much. I'll start off with the
19 testimony. Hello. Good morning,
20 everyone. I'm grateful for your time.
21 My name is Michael Gonzalez Moran.
22 Today I have the great responsibility to
23 speak on behalf of my fellow neighbors,
24 and I'm also here as a representative of
25 the Iglesias Garden.

1 My task today is to summarize
2 part of my life experience and to help
3 create more land security for our
4 communities. At the Iglesias Garden, we
5 partake in typical garden activities.
6 We cultivate land to grow food, we hold
7 workshops and events for adults and
8 children and we've created an ideal
9 environment to strengthen and grow our
10 community.

11 The Iglesias Garden includes
12 our community garden located at the
13 intersection of North Lawrence and
14 Arlington Streets and the collection of
15 side lots, gardens and open spaces in
16 the area surrounding the garden. The
17 community has worked hard to preserve
18 these open spaces because we understand
19 that open spaces are essential to
20 healthy development of a community. But
21 to create this peaceful place, we have
22 overcome many obstacles.

23 Shortly after its inception, an
24 important lot to the garden was sold to
25 a developer who used questionable

1 tactics to acquire the property.
2 Through this incident, we realized that
3 a land grab was occurring all around our
4 neighborhood, and our new reality became
5 that for the garden to thrive, the
6 community around it had to survive. So
7 we began to focus our efforts on land
8 security. And the garden became command
9 post for the public's battle against
10 gentrification and land and security.
11 But before I talk further about our
12 efforts and experiences at the garden,
13 allow me a moment to tell you more about
14 myself and my personal experiences with
15 gentrification and land and security.

16 I'm a first-generation
17 American, an entrepreneur and I'm here
18 before you today because a side lot
19 saved my life. For almost 30 years, I
20 wanted to make every attempt to secure
21 that lot next door to our home. As a
22 kid, I remember going to numerous
23 meetings and walking out empty-handed
24 because no one had answers for us. But
25 regardless, my family continued tending

1 to that lot. And then one day on 2018,
2 the Sheriff shows up and informs us that
3 the lot is going up for sheriff's sale.

4 It was at this moment we
5 realized someone had finally found a
6 solution to our problem, but it wasn't
7 to our benefit. Philadelphia is often
8 referred to as the poorest biggest city.
9 Well, I grew up in the Badlands. That's
10 a neighborhood in the North Philly
11 section of the City, more specifically
12 in the 19133, 19191 zip codes. Both of
13 which are some of the poorest zip codes
14 of the country, and they have the
15 highest concentration of U.S. Bank lien
16 lots.

17 About seven years ago, I was
18 able to move my family to a home we
19 rehabbed in the 19122 zip code in the
20 same neighborhood where the garden is
21 located. To our surprise, people are
22 now referring to this area as the fancy
23 part of town. But then I showed them
24 what the exterior of my home looks like
25 and they can't comprehend what they're

1 seeing.

2 Three years ago, our home was
3 damaged when an out-of-state developer
4 began a shoddy rehab project on the
5 rowhome next door. After the incident,
6 we contacted L&I, our insurance company
7 and we've reached out to several
8 Councilpeople and still no results. The
9 developers involved have abandoned the
10 project, but the damages to our home
11 still remain. And now, my house is
12 slowly collapsing while other developers
13 continue to build around us.

14 We also spent many years trying
15 to acquire city-owned vacant parcel
16 adjoining our home. But only after
17 years of back and forth with the City,
18 the Revenue Department and the Land Bank
19 were we able to finally acquire that
20 property just a few weeks ago. But now
21 as a homeowner if I want to develop that
22 land and, for example, expand my home, I
23 have to pay \$50,000 to the Land Bank.
24 Essentially, my life experiences have
25 unnaturally led me to become a land

1 speculator and developer. But being at
2 home at peace with my family has become
3 secondary to our efforts of securing our
4 home.

5 Growing up, I have personally
6 been impacted by many of the
7 underdevelopment and vacant land issues
8 that are common in my neighborhood. I
9 experience firsthand how hard it is to
10 address these problems and our power as
11 residents can be when the City and
12 developers can do whatever they want
13 without input from long-time residents.
14 Although this is my personal experience,
15 this is not an isolated event. And in
16 many ways, my story is not unique.

17 I have accepted that this is
18 not personal and that it is a systematic
19 failure within the City. My motivation
20 for this effort is that my son and
21 future generations don't have to be
22 impacted by gentrification in the way
23 that we were. The Iglesias Garden has
24 been successful in securing some land
25 for open spaces and for our community

1 members with side lots. But for every
2 victory, our approach has to change
3 because the process for soliciting land
4 in Philadelphia is broken.

5 The progress you make with the
6 Philadelphia Land Bank does not
7 guarantee us progress with the
8 philadelphia Housing Authority. And
9 recently at the garden, we have been
10 focused on protecting several parcels
11 and side lots that are impacted by the
12 U.S. Bank liens fiasco.

13 At the garden, we learned a few
14 years ago that two of our properties
15 will be nearly impossible to save
16 because of the U.S. Bank liens. We also
17 learned that we're not alone in our
18 predicament. When the Sheriff announced
19 that the tax foreclosure auctions were
20 going to resume, we knew that our lots
21 and thousands of other properties were
22 all at risk. Over the summer, we began
23 to canvass every U.S. Bank lien-
24 encumbered vacant lot in Council
25 District 7 where the garden is located.

1 We had canvassed nearly 400
2 impacted properties throughout the
3 District, identified more than 100 lots
4 already in use and in well-managed side
5 lots and neighborhood open spaces. We
6 have met with the Land Bank,
7 Councilmembers and Neighborhood Gardens
8 Trust and other City officials looking
9 for help. And once again, we walked
10 away empty-handed because no one had
11 answers for us.

12 We spoke with numerous
13 residents in Kensington, Frankford,
14 Fairhill, Juniata, all that have
15 invested their own time and money to
16 preserve these places, even though they
17 can't own the land. Because in the
18 current policies, it's more than
19 challenging for gardens for community
20 members to acquire these properties even
21 if they had the cash necessary to
22 complete the process.

23 We've learned that almost every
24 neighborhood we spoke to with a U.S.
25 Bank lien lot has previously tried and

1 failed to purchase the properties for a
2 variety of legal, technical and
3 financial reasons. But we have also
4 spoken with many people who have lost
5 U.S. Bank lien lots in the past two
6 years. We have identified that 200-plus
7 U.S. Bank lien properties that were sold
8 between July 2019 and July 2021. 80
9 percent of the communities are at or
10 near the poverty line, and 90 percent
11 are in a census tract where the majority
12 residents are people of color.

13 Our research shows that this
14 decision has been to LLCs who are
15 assembling multiple properties. Just
16 six real estate shell companies have
17 been responsible for 25 percent of all
18 U.S. Bank lien lots acquired since July
19 2019. Once again, someone found a
20 solution to our problem, but it wasn't
21 to our benefit.

22 For clarity, what we want is
23 for the City to fix this problem and to
24 work with residents and community groups
25 to preserve this land. We're asking for

1 the City to fully fund the Land Bank to
2 acquire all 2,000-plus parcels. We want
3 community-control vacant land, which
4 includes getting local residents and
5 community groups the rights of first
6 refusal to acquire these properties.

7 We're also asking the Sheriff
8 to fix the broken sheriff's sale
9 process. This includes improving the
10 inadequate notification process and a
11 completely and accessible Internet-based
12 sheriff's sale and committed to working
13 with community groups to ensure that
14 properties that are in use are not
15 auctioned to developers. Te
16 neighborhood is not against
17 redevelopment. But in a community that
18 hasn't had sidewalks for decades, we
19 often wonder who are we redeveloping
20 for. Once again, thank you for your
21 time. And power to the gardeners.

22 COUNCILWOMAN GAUTHIER: Thank
23 you so much, Mr. Moran, for your
24 testimony but also for your work and
25 advocacy.

1 I'm going to propose that we go
2 back to Sheriff Bilal because I know she
3 has a tight, tight schedule this
4 morning. So good morning, Sheriff.

5 SHERIFF BILAL: (Muted).

6 COUNCILWOMAN GAUTHIER: You're
7 on mute.

8 SHERIFF BILAL: There you go.
9 Can you hear me now?

10 COUNCILWOMAN GAUTHIER:
11 Absolutely. Please state your name for
12 the record and proceed with your
13 testimony.

14 SHERIFF BILAL: Good morning.
15 I'm Sheriff Rochelle Bilal. And good
16 morning, Councilpersons, and good
17 morning to the Committee. Appreciate
18 this opportunity. I'm Sheriff Rochelle
19 Bilal and I'm pleased to provide
20 testimony on Resolution No. 210838,
21 regarding solutions to preserving
22 community gardens and open spaces to be
23 held by the Committee on Housing,
24 Neighborhood Development and
25 Homelessness.

1 I want to thank Councilmember
2 Kendra Brooks for inviting me to speak
3 before you today. In my reply letter to
4 City Council October 11, 2021 regarding
5 these issues, my office has seen a path
6 forward. I want to begin my testimony
7 with the facts.

8 I have learned since being
9 elected as Sheriff of the City of
10 Philadelphia, here is some history:
11 This problem goes back to 1997 when the
12 City of Philadelphia decided to sell off
13 tax liens on 33,000 properties to
14 private lienholders. The City raised
15 \$72 million through the sale, but the
16 bond sale to pay for that money failed
17 and the City defaulted on \$42 million in
18 bonds that were secured by those liens.

19 This meant that thousands of
20 the properties with liens on them were
21 then privatized. Many of them,
22 including so many community gardens and
23 open spaces, ended up in hands of the
24 U.S. Bank, which plans to sell all of
25 its remaining liens on a sale property

1 within the next two years. The law firm
2 is Linebarger, Goggan, Blair & Sampson,
3 who is the firm hired to dispose of
4 these liens. But there is a solution.
5 The City of Philadelphia can buy back
6 these lots for the community gardens and
7 open spaces.

8 Personally, as a proud member
9 of this community, I understand the
10 urgency to resolve this crisis. And we
11 all have a job to do. The Office of the
12 Sheriff is mandated by the Philadelphia
13 courts to execute the orders of the
14 court. We must abide by the orders of
15 the court or face criminal charges
16 ourselves. Our office has taken several
17 steps to keeping families in their
18 homes.

19 For instance, our office took a
20 critical approach to prioritizing alerts
21 on the properties going up for sheriff's
22 sale so that the concerned parties know
23 they are going up for sale and that are
24 our staff knows to be on the lookout for
25 immediate removal from a sale. When we

1 decided to go virtual in April of 2021
2 using the well-known online platform
3 Bid4Assets, our partners, we saw
4 immediate responses and a quick
5 turnaround time in cases where homes
6 listed were quickly removed from the
7 sale even in mid-sale.

8 For example, it was
9 600-something properties going up by
10 letting -- our constituent service
11 letting people know that this was
12 happening and giving them the
13 information to help them save their
14 homes. It went from 600-something to
15 17. I continue to stay committed, ready
16 and willing to help in any way we can
17 within the letter of the law.

18 Our group, and you can see my
19 staff members on here too, is willing
20 and able to work with any organization
21 to help save these. And I understand
22 the community gardens. This is a crisis
23 to them. We understand the emotions
24 behind holding on, developing, keeping
25 it clean, making a garden into a

1 property that just blighted our
2 neighborhoods, because I come from North
3 Philly and I know just how the City and
4 decades had let our neighborhoods go
5 down. Communities like community
6 gardens came in to save these lots.
7 They came in to develop them, made
8 gardens, made spaces so the neighborhood
9 won't continue to be a blight in this
10 City. This is a crisis for them, and we
11 don't have a problem with working with
12 families and those community gardens to
13 help save this.

14 I understand that U.S. Bank is
15 trying to sell them off. We can only do
16 what our job is here, but it's up to you
17 to be able to save those properties.
18 You can buy back those properties. To
19 my understanding, there was a couple of
20 ways to do that. Then you can work out
21 with the community gardens on how to
22 finish helping them with those spaces.

23 We will continue to work with
24 you, City Councilmembers. We've
25 continued to work with the community

1 gardens, and we just hope that this
2 issue can be resolved because our
3 community needs them. Thank you for the
4 time.

5 COUNCILWOMAN GAUTHIER: Thank
6 you so much, Sheriff Bilal, for your
7 testimony and for your work. I have a
8 couple of questions before I open it up
9 to members of the Committee and the
10 sponsor.

11 Can you expound on how the
12 Sheriff's Office has engaged with
13 community groups since the resumption of
14 sheriff's sales to address concerns
15 around losing community gardens to
16 private development?

17 SHERIFF BILAL: What we did was
18 we changed our terms of sale in these
19 issues basically sending the
20 information -- once community gardens
21 let us know that these properties were
22 going up for sale and they were
23 community gardens, we put in our terms
24 of sale from this point on we need to
25 know whether it was prepandemic or

1 post-pandemic. We needed to know
2 whether they were occupied or not
3 occupied. We looked at them. We had
4 community gardens send us a list of the
5 community gardens because we don't get a
6 thing that says this is a community
7 garden. We just get an address and we
8 get a number, so they let us know that
9 these are community gardens.

10 We sent a letter over to the
11 attorneys who are the ones that are
12 bound to put these properties up for
13 sale and let them know that these are
14 community gardens and they have been
15 taken care of by these individuals and
16 how they're trying to bring the
17 neighborhoods up, and the attorney on
18 the writ basically pulled them from the
19 sale. So, therefore, they did not go to
20 sale. But to maintain this, we don't
21 know how that's going to be maintained
22 because you're talking about U.S. Bank.

23 U.S. Bank wants to make money.
24 So if they begin to continuously put it
25 up, I don't know how long they are going

1 to be sympathetic and want to pull these
2 back. But we send them every time.
3 Once community garden lets us know these
4 are the spaces, we send it to them. We
5 explain to them what they are and they
6 pull them from the sale.

7 COUNCILWOMAN GAUTHIER: Okay.
8 Is there any way -- is it at all
9 possible for us to place a moratorium on
10 sending properties encumbered by the
11 U.S. Bank liens to auction while we
12 figure out how to acquire the
13 properties?

14 SHERIFF BILAL: Tariq. I'll
15 let my legal person respond in reference
16 to a moratorium.

17 MR. EL-SHABAZZ: Good morning
18 and thank you for having us. We don't
19 have the power or the jurisdiction to
20 issue a moratorium or to stay or to
21 postpone those particular properties
22 based on them being community
23 properties. What we have been doing and
24 what we will continue to do is notify
25 all the players. And if we notify the

1 players, obviously the attorney on the
2 writ can pull that property.

3 But we're also trying to awaken
4 anyone to how this problem existed, how
5 it began and what we can do against it.
6 These are properties that normally were
7 controlled by the City and still can be
8 controlled by the City. If we had those
9 properties in advance and we have the
10 ability to talk to individuals in
11 advance, we can negotiate to the best of
12 our ability to have them pull a property
13 because it's being dealt with, and then
14 hopefully those individuals that are
15 dealing with the property will have an
16 opportunity to purchase it, to have it
17 to the end of it.

18 Unfortunately, as the
19 enforcement arm of the court, in other
20 words, enforcing the orders to conduct a
21 sale, we don't have the ability to have
22 a moratorium. However, if what is
23 presented is a legal reason, and I say
24 that because it's a legal process, that
25 there's something about that property

1 that should cause the court to pause
2 because the property is being negotiated
3 to buy, the property is owned or is
4 earmarked for the Land Bank or actually
5 earmarked by someone actually tending to
6 the property, because the Land Bank is
7 another issue but that's not what you're
8 asking, then we will be able to address
9 that and even present it to the court,
10 suggesting to the court that maybe we
11 can stop that particular property, but
12 that would have to be on a one-to-one
13 basis based upon a reason that we can
14 submit to the court.

15 COUNCILWOMAN GAUTHIER: Have we
16 ever explicitly asked the court about
17 more of a broad-based moratorium for
18 U.S. Bank lien properties?

19 MR. EL-SHABAZZ: We haven't and
20 we haven't because of this, once they
21 become U.S. Bank, GRB, but mostly U.S.
22 Bank, they are private owners. These
23 private owners go through the process of
24 getting a judgment and a lien and an
25 order to sell that property. What is

1 supposed to happen, and unfortunately it
2 isn't because the community gardens are
3 not even aware it's probably going
4 through this process, it's supposed to
5 be objected to and litigated then and
6 it's at that point before Judge Fox and
7 those particular courts can hear
8 argument and make a determination
9 whether or not there is some legal
10 reason to pause it. By the time we get
11 it, we get it as an order to conduct it.
12 So we're looking at emergency situations
13 where we can contact the court and say,
14 Judge, on this individual property. But
15 we don't have the authority
16 unfortunately to do it as a moratorium.

17 COUNCILWOMAN GAUTHIER: Does it
18 make sense to ask the court or to make
19 that explicit request and let them tell
20 us that we can't do it explicitly?

21 MR. EL-SHABAZZ: Respectfully,
22 it doesn't. It doesn't make sense to
23 ask the court to do something that we
24 don't have a legal reason to do. What
25 we need is we need assistance. We need

1 assistance from the City. We need
2 assistance from the Law Department, from
3 GRB, from Linebarger and from U.S. Bank,
4 that we recognize this, we will identify
5 it, we will let you know. And they
6 should, I submit, be willing to pull it.
7 And if they're willing to pull it, then
8 we can stop it mid-sale, during the sale
9 and even after the sale and reverse the
10 sale.

11 One of the reasons that why we
12 believe we can convince them or try to
13 convince them is because it's economic
14 for the City. It's economic. It's safe
15 places for kids on that block to play.
16 There are gardens that are beautifying
17 those properties. So in essence, we're
18 gaining economically. The City is
19 gaining economically. It's gaining in
20 value, but a private agency, a private
21 attorney is making money from it.

22 So at the end of the day, he's
23 not interested or she's not interested
24 sometimes in doing anything like that.
25 And because it's a private sale, the

1 court I would submit to you doesn't have
2 the authority in a private sale just to
3 stop all private sales of properties
4 like this.

5 COUNCILWOMAN GAUTHIER: Okay.
6 Thank you. Councilmember Brooks.

7 COUNCILWOMAN BROOKS: Yes. I
8 have a follow-up on Councilmember
9 Gauthier's question -- wait, let me
10 pause for a minute.

11 I want to thank the Sheriff for
12 being completely responsive around this
13 issue. Immediately when we realized
14 that we needed to do something and we
15 sent a letter, she was willing to just
16 get on and have a detailed conversation
17 about this issue, and I thank you for
18 your support in helping to navigate this
19 with my team.

20 My question was a follow-up to
21 Councilmember Gauthier's question. Just
22 for clarity, what would need to happen
23 for the sheriff's sale of the parcels
24 that are owned by U.S. Bank liens to be
25 paused even if it's only until the

1 permanent solution is reached? What are
2 the steps that we would need to do?

3 MR. EL-SHABAZZ: Councilwoman,
4 thanks for the question. That is a
5 difficult question because again, it's a
6 private sale. It's a lot easier for us
7 to do that when it's controlled by the
8 Revenue Department or it's controlled by
9 the Tax Department, because those are
10 City agencies that we can work with our
11 partners and ask them to let's pause
12 these things while we find a solution.

13 When it comes to private
14 people, it's kind of like if I can use
15 the example of you, and I know you
16 wouldn't be doing these things but let
17 me just you make it a little more
18 personalized, you win a judgment or you
19 buy a judgment from someone else, so you
20 buy a lien from someone else. You go to
21 court, you litigate it and you win the
22 judgment. As a private person, once you
23 win that judgment it gives you the right
24 to ask for an order and if you get that
25 order, it gives you the right to collect

1 the money on the judgment that you want.
2 So we don't have the authority to kind
3 of stop a private judgment from being
4 executed with the exception of some
5 other type of legal entity or legal
6 question or legal issue.

7 And if there is a legal issue,
8 for example, do they really have a -- is
9 it a valid lien because that property
10 was somehow owned by the people that are
11 doing some things. I heard the
12 testimony earlier about people doing
13 work. Does it give them some priority
14 or some right over that property?
15 That's a question that needs to be
16 decided. And if that is a question,
17 then we can act upon that question.

18 So one of the steps is we need
19 to make some determinations because
20 people are doing a lot of things on
21 these properties. We need to figure
22 out -- and when I say we, I'm talking
23 about as a community -- do they garner
24 any legal means to that property based
25 upon taking care of that property for

1 that long, and sometimes people are even
2 paying taxes and things on those
3 properties.

4 If they're doing that, do they
5 have a legal means or an interest in
6 that property now, that it's in conflict
7 with the lien. And if they do, that
8 needs to be decided by the court before
9 that could be sold so do they have a
10 right to litigate it.

11 So to answer that question, we
12 have to unite with some people, and I
13 would submit some volunteers from the
14 legal community, that will look into
15 whether or not someone garnered legally
16 a question of them having a right to
17 that property and if they have a right,
18 do they have a right to contribute, do
19 they have a right to ask it to be pulled
20 so that they can purchase it at a
21 different level. Can the City intervene
22 and say that because it was a community
23 space, that this is a property that now
24 we don't want you to sell it for all the
25 interest that you put on a \$10,000 lien

1 that now you have an interest of
2 \$60,000, we can do it, we can work it
3 out. Is there some type of fee
4 agreement, is there some type of payment
5 plans. Those are answers that I think
6 that we have to address. But
7 unfortunately, we don't have the ability
8 to do that. But we definitely will have
9 the ability if that's a question, then
10 we can say we need to pause this because
11 there's a question as to ownership or a
12 question as to value. To the end of
13 that, those are the legal type of
14 questions.

15 COUNCILWOMAN BROOKS: And so
16 just to be clear, the City should be
17 working to identify what kind of
18 ownership already exist with these
19 spaces; is that right?

20 MR. EL-SHABAZZ: Yes.

21 COUNCILWOMAN BROOKS: And then
22 we can try it with the courts as well?

23 MR. EL-SHABAZZ: Yes, because
24 if in fact there is ownership by one of
25 the community gardens or somebody that

1 has a lot next to their house that
2 they've been taking care of for 10
3 years, if there's an interest, then that
4 person has an issue to argue whether or
5 not they have an interest, a priority
6 interest.

7 Now, understand if the judgment
8 is bought from the City, the U.S. Bank
9 has a right to say we want that
10 judgment, but the City also has a right
11 to intervene and can recognize that
12 maybe I should buy that judgment back or
13 buy that property back because we have
14 this issue, and that can exist. And I
15 think that's what the Sheriff was
16 addressing in terms of one of these
17 solutions, is buying back these safe
18 spaces, buying back these community
19 gardens. We're only going to do what we
20 have to do.

21 COUNCILWOMAN BROOKS: Okay.
22 And if there's no ownership rights
23 identified, so the City needs to be
24 working directly with U.S. Bank to
25 resolve these issues.

1 MR. EL-SHABAZZ: Yes, ma'am.

2 Yes, ma'am.

3 SHERIFF BILAL: Basically,
4 Councilwoman Brooks, because the City
5 sold these to U.S. Bank to generate
6 revenue in the City, there has been a
7 couple of opportunities that's presented
8 prior to y'all coming onto Council in
9 order to buy these liens back, but
10 Council didn't take it up. So maybe
11 revisiting that area under new
12 Councilpeople that's there, that's
13 interested in helping to save these safe
14 spaces in these community gardens may be
15 an avenue that y'all need to really look
16 at.

17 COUNCILWOMAN BROOKS: Oh, thank
18 you so much for that information,
19 Sheriff. I have a few more questions.
20 When is the scheduled sheriff's sale
21 involving parcels encumbered by U.S.
22 Bank liens?

23 SHERIFF BILAL: Do you have
24 that list? Melissa is in there, our
25 Director of Real Estate.

1 MR. EL-SHABAZZ: Next Friday of
2 next week.

3 COUNCILWOMAN BROOKS: Next
4 Friday. Okay. I just wanted to make
5 sure that we have a sense of urgency
6 around this work --

7 MR. EL-SHABAZZ: Yes, ma'am.

8 COUNCILWOMAN BROOKS: -- so
9 folks are paying attention and get it on
10 the record.

11 MR. EL-SHABAZZ: If you get
12 that stuff to us, we'll take a look at
13 that.

14 COUNCILWOMAN BROOKS: Thank
15 you.

16 MR. EL-SHABAZZ: Remember, we
17 can stop during, prior to and after.

18 COUNCILWOMAN BROOKS: Okay.
19 We'll continue to work on that with you
20 guys directly. You also mentioned that
21 you can reverse a sheriff's sale after
22 it's completed. I did not know that was
23 an option. Can you explain how that
24 works?

25 SHERIFF BILAL: Tariq.

1 MR. EL-SHABAZZ: Yes, ma'am.

2 I'm just calling up the Director and
3 will let her say a couple of words.

4 MS. SIMPSON: Good morning,
5 Councilmembers. My name is Melissa
6 Simpson. I'm the Director of Real
7 Estate here at the Sheriff's Office. In
8 the event that a property sells at
9 sheriff's sale, there are options
10 post-sale that one can take to reverse
11 the sale. The first option would be a
12 set-aside where the -- once again, there
13 has to be a legal reason for a judge to
14 rule that the sale was invalid, but that
15 can be filed with the courts for any
16 property that's sold at sheriff's sale.

17 The other option on tax cases
18 is that there is a redemption period,
19 which is nine months from the date the
20 deed is acknowledged. And within that
21 nine-month period, a majority of title
22 companies will not allow the property to
23 be sold because the previous owner does
24 have that option to come back and get
25 the property back. Once again, that is

1 also a court filing and it has to be
2 ordered by the court that the property
3 (inaudible).

4 COUNCILWOMAN BROOKS: Thank you
5 so much.

6 MS. SIMPSON: One other thing,
7 if in fact we get notification right
8 after the sale has occurred say later on
9 that day or the next day that the sale
10 should not have happened, we can pull
11 that sale and let the buyer know that
12 the sale is invalidated. So there are
13 various options that we have prior to,
14 during and after the sale.

15 COUNCILWOMAN BROOKS: Okay.
16 Thank you for that. I have a few more
17 questions about outreach in relation to
18 tax lien sales. How are they currently
19 posted and how much notice is given and
20 how does the Sheriff reach out to
21 communities about lots being slated to
22 be sold?

23 MS. SIMPSON: So every property
24 that goes up for sheriff's sale is
25 posted at least two months prior to

1 sale. As soon as we get the
2 information, the handbills go out by the
3 deputies and every property is posted
4 individually, so there will be notice on
5 the property. The other location that
6 you will see the information is once we
7 enter the information in our system, it
8 is then transferred to Bid4Assets
9 website. So every sale that's upcoming,
10 all of the properties are already
11 imported into Bid4Assets website.

12 We had some problems with our
13 information on our website with the
14 mapping and everything, so we're in the
15 process of fixing that so that you'll be
16 able to see what properties are going up
17 for sale on our website as well.

18 COUNCILWOMAN BROOKS: How far
19 in advance are the sales posted?

20 MS. SIMPSON: We usually
21 receive tax sale cases at least two
22 months in advance of the sale. So as
23 soon as we get the information, it's
24 entered. And then that information is
25 then transferred onto the website.

1 COUNCILWOMAN BROOKS: Thank you
2 so much for that.

3 Sheriff Bilal, you mentioned,
4 and I know that you're happy to work
5 with community groups, what's the best
6 way for community gardens and residents
7 to reach out to your office?

8 SHERIFF BILAL: You have
9 melissasimpson@phila.gov who is the
10 Director of Real Estate. You also have
11 our Constituent Services Group that will
12 give us that information. But I believe
13 directly go to Melissa Simpson, who is
14 the Director of Real Estate. So if they
15 have information or situations that
16 arise, she will get that information
17 first and bring it down to either Tariq
18 or myself, and then we will have a
19 conversation with who we need to talk to
20 and try to resolve the issue. The
21 quickest way is Melissa Simpson.

22 COUNCILWOMAN BROOKS: Thank you
23 so much, Sheriff.

24 Madam Chair, that's the end of
25 my questions.

1 COUNCILWOMAN GAUTHIER: Thank
2 you, Councilmember.

3 I see that Councilmember Domb
4 has a question.

5 COUNCILMAN DOMB: Thank you,
6 Madam Chair. And thank you,
7 Councilmember Brooks, for bringing this
8 to the forefront.

9 I just have some basic
10 questions. How many lots are we dealing
11 with? Do you have any idea the number
12 of lots?

13 COUNCILWOMAN QUINONES-SANCHEZ:
14 Madam Chair, I have the answer to that
15 if you want me to -- my history.

16 COUNCILWOMAN GAUTHIER: Yes.

17 COUNCILWOMAN QUINONES-SANCHEZ:
18 The batch that we started discussing
19 about 13 years ago, there's about 5,000
20 properties. As I've often mentioned, I
21 have 1358 in my District when I first
22 started. Many of them have begun to get
23 sold so we're not sure what the
24 portfolio's now. Because as the Sheriff
25 has alluded, U.S. Bank is being much

1 more aggressive putting these out on
2 sale. But I estimate that there's at
3 least 3,000 that are still pending. And
4 most, if not all, of them are lots.
5 There have been very few houses.

6 COUNCILMAN DOMB: Thank you.
7 Thank you, Councilmember Sanchez. Any
8 idea how many of these we want to be
9 community gardens?

10 COUNCILWOMAN QUINONES-SANCHEZ:
11 Part of our challenge has been because
12 outside of the Neighborhood Gardens
13 Trust, there's a lot of independent
14 garden groups. There hasn't been
15 real -- NGT tries to help in organizing
16 and finding out. Many of these parcels
17 are tied in with either, as we've heard
18 from the testimony of Mr. Moran, other
19 properties or either PHA, many that were
20 privately owned and some that are City,
21 so you see multiple lots together and
22 the assemblage is a little complicated.
23 Because in the case of Iglesias, there's
24 some PHA parcels, but there were some
25 that were private. And of course as

1 mentioned, the Land Bank does not have
2 the authority to acquire the U.S. Bank
3 liens because that was a City debt.
4 That's a conversation that we've had on
5 the record in City Council at least the
6 last 13 years I've been here. And we
7 need money if the City were to
8 negotiate.

9 Obviously, the U.S. Bank lien
10 is going to negotiate definitely with
11 the City of Philadelphia as it has done
12 with individual folks because they're
13 willing to take -- and the Sheriff's
14 Office can confirm, this, they take a
15 lot less money on the table when it's on
16 sheriff's sale, but they're unwilling to
17 negotiate in that way with the City of
18 Philadelphia. So if we started
19 negotiating, they will come in high and
20 they will do what they always do which
21 is exploit and take advantage of
22 communities.

23 COUNCILMAN DOMB: I guess I'm
24 just trying to understand, are we
25 talking about 100 lots, 500 lots, 1,000

1 lots --

2 COUNCILWOMAN QUINONES-SANCHEZ:

3 No, we're talking thousands. There's at
4 least 3,000 of these in the City.

5 COUNCILMAN DOMB: How many
6 community gardens are you talking?
7 3,000 of community gardens?

8 COUNCILWOMAN QUINONES-SANCHEZ:
9 I would say there's at least 1,000 tied
10 into some sort of neighborhood work.
11 And again, how we can validate that
12 work, it can be someone who just took
13 care of a side lot, put a fence on it,
14 it could be several, multiple lots and
15 then some are the more comprehensive
16 gardens like Iglesias. But I would say
17 at least 1,000 that are encumbered with
18 someone that should have equity in it
19 because they've taken care of it.

20 COUNCILMAN DOMB: And any idea,
21 Councilmember, what the potential
22 average value is of these lots?

23 COUNCILWOMAN QUINONES-SANCHEZ:
24 When we've had conversations, the number
25 initially started somewhere between 11

1 and 14 million, and now especially in
2 South Kensington in the neighborhood
3 described by Iglesias south of Lehigh
4 Avenue, it can be \$20 million, \$30
5 million.

6 COUNCILMAN DOMB: For all of
7 them?

8 COUNCILWOMAN QUINONES-SANCHEZ:
9 Again, that's not what they're taking
10 when they go to sheriff's sale, but
11 that's how they would negotiate with
12 someone who was legitimately trying to
13 broker with them as we've attempted to
14 do over the years.

15 COUNCILMAN DOMB: And so,
16 ballpark average price per lot, what do
17 you think it's going to come out at?

18 COUNCILWOMAN QUINONES-SANCHEZ:
19 I don't know if Tariq can speak to the
20 last couple of U.S. Bank liens, if you
21 happen to know what they've gone as. In
22 South Kensington, the lots are going for
23 as high as 100,000, 150,000 in some
24 cases depending on -- we have some large
25 16-foot lots and then there's some other

1 awkward ones. But the value in South
2 Kensington is high.

3 COUNCILWOMAN GAUTHIER:
4 Councilmember --

5 MR. EL-SHABAZZ: Some of the
6 lots -- I'm sorry. If you would like me
7 to answer that question.

8 COUNCILWOMAN GAUTHIER: You can
9 answer, yes.

10 MR. EL-SHABAZZ: Some of the
11 lots can go for as low as \$1600, \$1700
12 and some of the lots go as high as
13 \$80,000, \$90,000 and more depending on
14 what the location is, obviously
15 depending on the size and depending on
16 the development in the neighborhood.

17 COUNCILMAN DOMB: Okay.

18 COUNCILWOMAN BROOKS:
19 Councilmember Domb, we also have some
20 folks from U.S. Bank that can speak to
21 this directly for some of these
22 questions that you're asking.

23 COUNCILMAN DOMB: Okay. Are
24 the folks from U.S. Bank on the call
25 today?

1 COUNCILWOMAN BROOKS: Yes. I
2 think they're in the next panel or two.

3 COUNCILMAN DOMB: All right.
4 I'll wait to hear their testimony.
5 Thank you very much.

6 Thank you, Madam Chair.
7 Thanks.

8 COUNCILWOMAN GAUTHIER: Thank
9 you very much.

10 Ms. Waring, are you there and
11 connected?

12 MS. WARING: Yes, I am. Can
13 you hear me?

14 COUNCILWOMAN GAUTHIER: I can.
15 Good morning. Great to have you here.
16 Can you please state your name for the
17 record and proceed with your testimony.

18 MS. WARING: Sure. Good
19 morning, City Council Committee. Thank
20 you for hearing my testimony. My name
21 is Elizabeth Waring and I am a 42-year
22 resident of West Powelton. Also, I'm a
23 Charter Member and Manager of the Holly
24 Street Neighbors Community Garden. That
25 was originally under Winnie Harris in

1 2005, who was a community leader and
2 activist about greening and preserving,
3 a mother, grandmother, cherished
4 neighbor and friend who grew up on Holly
5 Street.

6 The trash-strewn lots have been
7 revived producing fresh vegetables,
8 fruits, flowers for gardeners and the
9 community. Also, there's a shea garden
10 open to neighbors and passersby. It's
11 equitably spaced on Holly Street.

12 Before Winnie was gunned down in
13 February of 2017, she had seeked the
14 support of Councilwoman Jannie Blackwell
15 starting the process to protect the
16 garden, which is comprised of four
17 parcels. Two on Holly Street, 321
18 through 23 and two on North 41st Street,
19 320 through 322 to obtain acquisition
20 into the Neighborhood Gardens Trust.

21 At Winnie's homegoing service,
22 Councilwoman Jannie Blackwell vowed that
23 the garden would be dedicated as a
24 living memorial, a green space to Winnie
25 Harris and to never be involved into

1 housing. Well, this has not happened.
2 Friends, neighbors, gardeners
3 (inaudible) Soil Generation and other
4 organizations and volunteers have worked
5 diligently to maintain and preserve the
6 garden. It's been four years and the
7 acquisition of the Holly Street
8 Neighbors Community Garden is still in
9 limbo garnered by the U.S. Bank liens.

10 The garden has been vandalized
11 once already by a developer and owner of
12 one of the lots. One lot had been put
13 in the Land Bank, then sold in 2019. So
14 what I want to know is how can we move
15 forward on this matter to secure the
16 garden and what's the Philadelphia Land
17 Bank's role in it? And lastly, if it's
18 about money, can it be paid from the
19 City's General Fund? Thank you.

20 COUNCILWOMAN GAUTHIER: Thank
21 you so much, Ms. Waring, for your
22 testimony but also for all of your work
23 to preserve Ms. Harris' legacy and to
24 steward this wonderful community space.

25 MS. WARING: Sure.

1 COUNCILWOMAN GAUTHIER:

2 Ms. Bettye Ferguson, are you there and
3 connected?

4 MS. FERGUSON: Good morning,
5 Councilmembers. Bettye Ferguson is
6 here.

7 COUNCILWOMAN GAUTHIER:

8 Wonderful. Please proceed with your
9 testimony.

10 MS. FERGUSON: As I stated, my
11 name is Bettye Ferguson. I've been a
12 resident of the Belmont community which
13 sits between Mantua and Mill Creek for
14 over 50 years. I have been a champion
15 for preserving the land over here
16 working with PHS to stabilize, to make
17 sure that we have streetscapes, to make
18 sure that our children and families have
19 fresh fruit and vegetables.

20 And what I've stumbled across,
21 and I'm going to take you on a small
22 journey, we work or have worked over in
23 the 4100 block of Pennsgrove Street.
24 And the 4100 block of Pennsgrove between
25 I want to say 22 to 30, I mean we've

1 worked this land for over 10 years,
2 keeping it clean, grown fruits and
3 vegetables. And I wish that at the time
4 with Sheriff Bilal, I applaud what
5 you're doing right now. I wish that we
6 had the same courtesies that you're
7 giving today.

8 We had gone to Council about
9 preserving those particular lots of
10 land. A lot of those lots -- I can give
11 you true and correct addresses -- were
12 owned by the City. A couple of them
13 were owned by Linebarger. So we had
14 gone to the Sheriff's Department and
15 alerted them that we want to garden this
16 area. Next thing we knew, they were
17 sold after many, many years of being
18 there vacant, open space where the
19 community uses this. Not only that
20 area, it's adjoined to the 4100 block of
21 Westminster Avenue. Years, I mean over
22 25 years of being vacant and we've been
23 using this area as our outdoor social
24 space because we have none.

25 So now I'm looking at, okay,

1 here's our blockage. We have Linebarger
2 owning a few lots. Other lots were sold
3 off to private developers. And what
4 gets me with that, after a year, no
5 development, after two years, they're
6 doing no development. So they're just
7 buying these lots, the private
8 developers, to place them in their
9 portfolio.

10 So it blocked us from even
11 wanting to move forward because we have
12 a rendering of indoor -- to use the
13 spaces for indoor facilities as well as
14 outdoor facilities, which would
15 encompass gardens, seeding, the whole
16 gamut to complete our community. And
17 that's just on the two blocks like I
18 stated on Pennsgrove Street, as well as
19 Westminster Avenue it's the same
20 scenario. 4123, 25 Westminster, we have
21 Linebarger, which I'm like who in the
22 heck are these people. And so, I found
23 out what they represent.

24 And I'm going to wave you over
25 to a new project since we couldn't gain

1 any footage there. You guys passed in
2 City Council for us to develop on 864
3 through 74 North Preston Street as well
4 as 871 and 873 North Budd to become the
5 Belmont Cultural Activities Park. To
6 find out there's 121 liens in this area,
7 I'm being told by RDA -- well, we don't
8 see it. But our title company is
9 saying, well, here's the liens, here's a
10 76-page report of liens.

11 There's a dangling participle
12 here that no one quite understands what
13 is going on, who's responsible for
14 cleaning up the liens or do these liens
15 exist at all, so I'm stomped. I'm
16 really stomped. But we're finding
17 within the Belmont community a lot of
18 the parcels that a lot of the community
19 neighbors want to develop themselves are
20 caught in this web that we can't undo.

21 And what gets me, and I want to
22 slide back to Westminster Avenue 4128
23 and 30 I believe it is, it was only
24 \$4,000 in 2018, a \$4,000 lien that
25 Linebarger had on this property. And

1 I'm the type of person, I'm the type of
2 leader I'm going to bring money to the
3 table. I'm not going to come there with
4 my hand out. I'm going to have people
5 support because they believe in the
6 cause.

7 And my question is how, how can
8 this be resolved with Linebarger?

9 Because if these liens are just that
10 small, why wasn't the community allowed
11 to bond together, sell dinners or what
12 have you, to come up with this money to
13 pay off this debt? Why do they still
14 have a foothold on us?

15 I know, Sheriff Bilal, you
16 cannot answer this because it was the
17 past Administration that lots were sold.
18 When we asked and told them in letters
19 these lots were being utilized, they are
20 being utilized as gardens, and they were
21 taken from us. I'm going to calm down.
22 I only had one cup of coffee, but I'll
23 allow -- everyone for allowing me to
24 testify. I think this was something
25 that you guys needed to know and that

1 I'm still battling with right now. And
2 I need the help. I need clarity. Thank
3 you for your time and your
4 understanding.

5 COUNCILWOMAN GAUTHIER: Thank
6 you so much, Ms. Bettye. And to you and
7 Ms. Waring, I know this has been a
8 slow-worn process, especially during the
9 pandemic. I just want to let you know
10 that our office is committed to
11 continuing to advocate around preserving
12 these spaces and honoring all of the
13 hard work that you've put into
14 stewarding this as a community asset.

15 And I also know that we have
16 folks from U.S. Bank and also Angel
17 Rodriguez coming up who can speak to
18 some of the specifics hopefully on these
19 properties and on the larger issue.

20 With that, are there any
21 questions and comments for these
22 witnesses from the Committee or sponsor?

23 COUNCILWOMAN BROOKS: I do. I
24 want to thank this panel for testifying.
25 And I want to thank you for the work

1 that you've done in your community. It
2 lends to who we are as a people in
3 trying to keep our community safe. But
4 I have some questions about how we can
5 best support you and the work that
6 you're doing.

7 And this is for all three of
8 you. What has been the biggest barrier
9 for you to keep your community garden
10 going and working? And what kind of
11 supports can we offer you to maintain
12 these community gardens?

13 MS. WARING: This is Elizabeth
14 Waring. I've been asking for water
15 supply in the garden because we're
16 hooked up to a neighbored's backyard and
17 also for some (inaudible) repairs of a
18 green roof that's in there. I hope you
19 can hear me. I'm losing my voice so I
20 can't talk too loud. The sidewalk needs
21 to be repaired on the 41st Street side.
22 I have a whole list. Do you want them
23 now?

24 COUNCILWOMAN BROOKS: If you
25 can send the list over to my office and

1 we can kind of look through it for you.

2 MS. WARING: Sure.

3 COUNCILWOMAN BROOKS: Thank
4 you.

5 MS. WARING: Thank you.

6 COUNCILWOMAN BROOKS:

7 Ms. Bettye or Mr. Moran.

8 MS. FERGUSON: Mr. Moran, you
9 can speak first.

10 MR. MORAN: Thank you. Hi,
11 everyone. Thanks again for the time.
12 So with the garden, there's a lot of
13 hands-on and kind of do-it-ourselves
14 approach. We've been able to secure
15 water and other things that the garden
16 needs. Currently, we're building a
17 patio to make it easier for handicapped
18 patrons to come by and visit the garden.
19 All that to say that maintaining a
20 garden and having the space for the
21 community is an ongoing process. And
22 there are things that we do need, and we
23 can send a list too. I guess make it a
24 public list.

25 But electricity is an essential

1 need for us right now. We haven't been
2 able to secure permits, but anyway many
3 of us understand all of that is a
4 process as well. All that to say that
5 things of that nature will really help
6 us. But obviously, securing the land
7 that we're gardening, right, and having
8 this panel and just this discussion is
9 just absolutely a great thing. But
10 again, securing the land would really
11 mean something here and all of that,
12 finding ways to secure the land.

13 Some of the land, our
14 particular garden is sitting on private
15 developers. And we've made contact with
16 some of them in our work. And some of
17 them have put a price tag that can be
18 daunting at times. All that to say that
19 we know that there is support for
20 funding for this type of work as well
21 and having access to that is also an
22 essential thing to us at the garden.

23 COUNCILWOMAN BROOKS: Thank you
24 so much.

25 MR. MORAN: Thank you.

1 MS. FERGUSON: Councilmember, I
2 had to stop and think about this a
3 little bit. But once upon a time, we
4 used to receive the sheriff's sale list.
5 So the powers that be would have
6 heads-up of what's coming down the pike,
7 that would be fruitful, so my
8 organization the Belmont Alliance Civic
9 Association, CDC could prewarn folk
10 about their lots if they're working
11 these lots.

12 I understand there's a website.
13 I have a whole bunch on my plate, but we
14 used to, like I stated, gain a list.
15 And the other portion right now is the
16 liens that are prevalent over the lot,
17 the Belmont Commons lot, the proposed
18 lot, we need for that to go away. If
19 that can go away, we can proceed on and
20 build something very, very beautiful.
21 And we have some other lots within the
22 Belmont community that Linebarger has
23 their foothold on where people would
24 just want little top lots. And it
25 wouldn't take much for us to gather a

1 donation to render that for them. And
2 basically this is what I need help with
3 at this juncture.

4 Even what I spoke about on
5 Pennsgrove Street, you have Linebarger
6 on a part of that that's blocking us.
7 So now, if we want to do anything
8 different, we have to buy back those
9 lots from the private developers. My
10 other request is that it should be some
11 ordinance that buying these lots and
12 they're not building on them, they
13 should report back to the City after a
14 certain amount of time.

15 Why are they just sitting on
16 them doing nothing. It's not bringing
17 any beautification or revitalization to
18 our community. They're just still
19 sitting there. And it would be a risk
20 if people are on these lots and if
21 someone gets hurt, they're not going to
22 pay. They're not going to want to be
23 liable for that, and that concerns me as
24 well.

25 COUNCILWOMAN BROOKS: Thank you

1 so much, Ms. Bettye, for that.

2 That ends my questions, Madam
3 Chair.

4 COUNCILWOMAN GAUTHIER: Thank
5 you.

6 Ms. Shearlds, can you call the
7 next panel or witness to testify.

8 MR. EL-SHABAZZ: Madam Chair, I
9 would like to leave the email address
10 for Ms. Bettye for our Director, Real
11 Estate Director. She will email her the
12 list. So I wanted to if I could say
13 melissa.simpson@phila.gov. We will
14 absolutely email her the list prior to
15 the sheriff's sale.

16 MS. FERGUSON: I'm sorry. You
17 sort of broke up. This is Bettye
18 Ferguson. I didn't fully hear what you
19 said.

20 MR. EL-SHABAZZ: Yes. If you
21 email us, I'm going to give you
22 melissa.simpson@phila.gov. That is the
23 Real Estate Director. If you email her
24 your email address, she will give you
25 the list prior to them coming out so you

1 will have that list, take a look at it.
2 If one of those properties show up
3 there, you will be able to act upon it
4 as quickly as possible.

5 MS. FERGUSON: And I appreciate
6 that.

7 MR. EL-SHABAZZ: Not a problem.

8 COUNCILWOMAN GAUTHIER: Thank
9 you. Can you cc us, their office?

10 MR. EL-SHABAZZ: Absolutely.

11 COUNCILWOMAN GAUTHIER: Or --

12 MR. EL-SHABAZZ: All right.

13 SHERIFF BILAL: Before we close
14 out, Madam Chair, Councilwoman, we need
15 to have a conversation because I just
16 heard something in here that we probably
17 need to discuss.

18 COUNCILWOMAN GAUTHIER: Yes.

19 SHERIFF BILAL: So when you get
20 an opportunity, Kendra, yourself and I
21 think Sanchez and Domb, that we can
22 discuss on this, the people on your
23 Committee. I heard something that we
24 probably need to sit down and talk
25 about.

1 COUNCILWOMAN GAUTHIER: Yes, we
2 can absolutely set up a conversation
3 with the Committee. And thank you,
4 thanks for your energy around this and
5 your willingness to work together.

6 SHERIFF BILAL: I got to go to
7 my next --

8 COUNCILWOMAN GAUTHIER: Okay.
9 Bye, Sheriff. Have a good day.

10 SHERIFF BILAL: Bye-bye. Have
11 a good day. Look out for our spooky bus
12 around the City.

13 COUNCILWOMAN GAUTHIER: All
14 right now. Bye.

15 SHERIFF BILAL: Bye-bye.

16 COUNCILWOMAN GAUTHIER:
17 Ms. Shearlds, can you call the next
18 panel or witness to testify.

19 THE CLERK: Panel 3, Angel
20 Rodriguez, Philadelphia Land Bank and
21 Mark Harris, Esquire, Linebarger,
22 Goggan, Blair & Sampson.

23 COUNCILWOMAN GAUTHIER: Okay.
24 Mr. Rodriguez, are you there and
25 connected?

1 MR. RODRIGUEZ: Yes. Can you
2 hear me?

3 COUNCILWOMAN GAUTHIER: Yes.
4 Please state your name for the record
5 and proceed with your testimony.

6 MR. RODRIGUEZ: Good morning.
7 My name is Angel Rodriguez, Executive
8 Director of the Philadelphia Land Bank.
9 Good morning, Chairperson Gauthier and
10 members of the Committee on Housing and
11 Neighborhood Development and The
12 Homeless. I am again Angel Rodriguez,
13 the Executive Director of the
14 Philadelphia Land Bank. I'm here to
15 testify on Resolution No. 210838.

16 The Land Bank and the
17 Administration recognize and acknowledge
18 the impact of the U.S. Bank liens on the
19 City's ability to put vacant land back
20 into productive use. We also recognize
21 the impact U.S. Bank liens have on
22 community gardens and open spaces which
23 has proven to be what we all know are
24 community assets.

25 The U.S. Bank situation is a

1 complicated situation, but the Land Bank
2 and the Administration are committed to
3 work with City Council on this
4 complicated issue and also to better our
5 ability to service community gardeners.
6 To that end, we're working currently to
7 update our website, working on license
8 renewals to make that more streamlined,
9 also in terms of the structure for long-
10 term leases for community gardens moving
11 forward. And we're really looking at a
12 way we can effectively do land swaps as
13 well.

14 Thank you for the opportunity
15 to testify on this matter, and I will be
16 happy to answer any questions you may
17 have. Also, I just want to mention we
18 have Frances Beckley from the Department
19 of Revenue and Ash Richards, Director of
20 Urban Agricultural from Parks & Rec who
21 is also here and available for
22 questioning.

23 COUNCILWOMAN GAUTHIER: Okay.
24 Mr. Harris, please state your name for
25 the record and proceed with your

1 testimony.

2 MR. HARRIS: Good morning. My
3 name is Mark Harris. I am the current
4 Managing Partner of Linebarger, Goggan,
5 Blair & Sampson's Philadelphia office,
6 and I am here this morning at the
7 invitation of Council to testify on
8 Resolution 210838. And I'd like to
9 address the Council, first of all, by
10 saying thank you for the opportunity to
11 be before you today. I actually think
12 that it was pretty necessary for me to
13 appear before you even though I've been
14 to a lot of your events, but we are
15 happy to have the opportunity to speak
16 with you today.

17 It's been very helpful for me
18 to hear the stories from the panel of
19 the community gardeners that we've heard
20 this morning, but we also realize that
21 as a law firm who's hired by the City
22 and by U.S. Bank, we walk a thin line
23 between acting within the confines of
24 the law and balancing the needs of
25 clients as well as the community.

1 Since this issue has come up
2 with the U.S. Bank liens, we have
3 continued to work with City
4 Councilmembers and the Revenue
5 Department to the extent that we are
6 able to do so. A lot of the ways that
7 we have worked with the City and City
8 Council is that we work consistently to
9 identify these properties that are
10 identified as community gardens, and my
11 office has typically pulled these
12 properties that are slated for sale for
13 that very reason because we do realize
14 that there is a pressing issue with the
15 City on the precipice of losing a lot of
16 these properties to developers who want
17 to come in and sort of bulldoze the
18 community. So I am here for any
19 questions as well, and thanks again for
20 the opportunity.

21 COUNCILWOMAN GAUTHIER: Thank
22 you so much. I have a couple of
23 questions before we open it up to the
24 community and the sponsor.

25 So first for Angel, for

1 Mr. Rodriguez, can you talk about the
2 status of negotiations with U.S. Bank
3 regarding buying the liens in bulk?

4 MR. RODRIGUEZ: I think that
5 will be best handled by my colleague
6 Frances Beckley from the Revenue
7 Department.

8 COUNCILWOMAN GAUTHIER: Sure.
9 Mr. Beckley, please state your name for
10 the record before you answer.

11 MS. BECKLEY: Good morning.
12 Frances --

13 COUNCILWOMAN GAUTHIER: Oh, I'm
14 so sorry --

15 MS. BECKLEY: -- Beckley.
16 That's fine. The last time we were
17 approached by U.S. Bank it was in the
18 fall of '19 and the spring of '20. The
19 last offer -- and at that point, there
20 was no appetite from them. They were
21 represented by a New York financing firm
22 and there was no appetite on their part
23 for any kind of partial sale. They only
24 wanted to sell us the whole bit.

25 And the most recent offer that

1 I can recollect was for -- and I
2 couldn't find it in writing, but it was
3 roughly around 10 or 12 million, and
4 that was given to us I think it was
5 April of '20. And I was sitting here in
6 this office, and I must have been
7 surrounded by the completely diverted
8 City because of course we were closed
9 down for the pandemic, a shout-out to
10 all the frontline Revenue people who
11 were here making things work during
12 that, and I just said to them that's --
13 and at that point we didn't know what
14 kind of federal money we were having.

15 And I said the City just does
16 not have that kind of money. And the
17 negotiations fell apart at that point,
18 and we haven't heard back from them.
19 Now, more recently they may entertain an
20 offer if we were to try and prioritize a
21 portion of the portfolio.

22 COUNCILWOMAN GAUTHIER: And
23 when you talk about the idea of a
24 partial offer, what did the City want?

25 MS. BECKLEY: At that point, we

1 had been approached on a number of
2 occasions. And at that point, I believe
3 we had a list of 300, 400 properties
4 that Jenny Greenberg had given us that
5 the Horticultural Society had an
6 interest in funding. Again as I said at
7 that point, the people in New York who
8 were not U.S. Bank, they were somebody
9 hired by U.S. Bank to sort of try and
10 broker the deal, were frankly not very
11 knowledgeable even about the finance
12 instruments, let alone Philadelphia,
13 just really had no interest.

14 COUNCILWOMAN GAUTHIER: Okay.
15 Do you have a sense of -- if we were to
16 be able to negotiate with them for those
17 300 to 400 properties, do you have a
18 sense of a price tag for that?

19 MS. BECKLEY: I honestly do
20 not. Let's remember that we're not
21 talking about buying the property. All
22 you're talking about is buying the lien
23 or legal claim against the property.
24 Now, once you've gotten rid of that,
25 then virtually every single one of these

1 instances you will have 20 years of
2 delinquent City taxes because nobody has
3 been paying the taxes on these parcels.
4 That is the next claim.

5 And both of those claims are
6 what are called super priority liens.
7 So no other judgment creditor or person
8 will be above that. The only thing that
9 comes above that is some state taxes,
10 which they're corporate taxes and they
11 would not be relevant in these
12 situations.

13 COUNCILWOMAN GAUTHIER: Do you
14 have a sense of the total amount of the
15 City liens on those properties?

16 MS. BECKLEY: I do not.
17 However, because of the MOU that the
18 City has with the Land Bank, the Land
19 Bank would be able to purchase those
20 properties for the lesser of the City
21 liens or the assessed value of the
22 property. So if the liens are more than
23 the current assessed value of the
24 property, the Land Bank would only need
25 to bid the assessed value of the

1 property.

2 COUNCILWOMAN GAUTHIER: Okay.

3 If --

4 MS. BECKLEY: And one thing I
5 should mention that not everybody
6 understands about sheriff's sales is
7 when Ms. Ferguson was complaining about
8 the various liens on those properties,
9 if something goes through sheriff's
10 sale, all liens are wiped clean. The
11 purchaser gets the property free and
12 clear. So to the extent that there
13 might be old judgments or other issues,
14 having it been at sheriff's sale is a
15 good way to get a fresh start for the
16 piece of property.

17 COUNCILWOMAN GAUTHIER: Okay.
18 I want to make sure I understand. If
19 the City were to clear the U.S. Bank
20 liens on these 300 to 400 properties,
21 what processes could be put into place
22 to ensure that the properties are
23 returned or secured for community use?

24 MS. BECKLEY: That would be a
25 question for Angel.

1 COUNCILWOMAN GAUTHIER: Okay.

2 Angel --

3 MR. RODRIGUEZ: Hi. Can
4 everybody hear me?

5 COUNCILWOMAN GAUTHIER: Yes.

6 MR. RODRIGUEZ: Okay. So once
7 the resolution of the U.S. Bank liens
8 happens, so those liens would be removed
9 and then you would have the existing
10 municipal liens, the Land Bank would
11 then identify them and place them in
12 technically what we call this is
13 anecdotally on hold to identify them for
14 sheriff's sale, and then that means the
15 Land Bank has identified them to use our
16 priority bid.

17 So once we put them on hold and
18 identify them for acquisition as they
19 come up for sheriff's sale, we would go
20 to the sheriff's sale and we would
21 utilize our priority bid. And just so
22 everybody is aware, once we utilize our
23 priority bid there is no second offer.
24 We're the only agency that can purchase
25 them. So at that point, then we would

1 take title to the property once we've
2 paid off the liens.

3 COUNCILWOMAN GAUTHIER: Okay.
4 Thank you.

5 My next question I think is for
6 Mr. Harris. Are you able to expound on
7 whether U.S. Bank would entertain a
8 partial sale of these liens?

9 MR. HARRIS: I can say that
10 they probably would. I was hoping that
11 my client was going to be available for
12 this call. He mentioned to me earlier
13 in the week -- because I was trying to
14 schedule a call with him myself. And
15 so, we have a meeting scheduled for next
16 week. My hunch is that they would be
17 willing to entertain negotiations at
18 this point. How much that would be or
19 what monetary value that would involve,
20 I can't speak to.

21 I would rather they be present
22 to engage in a conversation as such to
23 discuss as far as amounts are concerned.
24 But I think that they would probably be
25 amenable to discussing a sale of the

1 liens, given the current environment
2 coming out from COVID.

3 COUNCILWOMAN GAUTHIER: Sorry.
4 You said you had a meeting next week.
5 What meeting are you referring to?

6 MR. HARRIS: A meeting with
7 U.S. Bank.

8 COUNCILWOMAN GAUTHIER: With
9 you and U.S. Bank?

10 MR. HARRIS: Yes. I anticipate
11 discussing this with him at that
12 meeting.

13 COUNCILWOMAN GAUTHIER: How can
14 we make this a conversation that also
15 kind of includes and re-engages the
16 City?

17 MR. HARRIS: I think it pretty
18 much just depends on Frances and U.S
19 Bank. I can facilitate a meeting
20 between the two. I don't think they
21 would be against meeting with the City.

22 COUNCILWOMAN GAUTHIER: Okay.
23 So you'll talk to them about that and
24 coordinate with whom?

25 MR. HARRIS: Coordinate with

1 whom?

2 COUNCILWOMAN GAUTHIER: Who
3 will you coordinate with at the City?

4 MR. HARRIS: Frances.

5 COUNCILWOMAN GAUTHIER: Okay.
6 Great.

7 Councilmember Brooks.

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

10 I have a few questions. I want
11 to thank Mr. Harris for taking time
12 meeting with me earlier in the week
13 around this at the last minute. I do
14 appreciate your willingness to have this
15 conversation and working towards getting
16 your client involved and engaged in this
17 conversation.

18 So this question I have is for
19 either the Administration or Mr. Harris.
20 And I think it came up before. How many
21 properties in Philadelphia are currently
22 encumbered by U.S. Bank liens?

23 MR. HARRIS: I think at last
24 count I show somewhere around 2300 claim
25 accounts in our portfolio that are

1 encumbered by U.S. Bank liens.

2 COUNCILWOMAN BROOKS: Okay.

3 And Mr. Rodriguez, do you have a sense
4 of how many of those currently are
5 maintained by community gardens or open
6 lots?

7 MR. RODRIGUEZ: When we were
8 going through the initial negotiation,
9 we had come up with a list of about 600
10 properties. So there was those that had
11 been identified by PHF, but we had sent
12 out people to do inspections and also
13 inquiries that bumped it up to about
14 600. It might be larger now.

15 COUNCILWOMAN BROOKS: Okay.
16 Also, Mr. Rodriguez, what options or
17 pathways currently exist for a community
18 organization to acquire with the U.S.
19 Bank lien that does not risk its loss of
20 sheriff's sale? What's the process?

21 MR. RODRIGUEZ: So for us, the
22 acquisition policy that governs how the
23 Land Bank operates doesn't allow us to
24 bid or utilize our priority bid on U.S.
25 Bank liens. So what it states is that

1 if a third party pays off a U.S. Bank
2 lien, then we can go in and resolve the
3 remaining municipal liens.

4 So a garden group, they would
5 have to have resources to pay off the
6 U.S. Bank lien first. And then the
7 remaining municipal lien we can say, all
8 right, we'll pay that balance off. But
9 currently, the policy doesn't allow us
10 to do that. We would have to change the
11 policy.

12 COUNCILWOMAN BROOKS: So just
13 for clarity, the City would need to
14 negotiate a price for that particular
15 parcel or parcels in order for an
16 agreement to be made with the community
17 group in order to acquire the land? I
18 think that I said it all.

19 MR. RODRIGUEZ: So as Frances
20 was mapping out before, there's the
21 issue of the U.S. Bank lien which is in
22 first possession. And then since '97
23 there have been municipal liens that
24 have been wracking up on the property.
25 So if there was a negotiation and the

1 U.S. Bank liens were settled, there
2 would still be the underlying lien that
3 would have to be resolved. That's where
4 the Land Bank would come in and say,
5 okay, we need to identify these
6 properties are actively gardened, we
7 would like to acquire them, and then we
8 would utilize our priority bid. And
9 based on the agreement we have with the
10 City and the School District, we would
11 pay the lesser of the OPA value or the
12 existing lien, and then we would acquire
13 title.

14 So remember, this is where it
15 gets a little complicated. U.S. Bank
16 lien is not the property. It's the lien
17 on the property. What we want is the
18 land. So we have to resolve the lien
19 first, and then allow for the Land Bank
20 to actually step in and then take the
21 property.

22 COUNCILWOMAN BROOKS: So what
23 would need to happen to change this
24 landing process that you just mentioned
25 that's also a barrier? What would we

1 need to do to change that?

2 MR. RODRIGUEZ: We would have
3 to engage -- I would assume we would
4 follow the same process we did for the
5 disposition policy that would require a
6 lot of coordination between multiple
7 agencies at also public hearings, draft
8 something. The acquisition policy was
9 approved under City Council, unlike the
10 disposition policy, which is an
11 ordinance.

12 So we could amend it, go
13 through a process that way, draft it,
14 present it to Council as a resolution
15 and Council would have to approve that.

16 COUNCILWOMAN BROOKS: Is that
17 something you're willing to do in making
18 this change?

19 MR. RODRIGUEZ: There are a lot
20 of things that need to be amended in the
21 acquisition policy and there are a lot
22 of issues that have come up that we
23 recognize are issues that we need to
24 resolve in terms of the acquisition
25 policy and how it lines up with the

1 disposition policy and how the Land Bank
2 can operate smoothly.

3 So I think typically what you
4 will hear in frustration is you have
5 people occupying the land and wanting
6 it, taking it in. And that was the
7 purpose of the Land Bank, was to assist
8 in removing blight and have that
9 ownership transferred into possible
10 caretakers. The problem is we have
11 certain things that aren't very clear in
12 the acquisition policy. And acquisition
13 doesn't mean you're going to get the
14 property afterwards because you have to
15 be qualified, so there's a lot of work
16 we can be doing. And, yes, we'd love to
17 engage in a process with the Council to
18 work.

19 COUNCILWOMAN BROOKS: Okay. I
20 just want to make sure that we're
21 creating a path to kind of work quickly
22 on these because some of our
23 communities --

24 MR. HARRIS: Councilwoman
25 Brooks.

1 COUNCILWOMAN BROOKS: Yes?

2 MR. HARRIS: And I'm sorry for
3 interrupting you. If I can add
4 something to what Angel just said.
5 Earlier when Bettye Ferguson was
6 talking, we get approached all the time
7 by taxpayers who want to pay the lien,
8 but title does not pass. So we steer
9 people from doing that because someone
10 can easily take their money and pay the
11 lien, but it doesn't mean that they now
12 own the lot. And so, we steer taxpayers
13 away from doing it for that reason.

14 MR. RODRIGUEZ: Just to
15 piggyback on what Mr. Harris is saying,
16 in essence you're paying off the lien,
17 but the property owner gets the benefit.
18 So the person who's on the title, you
19 just paid their (inaudible).

20 COUNCILWOMAN BROOKS: Okay.
21 Thanks for explaining all this out. I
22 know there's a sense of urgency because
23 these community gardens are disappearing
24 at a rapid rate, and it sounds like we
25 want to make sure we're clear on how to

1 get these properties in the hands of
2 community members. And I'm looking
3 forward to working with you guys on
4 this, and thank you for sharing this
5 information.

6 I do have a few more questions.
7 Mr. Harris --

8 MR. HARRIS: Yes.

9 COUNCILWOMAN BROOKS: -- you
10 heard earlier testimony that one of the
11 barriers faced by community gardens
12 working to pay off U.S. Bank liens is
13 the high cost and it often compounds
14 penalties and liens. Is there a
15 possibility that those penalties and
16 fees can be waived for community
17 gardens?

18 MR. HARRIS: I don't have the
19 authority to waive those. And I would
20 like to say because I have the list of
21 the November sale that I will provide to
22 you, typically the amounts for the
23 delinquent taxes are not very large
24 amounts. Even when we're dealing with a
25 lot of the years, the P&I does tend to

1 rack up from the base amount. But I,
2 myself, we do not have the authority to
3 waive the P&I.

4 COUNCILWOMAN BROOKS: But this
5 is a conversation we can have directly
6 with your client when in conversation --
7 well, not we. But I think it would be
8 Frances' responsibility to do that. Not
9 to pass more work off, but just for
10 clarity, that will be something that
11 would be in play for that conversation.

12 MR. HARRIS: Yes. Now, we can
13 ask, but I can't make any guarantees
14 with respect to what they would say.

15 COUNCILWOMAN BROOKS: Okay.
16 Thank you.

17 The next question is for the
18 Administration. We heard a lot about
19 how hard it is for community gardeners
20 to find out how to become owners of the
21 land that they have cared for. Is there
22 anything that the Administration can do
23 to make this process simpler for
24 residents who have been caring for these
25 otherwise neglected spaces for years

1 without being paid for that labor? Is
2 there anything we can do to help them?

3 MR. RODRIGUEZ: Can you clarify
4 the question? There's the issue of
5 privately-held land versus publicly-held
6 land. So if community -- and this goes
7 back to the comments Councilwoman
8 Quinones-Sanchez made. A lot of these
9 gardens are made up of privately-held
10 land and publicly-held land.

11 If it's publicly-held land, we
12 have a process, we have a website and
13 application process to convey that out.
14 Again, these are one of the issues where
15 we need to look at the disposition and
16 acquisition policy to make sure that
17 we're actually achieving our goal.
18 Privately-held land if we identified it,
19 and this is actually in the acquisition
20 policy, if it's identified that it's
21 privately held and it doesn't have a
22 U.S. Bank lien, the Land Bank can place
23 a hold on that property and identify it
24 for acquisition. This does come to
25 funding.

1 I just want to point out to
2 Council that this past fiscal year the
3 Land Bank did not receive any funding
4 for acquisition. But unfortunately,
5 that is something that is -- I mean, the
6 (inaudible) were suspended as well so we
7 didn't really have a loss of property
8 during that last fiscal year.

9 But the Land Bank would then
10 have to identify that property, put a
11 hold on it. And then at the next
12 available sheriff's sale when it came
13 up, we would acquire it and then we
14 could dispose of it to the community
15 garden.

16 COUNCILWOMAN BROOKS: You
17 mentioned funding. What amount of
18 funding would be needed to begin this
19 process of acquisition that was just
20 mentioned?

21 MR. RODRIGUEZ: I don't know
22 the total -- if you're talking about
23 U.S. Bank liens, that number I don't
24 know.

25 COUNCILWOMAN BROOKS: I'm

1 talking about the private. You
2 mentioned some of the land is encumbered
3 by --

4 MR. RODRIGUEZ: Every year we
5 budget for \$3.5 million. That gets us
6 about 350 properties a year. You can
7 always go higher. But again, it's a
8 process with budget.

9 COUNCILWOMAN BROOKS: Okay. We
10 we'll continue this conversation, but
11 thank you for sharing this with me. One
12 more question: You mentioned in your
13 testimony that you are taking several
14 steps at the Land Bank to address this
15 crisis. Can you please review those
16 steps you're taking and provide dates of
17 completion?

18 MR. RODRIGUEZ: So the things
19 we're working on are how to streamline
20 and address the concerns that have been
21 raised to us through FPAC and the work
22 that Ash Richards is doing at Urban Ag,
23 how are we much more user-friendly, so
24 we're working currently on updating our
25 website.

1 I'm working with my legal team
2 and our insurance company to work on
3 license agreements and also lease
4 agreements to make that process readily
5 available and easier for gardeners.

6 Also, trying to streamline and put up
7 standard operating procedures for long-
8 term leases, community groups.

9 And as a footnote, anything
10 over a year has to come before either
11 the Land Bank or the PRA Board and also
12 requires a Council resolution for a
13 long-term lease over a year, so we're
14 working on how to streamline those
15 issues. I am currently -- last week we
16 had initiated our conversation with our
17 insurance company. We should receive
18 feedback this week. I have to have a
19 follow-up. I think I can give you
20 something more definitive probably if we
21 touch base in the middle of November
22 because we are actively working towards
23 this.

24 I think once we get the process
25 going and a point of contact, I know

1 that was also another issue, so you'll
2 be seeing changes to our website in the
3 next couple of weeks. And also, we'll
4 have a way for people to contact us, so
5 that's just on garden issues.

6 COUNCILWOMAN BROOKS: Thank
7 you. Thank you so much. We'll be
8 following up just to check in on that.
9 Thank you so much for your time.

10 Madam Chair, that ends my
11 questions.

12 COUNCILWOMAN GAUTHIER: Thank
13 you.

14 Councilmember Domb.

15 COUNCILMAN DOMB: Thank you,
16 Madam Chair.

17 And thank you to this panel. I
18 have a few questions for Frances, or I'm
19 not sure, maybe Mark. Did you say in
20 '19 the valuation or the proposal from
21 U.S. Bank was \$12 million for the whole
22 portfolio?

23 MS. BECKLEY: That's my rough
24 recollection. I couldn't find anything
25 in writing, but I checked with Jackie

1 Dunn who was working with me on that at
2 the time, and that's what we both
3 remember it being, somewhere around 10
4 or 12.

5 COUNCILMAN DOMB: Was that for
6 about 2300 parcels at the time?

7 MS. BECKLEY: I suspect it was
8 a bit more because there have been sales
9 since then.

10 COUNCILMAN DOMB: So today
11 would you say it's about 2,000 parcels
12 we still have?

13 MR. HARRIS: It's roughly 2300.

14 COUNCILMAN DOMB: That's today.
15 What was it in '19; 3,000?

16 MR. HARRIS: I would have to
17 look back at the reports from '19. I
18 don't have those numbers in front of me
19 right now.

20 MS. BECKLEY: Mark, do you have
21 a total of the face value of the liens
22 today?

23 MR. HARRIS: No, but I can get
24 that information rather quickly.

25 COUNCILMAN DOMB: Okay.

1 MR. HARRIS: Wait a minute. I
2 think I do. Roughly 23 million, I want
3 to say.

4 COUNCILMAN DOMB: Does that
5 include what's owed, U.S. Bank and the
6 City's liens, everything?

7 MS. BECKLEY: That's not the
8 City. That's just U.S. Bank.

9 COUNCILMAN DOMB: Just U.S.
10 Bank. So they were settling the 23 for
11 12 at the time?

12 MS. BECKLEY: That was roughly
13 what they were talking about.

14 COUNCILMAN DOMB: And how much
15 is the City's portion of those total
16 liens?

17 MS. BECKLEY: That doesn't
18 include any of the City's. The City has
19 20 years of tax liens on virtually every
20 one of those parcels afterwards.

21 COUNCILMAN DOMB: What is that
22 total in dollars?

23 MS. BECKLEY: I honestly don't
24 know. But what I do know is that
25 regardless of what the face amount of

1 those liens is, again the Land Bank is
2 entitled to take them for the assessed
3 value of the property.

4 COUNCILMAN DOMB: And then the
5 other question is do you have any idea
6 of the OPA value for the remaining U.S.
7 Bank liens?

8 MR. HARRIS: No, not right
9 offhand. I would need to get that
10 information and assign someone to gather
11 that information for you, but we could
12 work on that.

13 MS. BECKLEY: That OPA value is
14 going to be what it's going to cost the
15 Land Bank after the U.S. Bank liens are
16 satisfied.

17 COUNCILMAN DOMB: And so, I'm
18 just throwing out an idea of what it's
19 worth. Is it worth it for us to revisit
20 this whole portfolio? Is it worth it
21 for us to look at the value of these
22 properties today and then do our own
23 evaluation and underwriting and then
24 determine maybe it does make sense for
25 us to buy the liens back and work it

1 through the Land Bank, and maybe take of
2 the 2300, I don't know what the number
3 would be, 500 or whatever the number is,
4 1,000 gardens and maybe try to market
5 the rest to repay back the cost of the
6 12 million?

7 MS. BECKLEY: That's an Angel
8 question, not a legal question.

9 MR. RODRIGUEZ: I think we'd
10 have to look at the portfolio in its
11 totality. I mean, it's a budget
12 question. I also think that these U.S.
13 Bank properties span the whole city. So
14 in terms of the final use, I think we
15 can readily identify gardens. There are
16 U.S. Bank lien properties that do not
17 have gardens on them, so what's the
18 proposed use afterwards.

19 But again, the title is the
20 Land Bank, we would be banking those
21 properties for future disposition
22 depending on what the ultimate use would
23 be. But the activity of identifying
24 them and what the cost is and what the
25 price would be, we can do that.

1 COUNCILWOMAN GAUTHIER: Point
2 of information. I see your idea, but I
3 just wanted to point out that a lot of
4 these properties also exist in
5 gentrifying neighborhoods. And so, the
6 idea of marketing the rest is
7 complicated because they're a prime
8 means of us being able to provide
9 affordable housing.

10 So from my perspective, it's
11 not a matter of just selling the
12 properties to the highest bidder and
13 taking in revenue. It's also a matter
14 of looking at this land. Like in the
15 3rd District, this can be one of the
16 only ways that we're providing
17 affordable housing. So it's about
18 saving the garden, but it's also about
19 the responsible disposition of the
20 remaining land as well.

21 COUNCILMAN DOMB: Well, maybe
22 if you can look at the whole portfolio
23 and you say 500 or 1,000 are gardens or
24 1,000 or 500 are affordable and look at
25 the balance and say, these we can sell

1 to make up this value. I'm just
2 throwing out that concept that maybe
3 there's a way for us to accomplish this
4 goal.

5 MR. RODRIGUEZ: So, Councilman
6 Domb, if I can jump in here. How the
7 Land Bank operates is we will work in
8 partnership with Councilmembers with
9 Council Districts. So whatever the land
10 strategy is, we work hand in hand as to
11 what that priority is. So again, if
12 it's affordable housing, that's what
13 we're going to target and push out.

14 So we rarely put out
15 competitive sales where it's market rate
16 development. I would say almost 90
17 percent of our dispositions have some
18 level of affordability or qualify for
19 the exception to a competitive spend.
20 So it's either going to be garden, open
21 space or 100 percent affordable or it's
22 going to be some mix where it's 51
23 percent affordable. And all of those
24 decisions are made hand in hand with the
25 Councilmember of that district and what

1 the land strategy is for that area,
2 because I think every -- there is truth
3 to the statement that Philadelphia is a
4 city of neighborhoods, not everything
5 works everywhere.

6 COUNCILMAN DOMB: Thank you.
7 Thank you very much, Madam Chair. Thank
8 you.

9 COUNCILMAN JONES: Madam
10 Chair --

11 MR. HARRIS: Councilman Domb, I
12 would --

13 COUNCILWOMAN GAUTHIER: Sorry.
14 Vice-Chair Jones, go ahead.

15 COUNCILMAN JONES: First of
16 all, to the author of this resolution,
17 again thank you. This discussion is
18 valuable and timely as we battle
19 gentrification versus other land uses,
20 affordable housing, gardening, perfect
21 timing. So if I recall under the
22 Rendell Administration, we were tight
23 for revenue. Was it 18 million we
24 received through that sale of stranded
25 properties? Was it 18 million, anyone?

1 (No response.)

2 COUNCILWOMAN GAUTHIER: Anybody
3 familiar with that? Our resident expert
4 Councilmember Quinones-Sanchez had to
5 step off, so I'm not sure if anyone can
6 answer that.

7 COUNCILMAN JONES: So let's go
8 with at that point in time some years
9 ago that total sum of real estate was
10 not as valuable as it is today. I think
11 that's a safe assessment. There is a
12 mathematic equilibrium point where we
13 can win, win and win. Where we can buy
14 back the liens, take a look at the areas
15 where we are trying to provide land,
16 valuable land for affordable housing and
17 then still sell off some of the more
18 desired parcels that might not be able
19 to adapt to affordable housing, and
20 there is such a thing.

21 But somebody or a group of
22 somebodies has to drill down on the math
23 and say, this makes sense, this does
24 not. But we are at least 20 years away
25 past the sale or the sale to Linebarger

1 for those liens. Guarantee you that
2 between now and the time we finally do a
3 study, our properties will be even more
4 valuable. So I think not that we were
5 speculators as a city or as a
6 government, but the speculation and
7 increase in value right now is to our
8 advantage. And I'm not wise as Sanchez
9 on the matter or Councilmember Domb.
10 But for a poor boy that went to public
11 school, I think that's kind of true.

12 COUNCILWOMAN GAUTHIER: Okay.
13 Thank you, Councilmember.

14 Mr. Harris, did you want to
15 respond?

16 MR. HARRIS: No, I was going to
17 follow up with Councilman Domb about
18 some of the portfolio that we have
19 pulled from sale because we've either
20 gotten a call from a Councilman's office
21 or worked with the Land Bank, I think we
22 have approximately almost 170 of those
23 accounts that we've pulled over the last
24 couple of years that are pretty much in
25 abeyance until a solution is arrived at.

1 COUNCILWOMAN GAUTHIER:

2 Councilmember Domb, did you want to
3 continue or are you done?

4 COUNCILMAN DOMB: I just wanted
5 to mention if that's the case, Mark, I
6 want to make sure what you're seeing is
7 that Frances Buckley said 2300
8 properties back -- 2300 is today or was
9 it 2300 back in '19, the portfolio?

10 MR. HARRIS: No, it's 23 as of
11 today.

12 COUNCILMAN DOMB: As of today.
13 So if I'm doing the math if it was 12
14 million, are we talking about roughly
15 \$5800 per lot just doing an average
16 price?

17 MR. HARRIS: I can't speak to
18 that actually. I would have to look at
19 the portfolio, because each parcel
20 varies with respect to --

21 COUNCILMAN DOMB: No, I'm
22 saying just an average. If we took
23 2,000 into 12 million, isn't it like
24 6,000? I just think there's an
25 opportunity here as Councilmember Jones

1 said, we all can win. You should look
2 at that because I think the values on
3 some of these lots that we're not going
4 to use for gardens or affordable housing
5 might help us offset this expense.

6 That's all.

7 MR. HARRIS: Right.

8 COUNCILMAN DOMB: And there's
9 another factor here that we should
10 tackle into that analysis by putting
11 some of these properties back into the
12 market, we're going to collect real
13 estate taxes and we're going to improve
14 neighborhoods and that's all beneficial
15 to the core of the City. So thank you
16 very much.

17 Thank you, Madam Chair.

18 COUNCILWOMAN GAUTHIER: Thank
19 you.

20 Ms. Shearlds, will you call the
21 next witness or panel to testify.

22 THE CLERK: Panel 4, Ebony
23 Griffin, Public Interest Law Center of
24 Philadelphia; Jenny Greenberg,
25 Neighborhood Gardens Trust; Justin

1 Trezza, Philadelphia Horticultural
2 Society; Rick Sauer, PACDC; Andria
3 Bibiloni, Philadelphia Legal Assistance.

4 COUNCILWOMAN GAUTHIER:
5 Ms. Griffin, are you there and
6 connected?

7 MS. GRIFFIN: I'm here. Can
8 you hear me?

9 COUNCILWOMAN GAUTHIER: Yes.
10 Please state your name for the record
11 and proceed with your testimony.

12 MS. GRIFFIN: Thank you. Good
13 morning, everyone. My name is Ebony
14 Griffin. And I will be testifying
15 before you today about what we've seen
16 with the U.S. Bank liens and my practice
17 at the Public Interest Law Center.

18 Dear Council and Committee,
19 good afternoon or morning, Chairwoman
20 Gauthier and members of the Committee on
21 Housing, Neighborhood Development and
22 Homelessness. My name is Ebony Griffin
23 and I'm testifying in my capacity as an
24 Environmental Justice Attorney at the
25 Public Interest Law Center. Thank you

1 for allowing me to testify today about
2 this issue, which very deeply affects my
3 practice and the preservation of green
4 spaces and communities of color in
5 low-income neighborhoods in
6 Philadelphia.

7 The Law Center commends you for
8 convening this hearing to ensure the
9 City's sheriff's sales are held in an
10 equitable way, prioritizing the needs of
11 low-income communities of color. In our
12 environmental work, the Law Center uses
13 a variety of methods to ensure that
14 Philadelphia's most vulnerable residents
15 have access to a healthy, natural
16 environment, but also that they have a
17 seat at the table and a voice in what
18 happens in their neighborhood.

19 The Law Center's Garden Justice
20 Initiative accomplishes this by
21 providing pro bono legal representation
22 to every urban farmers and community
23 gardeners in Philadelphia in efforts to
24 protect and preserve the City's green
25 space, which is being lost due to

1 development pressure.

2 This development pressure in
3 part stems from the 1997 securitization
4 of tax liens. In 1997, tax lien
5 securitization and remaining privately-
6 held liens contributed to
7 gentrification, displacement, urban
8 blight and reduction in green space,
9 allowing sheriff's sales to proceed
10 without removing the obstacles caused by
11 these privately-held tax liens and
12 creating a clear pathway to ownership
13 for gardens already occupying these
14 spaces will further contribute to these
15 problems. This testimony explains how
16 and provides potential solutions to that
17 problem.

18 So for a little bit of
19 background, back in '97 the City bundled
20 together 30,000 tax liens and sold them
21 to U.S. Bank, and that's a bit of a
22 simplification of what actually
23 happened. But for all intents and
24 purposes, that works for now. The City
25 lost money in this effort when investors

1 were unable to collect on many of the
2 securitized liens.

3 The Philadelphia Department of
4 Revenue in the November 2013 report
5 described the results of the 1997 sale
6 as the worst-case scenario for tax lien
7 securitization. We've heard from
8 neighborhood redevelopers across the
9 City that properties whose liens were
10 sold remained in limbo for years, unable
11 for redevelopment because tax balances
12 continued to be uncollectible.

13 Public agencies could not
14 acquire the property without first
15 paying the lienholder the value of the
16 lien plus their fees, which stymied
17 efforts to get vacant tax delinquent
18 properties back into productive use,
19 which is exactly what's happening now.
20 In fact, then Chief of Staff to Mayor
21 Rendell David Cohen acknowledged the
22 City's miscalculation regarding the
23 uncollectible accounts in a quote that
24 appeared in the 2001 Philadelphia
25 Inquirer editorial, "The rating agencies

1 missed it, the underwriters missed it,
2 the insurer missed it and the City
3 missed it."

4 The problem, so the
5 consequences of the fall-out from the
6 1997 securitization are still very
7 evident today. While the exact number
8 is unclear, data from the City estimates
9 that between 3600 and 5500 properties in
10 Philadelphia are encumbered by these
11 bank liens. The liens on these
12 properties are between 18 and 21 million
13 with a total debt to the City of
14 approximately \$41 million.

15 I'm sorry. I'm having some
16 technical difficulties. Give me one
17 second. Here we go. So approximately
18 half the potential clients who reach out
19 to us for help in preserving the gardens
20 and for managed lots are by private tax
21 lien. The problems associated with a
22 private bank lien on a garden parcel
23 manifest in a number of ways.

24 The Law Center regularly
25 receives requests for help from

1 gardeners threatened with losing parcels
2 to sheriff's sale. Under normal
3 circumstances, removing a parcel from
4 the sheriff's sale list necessitates a
5 phone call to the appropriate
6 Councilperson's office and subsequent
7 conversation with the Philadelphia
8 Housing Development Corporation about
9 the acquisition of the parcel and the
10 eventual disposition to the gardener.

11 However, more often than not,
12 we learn that the parcels were part of a
13 large sale securitization in '97. In
14 these instances even with Council
15 support, very little can be done. As
16 we've discussed at length today, very
17 little can be done to save the garden as
18 growers are often unable to pay the lien
19 and the exorbitant fees that accompany
20 it.

21 This usually leads to a
22 developer purchasing the property and
23 replacing the garden with luxury housing
24 units out of the reach of the existing
25 community. This dynamic ultimately

1 contributes to a sharp increase in
2 property taxes and displacement of long-
3 term lower-income residents.

4 One such garden in Council
5 District 7 was lost to a developer
6 because of a U.S. Bank lien. An elderly
7 resident who used the produce from the
8 garden to feed himself had been caring
9 for the garden for many, many years. He
10 had previously reached out to the City
11 inquiring about a title transfer.

12 However, the presence of the U.S. Bank
13 lien made this impossible. Eventually a
14 developer purchased the garden in
15 sheriff's sale and plans to replace it
16 with luxury condominiums.

17 These private bank liens even
18 make it difficult for low-income
19 gardeners to use the laws in means to
20 preserve the gardens. Because of the
21 increase in gardens being lost to
22 sheriff's sale, the Law Center developed
23 an attorney program to teach other
24 attorneys throughout the City how to
25 represent these gardens.

1 And since April 2018, we've
2 trained hundreds of attorneys interested
3 in assisting with this mission.
4 However, unless the potential client is
5 immediately able to pay the tax lien
6 along with the usually exorbitant
7 interest and fees, the client is left
8 with very few options to acquire the
9 parcel.

10 Further, because the
11 lienholder's main incentive is a
12 monetary return on their initial 1997
13 investment, they are usually reluctant
14 to agree on even a short postponement of
15 the sale to allow our clients the
16 opportunity to raise the money to
17 purchase the property themselves. Just
18 a few months ago the scenario played out
19 almost verbatim for a gardener and in
20 District 3.

21 This gardener, another elderly
22 woman, who had been maintaining the
23 parcel next to her home for over 30
24 years reached out to us frantically
25 after seeing a sheriff's sale notice

1 posted on our fence. Our first step was
2 to seek to postpone the pending sale
3 while we found an attorney to assist the
4 client with filing the action for the
5 title.

6 We learned quickly that the
7 presence of the privately-held bank lien
8 on the property prevented the City from
9 postponing the sale. Additionally, with
10 a significantly reduced operating budget
11 and blanket ban on acquiring these
12 parcels, PHDC was unable to help. The
13 garden ultimately sold on April 9th and
14 we are searching for ways to return the
15 client's beloved 30-year-old garden back
16 to her and prevent the developer from
17 turning it into market rate housing.

18 The presence of U.S. Bank liens
19 significantly impairs the ability of
20 PHDC to put vacant land back into
21 productible use. As such, long
22 abandoned parcels remain overgrown,
23 littered with trash, drug paraphernalia
24 and other debris. Abandoned tax
25 delinquent properties create a vicious

1 cycle of blight in urban areas
2 throughout the Commonwealth.

3 With approximately 43,000
4 vacant lots, the problem is particularly
5 acute in Philadelphia. The majority of
6 this vacant land is clustered in Council
7 Districts 3, 5 and 7. These Districts
8 also have the highest poverty rates in
9 the City on average. Over 300,000
10 Philadelphians live on blocks with one
11 or more abandoned houses or parcels.
12 And this large inventory of vacant land
13 not only decreases the value of
14 neighboring properties, but burdens
15 residents and local governments as
16 vacant properties create significant
17 health and safety issues.

18 So finally suggested solutions:
19 To mitigate the inevitable and continued
20 gentrification displacement and loss of
21 green space facilitated by the presence
22 of U.S. Bank liens, the City must
23 develop a short-term and long-term
24 strategy. As the very first step of the
25 short-term strategy, the City must

1 create a clear pathway to ownership for
2 community members using these parcels.
3 And I have to reiterate that this is
4 crucial. Because without ensuring that
5 the gardens and community spaces will
6 receive title, any action that the City
7 takes to pay off or remove the liens
8 will result in a lower barrier of
9 interest for developers. So we must
10 ensure that the people using these
11 spaces have priority status for any type
12 of transfer.

13 Additionally, we encourage the
14 City to pass legislation authorizing
15 PHDC to acquire parcels with U.S. Bank
16 liens, re-empowering them to work
17 towards putting vacant blighted parcels
18 back into productive reuse. However,
19 for PHDC to be a viable preservation
20 option, the City must fully fund the
21 agency. There are far more community
22 spaces in need of preservation that PHDC
23 can handle with its current budget and
24 staff.

25 And finally, for gardeners able

1 to pay a portion of the U.S. Bank liens,
2 the City must negotiate an easily
3 navigable, accessible system that
4 eliminates penalties and allows
5 individuals to enter into payment
6 arrangements for the principal price.
7 And for the long-term strategy, the City
8 must allocate the funds to pay off the
9 U.S. Bank liens and their entirety.

10 So the estimated total cost to
11 the City to pay off the bank liens is
12 around \$28 million. However, the City
13 could likely negotiate a significant
14 reduction in penalties with the
15 lienholder. And while the exact amount
16 of U.S. Bank liens on garden parcels is
17 not yet available, whatever that amount
18 will be will be significantly less.

19 So finally, the City must
20 commit to developing an equitable tax
21 collection system that does not include
22 securitizing land and community green
23 space or real property that threatens
24 Philadelphia's most vulnerable
25 residents. The Law Center looks forward

1 to continuing the conversation around
2 eliminating these private tax liens on
3 the City's vacant land. We are happy to
4 engage and work the solutions. Thank
5 you very much for listening.

6 COUNCILWOMAN GAUTHIER: Thank
7 you so much, Ms. Griffin, for your
8 testimony, but also for the vital
9 service you're providing to our
10 communities.

11 Ms. Greenberg, are you there
12 and connected?

13 MS. GREENBERG: I am.

14 COUNCILWOMAN GAUTHIER: Please
15 state your name for the record and
16 proceed with your testimony, and good
17 morning.

18 MS. GREENBERG: Good morning.
19 My name is Jenny Greenberg, and I serve
20 as the Executive Director of the
21 Neighborhood Gardens Trust. Good
22 morning, Chairwoman Gauthier and members
23 of the Housing, Neighborhood Development
24 and Homelessness Committee. Thank you
25 so much for holding this hearing and for

1 the opportunity to speak.

2 I've been working with NGT for
3 about seven years. And NGT has been
4 working since 1986 to acquire and
5 protect community managed open spaces
6 across Philadelphia. NGT holds title or
7 long-term leases for almost 50 community
8 gardens to date, and we're working hard
9 to help meet the urgent needs that exist
10 to secure and protect many more of these
11 shared open spaces that are threatened
12 by real estate development and
13 speculation.

14 Most of Philadelphia's 400-plus
15 community gardens were cultivated on
16 formerly abandoned land in neighborhoods
17 that were disinvested through redlining.
18 Through their cooperative efforts,
19 residents across the City have been
20 maintaining green spaces for decades as
21 places of nourishment, healing and
22 community building.

23 They provide space for
24 residents to grow healthy food and to
25 safely gather and play. They provide

1 refuge from high heat summer
2 temperatures and mitigate air and water
3 pollution. And these well-maintained
4 green spaces have been shown to help
5 reduce street violence and help people
6 feel safer.

7 NGT works with community
8 groups, gardeners and the City to
9 acquire and preserve gardens with
10 unsecure land tenure. In the past three
11 years, we've been able to acquire 32
12 parcels of land and 11 gardens through
13 nominal sale disposition and have worked
14 closely with the Land Bank to acquire
15 several privately-owned tax delinquent
16 parcels.

17 Multiple gardens, however, have
18 parcels with U.S. Bank liens which were
19 the biggest threat and deterrent to our
20 work. These liens put gardens at
21 serious risk of being sold through
22 sheriff's sale, and they prevent the
23 Land Bank from being able to acquire
24 high-priority parcels.

25 When community members approach

1 us for help and we see that their garden
2 has a U.S. Bank lien, the acquisition
3 process essentially hits a brick wall.
4 For NGT and so many community
5 organizations, there is no pathway to
6 securing these parcels for the
7 community. If the property goes to
8 sheriff's sale, we risk losing it to the
9 highest bidder. If we pay off the lien
10 to prevent the threat of sheriff's sale,
11 we still have no ownership claim, and we
12 have no assurance that the Land Bank
13 will be able to move forward to acquire
14 it because of its limited financial
15 capacity.

16 There's no approach right now
17 for community groups that have been
18 maintaining green spaces for decades and
19 are committed to continuing to do so.
20 In 2018, NGT tried to take matters into
21 our own hands. We hunted down a contact
22 at U.S. Bank's Community Reinvestment
23 Office in St. Louis and asked them to
24 assign 10 priority liens to us to
25 further our preservation efforts.

1 The proposal was that we do so
2 as a charitable donation. The request
3 was forwarded to Linebarger which after
4 acknowledging it and telling us that
5 they would be back in touch, never
6 followed up. And those parcels have
7 either been lost or still at risk today.

8 I want to share a letter from a
9 garden leader in West Philadelphia. He
10 couldn't be here to testify today
11 because he's in the hospital. But from
12 the hospital he wrote this letter: Good
13 morning, Distinguished Councilmen and
14 Councilwomen. My name is Victor Young.
15 I represent a nonprofit called Community
16 Health and Gardens.

17 I would like to give a special
18 thanks to Councilman Jones for assisting
19 us in this project of growing organic
20 vegetables for the neighborhood in which
21 we live. We, members of Five Loaves Two
22 Fish garden, have provided many families
23 a healthy food source and a safe
24 atmosphere to commune with each other.
25 It's been a long road to reach this

1 place.

2 NGT's cooperation with the
3 Philadelphia Land Bank has been very
4 helpful allowing us to obtain most of
5 the properties in which we garden. Our
6 struggle has been with the U.S. Bank
7 lien on one parcel. It has been a very
8 difficult task to remedy. I've asked
9 Ms. Greenberg to present this letter and
10 implore you to assist us and protect the
11 shining gem that we found underneath the
12 rubble and debris that once existed on
13 this parcel of land. I hope and pray
14 that so-called progress doesn't stifle
15 the common man as he attempted to make
16 better for his family and community.

17 The lot Victor is talking about
18 has more than \$16,000 due to Linebarger
19 for a single lien with all the fees and
20 interest and penalties. And I dread the
21 day that we learn it's been sold online
22 to a speculator who has no idea the
23 value it has on the community. Until
24 the City makes solving this issue a
25 priority, precious green spaces will

1 continue to be lost often at a cost to
2 the most vulnerable residents.

3 This past year NGT was able to
4 secure a state grant for \$92,000 to buy
5 back a single parcel in the middle of a
6 garden in Kensington that had a U.S.
7 Bank lien and was then acquired by a
8 developer. That is not a scalable or
9 equitable way to resolve this. This is
10 a moment for the City to figure out how
11 to take control of its Land Bank back
12 and to be intentional around supporting
13 community-oriented land uses that help
14 the City achieve its goals around crime
15 reduction, affordable houses, access to
16 green space, food access and climate
17 change resiliency.

18 This involves both the short
19 and long-term measures. To reduce harm,
20 we need the City to work with the
21 Sheriff's Office, U.S. Bank and
22 Linebarger to figure out how to halt the
23 sale of garden properties until there is
24 a longer-term solution. We then need
25 the City to work with U.S. Bank and

1 Linebarger to create a clear pathway by
2 which nonprofits that have been
3 maintaining open spaces can acquire them
4 outright without bidding against
5 speculators of public auction.

6 And in the long-term, it would
7 be of greatest benefit to the City to
8 doable purchase of these liens to gain
9 control of them. However, if the City
10 is unable to allocate funds to purchase
11 all the liens, then we should target
12 community green spaces and potential
13 affordable housing project sites as
14 priorities.

15 The City should amend its
16 acquisition policies to allow the Land
17 Bank to pay off U.S. Bank liens to
18 acquire these parcels and fully fund the
19 Land Bank so that it has the capacity to
20 acquire and dispose of land at the scale
21 which is needed today.

22 NGT is a committed partner to
23 the City and to the gardeners across the
24 City. We're excited to be a partner in
25 the implementation of the Urban

1 Agricultural Plan, which is I know
2 nearing completion. And again, we're
3 just really grateful for the attention
4 you're putting into this urgent issue.
5 Thank you.

6 COUNCILWOMAN GAUTHIER: Thank
7 you so much for your testimony, and
8 thank you for all of your hard work on
9 this issue.

10 Justin Trezza, I see you there.
11 Please state your name for the record
12 and proceed with your testimony.

13 MR. TREZZA: Justin Trezza.
14 Good morning, City Councilmembers.
15 Thank you again for this opportunity to
16 submit testimony on the vital need to
17 preserve and protect community gardens
18 and green spaces in Philadelphia.
19 Again, my name is Justin Trezza. I'm
20 the Director of Community Gardens for
21 the Pennsylvania Horticultural Society.

22 PHS's purpose is to use
23 horticulture to advance health and well-
24 being. We believe in the power of
25 horticulture to make powerful, social

1 and environmental change. We know that
2 the City is facing real acute quality-
3 of-life issues from gun violence to the
4 cleanliness of our streets to the health
5 and well-being of our citizens, and that
6 these challenges disproportionately
7 impact neighborhoods, home to Black and
8 Brown people.

9 We urge you to consider the
10 fact that preserving and protecting
11 community gardens and investing in other
12 green solutions are effective ways to
13 address these issues and increase equity
14 in the neighborhoods most impacted by
15 them. But simply, when we lose these
16 spaces often to unchecked development
17 compounded by a lack of clear pathways
18 to garden preservation, we lose some of
19 our ability to fight many of our most
20 pressing civic priorities and problems.

21 For over 50 years, PHS has
22 worked alongside farmers and gardeners
23 in Philadelphia to help them create
24 healthier, more close-knit and resilient
25 communities. At PHS, we believe urban

1 agriculture, particularly community
2 gardens are essential to our City's
3 civic infrastructure and play a
4 prominent role in addressing multiple,
5 individual and community health issues.

6 Over the years, the network of
7 gardens we work with has grown to over
8 165 sites in neighborhoods throughout
9 the City. We help ensure their vitality
10 and success by providing growing
11 materials like soil and seedlings,
12 technical assistance and even capital
13 improvements to garden infrastructure.

14 Of these sites, over 125
15 receive over 250,000 organically grown
16 vegetable seedlings a year, which
17 results in tens of thousands of pounds
18 of produce that is then distributed to
19 food cupboards and pantries, churches
20 and communities experiencing food
21 apartheid.

22 The need for this support has
23 been put into high relief by the ongoing
24 pandemic, as we saw the injustices of
25 our broken food system only worsen as

1 corner stores closed while families
2 experienced loss of income. According
3 to a 2020 report by the Institute for
4 Policy Research during the COVID-19
5 crisis, the rate of food insecurity
6 among Black households with children was
7 nearly twice as high as they are among
8 White households with children.

9 Gardens like Harts Lane Farm in
10 Kensington and Five Loaves Two Fish in
11 Hestonville are examples of community-
12 led sites that seek food justice
13 solutions. And according to Baltimore-
14 based pediatrician Dr. Alicia Morgan-
15 Cooper, "provide community-based
16 solutions to accessing and controlling
17 food that are humanizing, fair, healthy,
18 accessible, racially equitable,
19 environmental sound and just."

20 The benefits of gardens extend
21 well beyond our local food system. In
22 fact, creating and protecting gardens
23 and green spaces are also proven ways to
24 improve public safety and reduce gun
25 violence. Recent research conducted by

1 Dr. Gina South and others at the
2 University of Pennsylvania in
3 partnership with PHS have shown that by
4 cleaning and greening vacant trash-
5 strewn lots in the highest-need
6 neighborhoods, we can reduce crime by up
7 to 29 percent. In the same study,
8 residents of neighborhoods with cleaned
9 and greened lots also reported feeling
10 safer and less depressed.

11 As Dr. South noted in her
12 recent New York Times op-ed, "Without
13 changing the physical spaces in which
14 crime occurs, violence prevention
15 efforts are incomplete." Unfortunately,
16 the ability of gardens to deliver these
17 and other benefits are urgently
18 threatened by the existence of private
19 bank liens on many garden parcels and
20 the lack of transparent policies and
21 procedures for land acquisition by
22 gardeners.

23 We urgently need the City to
24 address these land issues and seek
25 solutions that, one, halt the sale of

1 gardens and green spaces at sheriff's
2 sale. Two, create pathways for
3 nonprofits and community groups to
4 acquire these properties, and three,
5 prioritize land for gardens and open
6 spaces when development does happen.

7 It is vital that these steps be
8 taken so that we can ensure that these
9 spaces remain intact and provide
10 benefits like healthy food to hundreds
11 of neighborhoods and thousands of
12 families across Philadelphia. Residents
13 across the City invest their sweat
14 equity to turn vacant land into
15 community gardens that build community,
16 produce food and reduce crime. Support
17 services for these gardens are few and
18 threats to their survival everywhere.

19 Organizations like PHS, our
20 partner Neighborhood Gardens Trust and
21 many others that you're hearing from
22 today are looking forward to preserve
23 land and support community gardens and
24 the people that maintain them. We need
25 your help to continue to work.

1 A simple suggestion to start
2 would be to invest a modest sum around
3 \$2 million per year over three years to
4 permanently preserve land for 25
5 community gardens in the City and
6 improve garden infrastructure and an
7 additional 75 community gardens to
8 ensure these spaces remain vital
9 contributors to the health of the
10 neighborhoods across the City.

11 We should support these spaces
12 and that people who store them by making
13 capital improvements that enhance
14 safety, vitality and accessibility, in
15 particular by repairing fences and
16 sidewalks, installing irrigation and
17 wash stations and providing amenities
18 for residents like new signage and shape
19 structures. Once again, thank you and
20 we appreciate the time today.

21 COUNCILWOMAN GAUTHIER: Thank
22 you so much for your testimony, and
23 thank you for your advocacy and your
24 work as well.

25 Andy Toy, are you there and

1 connected?

2 MR. TOY: Hello. Can you hear
3 me?

4 COUNCILWOMAN GAUTHIER: Hello.
5 Good to see you this morning.

6 MR. TOY: Good to see you.

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

10 MR. TOY: Sure. My name is
11 Andy Toy. Good morning, Chairperson
12 Gauthier and members of City Council's
13 Committee on Housing, Neighborhood
14 Development and The Homeless. Thank
15 you, Councilmember Brooks, for pushing
16 this conversation forward. And good
17 morning, Councilman Jones, my old friend
18 and colleague.

19 My name is Andy Toy, and I am
20 the Policy Director for the Philadelphia
21 Association of Community Development
22 Corporations or better known as PACDC.
23 Thank you for listening to PACDC's
24 testimony regarding Resolution No.
25 210838 that addresses our need to find

1 solutions to preserving community
2 gardens and open spaces in Philadelphia
3 as well as a broader issue of properties
4 currently tied up with real estate liens
5 sold many years ago.

6 Just tying together the last
7 two speakers actually, as someone who
8 has worked closely with our local
9 organizations Neighborhood Gardens
10 Trust, thank you, Jenny Greenberg, PHS,
11 thank you, Justin Trezza, and Councilman
12 Squilla on the amazing growing home
13 gardens in South Philly. I saw how
14 important the preservation of these
15 critical assets are to the health and
16 well-being of the community, especially
17 in the last 19 months during the
18 pandemic.

19 The process of assembling lots
20 for a community garden is already very
21 complex and challenging. Adding on
22 uncertainty caused by having these
23 liens, which may be higher than the
24 current value of the properties, makes
25 it even more difficult for communities

1 to make deeper investments of time,
2 sweat equity and money to improve these
3 properties.

4 In a more general way, the
5 properties tied up in the lien sale have
6 been a detriment to the predominantly
7 low-income BIPOC neighborhoods where
8 they are located because these
9 properties cannot be easily redeveloped
10 for affordable housing, small
11 businesses, gardens or community space.

12 The fact that there are still
13 around 2300 properties encumbered by
14 these tax 24 years later indicates that
15 these properties have been and still
16 remain in limbo. In fact, when the tax
17 lien sale was proposed for a short-term
18 gain, some of us were actually old
19 enough to remember that and working with
20 City government at the time, we had
21 concerns that this is exactly what might
22 happen in the longer term.

23 PHCD calls on the City to spend
24 resources to re-acquire all these
25 properties or at least find ways to

1 target those properties currently being
2 utilized or which have plans to be
3 utilized positively within communities
4 for parks, open spaces, affordable
5 housing, gardens, whatever it may be.
6 We agree that one part of this solution
7 would be to authorize the Land Bank to
8 acquire the lien sales at sheriff's
9 sale, which was what Angel Rodriguez was
10 talking about. Right now there is a ban
11 on that within the requirements of the
12 Land Bank.

13 This also requires levels of
14 funding that we see as important
15 investments in our communities. Some of
16 this will be returned in tax revenues
17 over time as properties are redeveloped.
18 We are not collecting any tax revenues
19 right now on any of these properties as
20 they just rack up tax debt, current tax
21 debt as well as the liens that are
22 sitting out there. More importantly, it
23 will positively impact other properties
24 and neighbors around these vacant
25 properties when ownership and

1 responsibilities are clear, and these
2 properties are promptly and positively
3 reused and redeveloped as assets within
4 their communities. So thank you for the
5 time and happy to be part of this and
6 help push it forward.

7 COUNCILWOMAN GAUTHIER: Thank
8 you for your testimony but also your
9 hard work on this issue.

10 Andria Bibiloni, are you there
11 and connected?

12 MS. BIBILONI: Good morning,
13 Madam Chair Gauthier and members of the
14 Committee. My name is Andria Bibiloni,
15 and I'm an attorney in the Consumer
16 Housing Unit of Philadelphia Legal
17 Assistance. My focus is helping
18 residents with claims to home-adjacent,
19 tax-delinquent side and rear lots, save
20 their properties from impending
21 sheriff's sales and assert their
22 ownership interest.

23 This work is a new initiative
24 at PLA made possible by a public
25 interest fellowship sponsored by the

1 Independence Foundation, begun in
2 recognition of the fact that helping
3 homeowners gain legal title to yards
4 they cleaned and transformed into safe
5 spaces during decades of neglect is a
6 step toward building wealth equity and
7 resisting displacement due to rampant
8 gentrification.

9 Home to the City's poorest
10 families, North Philadelphia's Latinx
11 neighborhoods have been historically
12 disinvested due to racist redlining
13 policies and lack of economic
14 opportunity. In Kensington where I and
15 many of my clients live, the vacant lots
16 residents have transformed into gardens
17 and patios were once abandoned,
18 dangerous crime magnets. The yards are
19 a green space that improves our
20 community and provides space to grow
21 healthy food and hold family functions.

22 The yards have also become a
23 part of the residents' homes and
24 together with their houses, their only
25 source of accumulated wealth. Now, they

1 provide sorely-needed outdoor space
2 during the pandemic, but they are
3 rapidly being seized for new
4 development. There are two broad
5 categories of people that this issue
6 affects. One, record owners who own
7 properties and consider them their
8 entire homestead, but for some reason
9 the rear or side lot is a separate
10 parcel from the home. And two,
11 homeowners who are not the record owners
12 but have cared for the adjacent parcel
13 for so long, that they have established
14 an equitable ownership interest under
15 the law. In many cases, this is more
16 than 21 years.

17 Typically, my clients have been
18 searching for guidance on how to pay the
19 outstanding taxes on their home adjacent
20 yards and clarify the title to their
21 properties for years without any luck.
22 In many cases, title to the property and
23 OPA accounts are the names of long-gone
24 or deceased persons, and the address of
25 the record owner is not the home address

1 of the current occupant so they never
2 receive notice of legal actions on the
3 property.

4 This means that properties are
5 regularly sold without any notice to
6 those who cared for these spaces for
7 years. These clients are eligible for
8 affordable monthly payments to address
9 the delinquencies under the Owner-
10 Occupied Payment Agreement program
11 because the City does not consider these
12 properties part of their homestead, and
13 in some cases their name is not yet on
14 the deed.

15 The client who wants to save
16 their yard from a tax sale is left with
17 very limited options. Either send
18 payments to the Department of Revenue
19 for the account of an absentee owner and
20 hope for the best or find a lawyer who
21 can ask the City for a standard payment
22 agreement, which requires a 50 percent
23 down payment upfront. For most of my
24 low-income clients, this is impossible
25 because it requires a lump sum payment

1 of thousands of dollars.

2 To make matters worse, many of
3 the properties are encumbered by U.S.
4 Bank liens. In order for a client to
5 obtain a standard payment agreement for
6 the outstanding City taxes on such
7 properties as was mentioned earlier this
8 morning, they must first pay off the
9 U.S. Bank balance. This means that if
10 the City or a collection firm has
11 already filed a tax foreclosure to
12 collect the outstanding debt on a
13 client's property, the only way they can
14 avoid a tax sale is to come up with the
15 full amount of the U.S. Bank so that
16 they may then be allowed to enter into a
17 standard payment agreement for the tax
18 debt held by the Department of Revenue.
19 That amount can arrange anywhere from a
20 couple of hundreds dollars to tens of
21 thousands of dollars.

22 None of this I should add is
23 even possible without a letter from an
24 attorney stating the facts of the
25 client's ownership interest in the

1 property. Funding to pay down the U.S.
2 Bank liens will remove a major barrier
3 to residents keeping their whole
4 homestead. Lastly, it's important to
5 understand the consequences of
6 proceeding with tax sales on home
7 adjacent properties without providing a
8 clear pathway for an owner with an
9 equitable interest to resolve the
10 outstanding debt.

11 One of my clients Migdalia, who
12 you'll hear from later this afternoon,
13 kindly gave me her permission to share
14 her story with you. Migdalia is a
15 homeowner who sustained serious damage
16 to the foundation of her home when a
17 home adjacent side lot was sold at a
18 sheriff's sale a couple of years ago.
19 She had cleaned and maintained the lot
20 next to her house since 1989, using it
21 as a garden and a patio area for family
22 gatherings.

23 Then one day a developer
24 knocked on her door and told her to get
25 all of her belongings off the property

1 because he said he owned it. They
2 proceeded to build a three-story condo
3 next to her modest two-story home,
4 causing cracks that reached from the
5 basement all the way up to the second
6 floor of her house. I'm working with
7 Migdalia to secure her ownership
8 interest in the lots on the other side
9 of her home because she is afraid that
10 if they're sold, her house will
11 literally crumble.

12 Thank you, Councilmember
13 Brooks, for the opportunity to testify
14 this morning and for taking the time to
15 consider the barriers and solutions to
16 permanently preserve community gardens
17 and open spaces in our City's most
18 vulnerable communities.

19 COUNCILWOMAN GAUTHIER: Thank
20 you so much for your testimony and for
21 your work.

22 Councilmember Brooks.

23 COUNCILWOMAN BROOKS: Yes. My
24 questions are for everyone that was a
25 part of this panel. I want to thank you

1 for your work and your testimony today.
2 Several of you mentioned this in your
3 testimony but just so that we have it
4 all in one place, what steps would you
5 suggest the City take in both short- and
6 long-term to prevent the continued loss
7 of community gardens and open lots?

8 COUNCILWOMAN GAUTHIER: And
9 that's open to whomever from --

10 COUNCILWOMAN BROOKS: Yes, open
11 to whomever.

12 MS. GRIFFIN: I'm sorry,
13 Councilmember. My Internet cut out.
14 Would you mind repeating that question
15 please?

16 COUNCILWOMAN BROOKS: Yes.
17 Several of you guys mentioned this in
18 your testimony. So my question is what
19 steps would you suggest the City take in
20 both short- and long-term to try to
21 prevent the continued loss of community
22 gardens and open lots? And a Part 2 to
23 that, are there other cities we should
24 be looking at to model when it comes to
25 preserving community gardens and open

1 lots?

2 MS. GRIFFIN: I think for me --

3 I'm just going to jump in here. The
4 primary thing that needs to happen is
5 some sort of dialogue has to be
6 initiated with the lienholder. We kind
7 of talked about this, but even if the
8 City pays off the liens tomorrow, there
9 is still no pathway to ownership and
10 these gardens are still at risk because
11 there's still tax balances on them so
12 they can still potentially go to
13 sheriff's sale and the people who are
14 working on them could still potentially
15 not get them, and that would just have a
16 lower barrier of entry for developers.

17 So I really think that one of
18 the most important things is, one,
19 figuring out sort of what the long-term
20 solution is going to be in terms of what
21 happens with the liens overall. But
22 first and foremost, there needs to be
23 some sort of way to create a pathway to
24 ownership. So whether that's funding
25 and staffing the Land Bank so they have

1 the ability to acquire these properties
2 once the liens are paid off, whether
3 that is working directly with U.S. Bank
4 and Linebarger to create some sort of
5 process where people who are currently
6 working and maintaining the gardens can
7 state an interest in the property and
8 work with them directly to come up with
9 a payment plan situation so we can avoid
10 sheriff's sale in the interim period.

11 I think there's a lot of
12 options, but I think it's critical that
13 that be something that's considered as
14 part of the strategy. Because again, if
15 there is no pathway to ownership, we're
16 just going to end up with a different
17 variation of the same problem.

18 COUNCILWOMAN BROOKS: Thank
19 you, Ms. Griffin.

20 Does anyone else have anything
21 to add?

22 MR. TOY: I think we mentioned
23 the fact that if the Land Bank can
24 acquire the properties at sheriff's
25 sale, if they do actually go through

1 sheriff's sale with the lienholder on
2 them, the tax lien actually, that we
3 could acquire them at the sheriff's
4 sale. Right now the Land Bank cannot
5 bid on them if there is that other lien
6 on it because it's a priority lien.

7 And I would say, as the Revenue
8 person said, it is a way to clear the
9 title and have a clean title. So
10 somehow you have to have a clear title
11 at the end of the day. Otherwise,
12 there's always this stuff that's hanging
13 out there. So if we could acquire the
14 property at sheriff's sale, I think
15 that's a really good way to clear the
16 title.

17 COUNCILWOMAN BROOKS: Thank
18 you.

19 MS. GREENBERG: I very much
20 agree with Ebony and Andy in terms of
21 the longer-term solution. One thing
22 that jumped out at me listening to the
23 testimony earlier from the Sheriff's
24 Office was the fact that the work that
25 community members have been doing on

1 these spaces for all these years could
2 count as a legal interest. I'm aware of
3 multiple situations where residents have
4 been maintaining and caring for lots and
5 an effort was made to reach out to
6 Linebarger to pause the sheriff's sale
7 and they went ahead anyway. So if
8 they're sort of in the short-term harm
9 reduction, if there's a way to work with
10 the courts if we have to go there, that
11 was something I learned today that's
12 important for us to know and to think
13 about more.

14 Councilmember, in terms of your
15 question about I guess best practices
16 and other cities in the country, I did
17 want to mention Chicago. Chicago has a
18 land trust organization called Chicago
19 NeighborSpace that's protected over 120
20 gardens around the City. And a couple
21 of things to note. One, in terms of a
22 funding mechanism, they have an open
23 space impact fee. So the program
24 allocates fees that are applied to new
25 residential developments to pay for land

1 acquisition and park improvements across
2 the City. I think that is a very
3 intriguing idea, recognizing the broad
4 benefit that these spaces have been
5 shown to provide.

6 And then another thing to note
7 is that they have a large lot program
8 which sells vacant residential lots
9 owned by the city for a dollar to be
10 used for beautification, including
11 community gardens, and their program
12 does not have a burdensome 30-year
13 mortgage requirement that Philadelphia
14 has added to theirs.

15 MS. BIBILONI: And just to add
16 to what Jenny was saying, I think in
17 terms of loss prevention there needs to
18 be a way for a resident to register
19 their interest in the property with the
20 proper entity so that they actually know
21 what's happening with the property and
22 the courts. The City can be made aware
23 that this person is an interested party
24 with an equitable interest.

25 And in terms of programs in

1 other cities, in addition to the Chicago
2 program that Jenny mentioned, I'm aware
3 that Cleveland and Detroit also have
4 dollar side lot programs, sometimes
5 transferring property with crippling
6 deeds which is much less burdensome than
7 the current process that we have with
8 the Land Bank.

9 COUNCILWOMAN BROOKS: Thank you
10 all for your --

11 MR. MORAN: I just wanted to --

12 COUNCILWOMAN BROOKS: Oh, go
13 ahead. I'm sorry.

14 MR. MORAN: -- add one more
15 thing here. So canvassing the land has
16 been a grand task for us. Iglesias
17 Garden, we've done what we can with the
18 group of people that we have there, but
19 ideally if we have more resources in
20 that area where we know what the land
21 actually looks like in regard to the
22 U.S. Bank lien.

23 And then I don't know if
24 someone here is from PHA, but our garden
25 has a few lots that sit in our garden,

1 and we would like to start a
2 conversation with them in regards to
3 those lots. That's all.

4 COUNCILWOMAN BROOKS: Thank
5 you, Mr. Moran. We'll add your request
6 to our list of concerns that we got
7 earlier.

8 MS. GREENBERG: Sorry. Just to
9 reinforce what Michael said, the process
10 of ground truthing, which is like going
11 out to check on these lots and see
12 what's going on is really essential and
13 quite labor-intensive. You can't tell
14 from Google Maps what's going on, and
15 you actually need someone trained to
16 take a look. Because just in the past
17 two weeks, we're aware of a situation
18 where PHDC was moving forward to sell a
19 parcel they believed was vacant and
20 overgrown. And when we saw the photo
21 that had been taken of what was
22 characterized as overgrown leaves, it
23 was kale and tomatoes. So if there's
24 opportunities for the stakeholders and
25 folks who are doing this work to be

1 involved, I think that would be really
2 beneficial.

3 COUNCILWOMAN BROOKS: Thank
4 you. Thank you all for your insight.

5 Madam Chair, that ends my line
6 of questioning.

7 COUNCILWOMAN GAUTHIER: Thank
8 you so much, Councilmember.

9 Are there any additional
10 questions or comments from members of
11 the Committee for this panel?

12 (No response.)

13 COUNCILWOMAN GAUTHIER: Okay.
14 With there being none, I'd like to note
15 that I need to step away for other
16 Council business and would like to
17 transfer Chair duties to my colleague
18 Councilmember Brooks for the remainder
19 of the hearing.

20 And I also just want to thank
21 you again, Councilmember. This is such
22 an important conversation for my
23 District but for so many communities in
24 the City. So thank you, and you have my
25 commitment and my partnership to

1 continue working on this issue and
2 protecting our valuable community
3 spaces.

4 And thanks so much to everyone
5 who testified today as well. Have a
6 good day, everybody.

7 COUNCILWOMAN BROOKS: You too.
8 Have a great day, Madam Chair.

9 MR. TOY: Thank you.

10 COUNCILWOMAN BROOKS: Okay.
11 That concludes panel testimony for this
12 resolution. We will now begin hearing
13 from individuals who registered to
14 provide public comment.

15 Ms. Shearlds, would you please
16 read the name of the first person
17 registered for public comment.

18 THE CLERK: Yes. Good
19 afternoon. Jamie Denning, would you
20 please state your name for the record
21 and proceed with your testimony.

22 COUNCIL TECH SUPPORT: Hi.
23 Good afternoon. This is Modesto from
24 Council Support. We're going to need a
25 few minutes so we can get the public

1 participants connected via Teams.

2 COUNCILWOMAN BROOKS: Thank
3 you, Modesto.

4 (Brief recess.)

5 COUNCILWOMAN BROOKS: That
6 concludes the panel testimony for this
7 resolution. We will now begin hearing
8 from individuals who registered to
9 provide public comment.

10 Ms. Shearlds, would you please
11 read the name of the first person
12 registered for public comment.

13 THE CLERK: Jamie Denning,
14 could you please state your name for the
15 record and proceed with your testimony.

16 MS. DENNING: Hello. Can you
17 hear me?

18 COUNCILWOMAN BROOKS: Yes, we
19 can hear you.

20 MS. DENNING: Okay. Yes. Good
21 morning. I'm prepared. Shall I start?

22 COUNCILWOMAN BROOKS: Yes. Can
23 you please state your name and proceed
24 with your testimony, please.

25 MS. DENNING: Yes, I can.

1 Jamie Denning. The lot that I'm calling
2 about is 1420 North Vodges Street. This
3 is a very high crime community and
4 neighborhood. We have shootings on a
5 regular as you guys know in
6 Philadelphia. My street is also
7 sandwiched between two very busy and
8 dangerous streets where there are always
9 shootings and possible hit-and-run and
10 drug dealers.

11 The little street also has a
12 lot of drug dealers that run up and down
13 our street all the time. The lot that
14 we have provided for the children is the
15 only safe space that they have to play.
16 The masonries on my block have done
17 cement work to make it very nice for the
18 children. I along with other parents
19 have taken our money and time and effort
20 to maintain the lot to keep it nice for
21 the children so they have somewhere to
22 play.

23 It was very ironic that not too
24 long ago when this lot went up for sale
25 it was another shooting on the block,

1 and the children run to the lot for
2 safety. They consider it their fortress
3 and they consider it their safe place to
4 play. Our children have not been hit on
5 our block by the cars or anything
6 because they all play in the lot. To
7 lose the lot would mean a lot for our
8 children on this block and in this
9 community.

10 Philadelphia doesn't give our
11 kids a lot, but if we can have this lot
12 for them it would mean so much, so much
13 more than just another house. It would
14 mean safety, saved lives. And when we
15 save the lives of our children, we save
16 generations. And one house, one more
17 house does not mean more life of one of
18 our children.

19 We are willing to continue to
20 invest our money, time and effort to
21 keep it clean, to clean it maintained
22 and to keep it safe. We've also
23 invested thousands of dollars into
24 keeping that lot safe and to keeping it
25 clean and maintained, and we would like

1 to keep it for our children. And that
2 concludes my testimony.

3 COUNCILWOMAN BROOKS: Thank you
4 so much, Ms. Denning.

5 Ms. Shearlds, could you read
6 the name of the next person registered
7 for public comment.

8 THE CLERK: The next person is
9 Jovian Patterson.

10 MR. PATTERSON: Hello. Can you
11 hear me okay?

12 COUNCILWOMAN BROOKS: Yes, we
13 can. Can you please state your name and
14 proceed with testimony.

15 MR. PATTERSON: Yes. My name
16 is Jovian Patterson. First, I want to
17 say I appreciate the opportunity to
18 speak here today and give my testimony.
19 I also appreciate the fact that this
20 panel has been put together to address
21 this issue in general. Just a little
22 back story, so I was born and raised in
23 Southwest Philadelphia on the 5600 block
24 of Woodland Avenue on Allison Street,
25 which is the same place that we have our

1 community garden.

2 I grew up on that block -- I
3 didn't write anything down so I'm just
4 speaking. So basically I grew up on
5 that block and I moved away from the
6 block for a while, came back and it was
7 a lot of condemned houses there that
8 basically turned into the lot. And I
9 want to say it's been there in that
10 current state now for about 25 years.

11 So me and a partner of mine, we
12 came back, we seen the land. I think
13 the addresses are between 1831 and I
14 want to say 1841, and we put a community
15 garden on that area there. We spent our
16 own money and we also started a
17 nonprofit organization. The nonprofit
18 organization is there to benefit
19 American people of color, American
20 Indians and business Americans. We also
21 want to expand that onto not only the
22 community garden, but also low-income
23 housing and prevent the gentrification,
24 a lot of things that were spoke on today
25 with this panel.

1 Like everybody know, we just
2 want to reiterate the need to have these
3 kind of things in our community. That
4 particular area is really nothing there.
5 A lot of the other -- other than on
6 Allison Street, a lot of the other
7 houses have been condemned. It's a
8 whole bunch of abandoned buildings just
9 in general, and we want to just help
10 beautify that area.

11 We also want to teach gardening
12 for home gardening. We also want to
13 teach and build up people in the
14 community to not only garden, but also
15 be able to create low-income housing.
16 So it's a lot of things that you guys
17 were speaking about that we're about in
18 our organization. And I just want to
19 put that out to you guys that we do want
20 to uplift the community.

21 And as everyone stated, there
22 is a need to have these community
23 gardens so we can be self-sustaining for
24 people in the community and just have
25 our area not gentrified because it

1 pushes people who are low-income out of
2 the area like we all know. So I just
3 wanted to say my peace.

4 And one thing -- because I was
5 looking for a while and one thing that I
6 know that we could utilize that could
7 help at least pay for some of the liens,
8 whether it's through the U.S. Bank or
9 just basically any liens on the
10 property, is possibly state funding is
11 something that could be looked into. I
12 looked up a few things because I do have
13 a nonprofit, and I know there were some
14 things that can be given to
15 municipalities in general for large
16 community projects. So that's something
17 that folks can look into. Other than
18 that, I pretty much just wanted to say
19 my peace and I appreciate the time.

20 COUNCILWOMAN BROOKS: Thank you
21 so much for your testimony.

22 Ms. Shearlds, can you please
23 read the name of the next person
24 registered for public comment.

25 THE CLERK: Samantha Siegel.

1 MS. SIEGEL: Good morning.
2 This is Samantha Siegel. Am I ready to
3 proceed?

4 COUNCILWOMAN BROOKS: Yes.
5 Could you please state your name and
6 proceed with your testimony.

7 MS. SIEGEL: Good morning. My
8 name is Samantha Siegel. The lot that
9 I'm speaking about is 242 West
10 Rittenhouse Street, District 8 in
11 Councilwoman Bass's District. When I
12 purchased my home in 2018, the lot next
13 to us which is a lot that takes up the
14 entirety of our property next to us.
15 Once attached to it to my home was
16 another side, it was a duplex, it burned
17 down.

18 And the lot that we're speaking
19 about had become a dumping ground for
20 many, many years. It has a long history
21 of neighbors taking it over, turning it
22 into a garden or a public space and then
23 sort of falling back into the same
24 pattern. We have spent two years trying
25 to work with Councilwoman Bass's office

1 as well as any agency from the City that
2 we could to buy the lot and reform it,
3 turn it into a garden in a way that
4 would preserve this gathering space and
5 honor the people who came before us.

6 We did not have any luck with
7 that. The lot was extremely dangerous.
8 It was a dumping place for many
9 contractors. There were many, many
10 violations there. It was also a place
11 where a local car shop was dumping tires
12 as well as oil directly into the earth.
13 There are two trees that are falling
14 into elderly neighbors' houses and
15 another onto the street and sidewalk.
16 And we were not able to find anyone from
17 the City to help us remove these until
18 they fell through the person's house.

19 Last year during the start of
20 the pandemic, multiple neighbors came
21 together and by hand we cleared the
22 entire lot as a project to help bring us
23 together during a very scary time. We
24 cleared the entire lot, leveled it, put
25 up a fence and created 10 garden beds.

1 Those garden beds represented a lot for
2 all of us. They brought us together.
3 This was a block that is heavily
4 trafficked, heavily gentrifying, a very
5 historical block with many neighbors who
6 have lived here for decades. It was a
7 way to for us to come together, meet
8 each other and share food.

9 The front of the lot, as was
10 said earlier, has become a play space
11 for children. Everybody that has come
12 together has invested a significant
13 amount of money, thousands of dollars in
14 building a fence, bringing in dirt that
15 wasn't contaminated, testing the dirt to
16 see if it was safe and then of course
17 growing food together.

18 This lot before we did it was a
19 space where there were children coming
20 through that were going to Mastery
21 Charter cutting school, we found needles
22 there, we found people there high on
23 drugs, we found children were cutting
24 school and getting high in the lot. We
25 also like I said had dumping. It was

1 not a safe place.

2 I have two children of my own
3 so as you can imagine living next to
4 this, it was extremely important that we
5 cleaned it up. Since then we have had
6 two years of exceptional community
7 gatherings in this space despite the
8 pandemic. We have learned so much about
9 each other. This is a heavily
10 gentrified block. I myself definitely
11 represent that gentrification. And what
12 we've done is come and sat down and been
13 able to share stories, share meals, meet
14 each other's children, grandparents. It
15 is a transgenerational space, critical.

16 We have multiple multi-family
17 units, my own home included. This is a
18 converted multi-family home. We don't
19 need another one. If I had known what I
20 knew when I bought this house what it
21 was doing to the infrastructure of this
22 street, I would have thought twice.
23 There is not enough parking. There is
24 not enough space. So we cannot under
25 any circumstance have any more apartment

1 buildings or homes go here. There is
2 not anywhere to park. There is not
3 anywhere to go, and there's nowhere for
4 people to gather.

5 People are being pushed out of
6 their homes because of the rising prices
7 of rent. It is not fair. What we need
8 is spaces for us to continue to gather.
9 These public spaces help stop the
10 violence in the neighborhood. We know
11 we have gun violence here in Germantown
12 and all over the City. It also serves
13 as a space for us to connect and be
14 together.

15 And I hope, I hope, that the
16 City Council considers the important
17 nature of the food and the gathering and
18 being together as a public safety
19 benefit. Yesterday Councilwoman Bass
20 and others gathered here in Germantown
21 to talk about public safety. One of the
22 best community-led efforts are our
23 community gardens. They stop crime.
24 They help us learn about each other and
25 they bring us closer as a community.

1 I see absolutely no reason to
2 take public lots that are in use and
3 doing good things in the community and
4 turn them into some kind of cookie-
5 cutter apartment building, sold to a
6 developer who doesn't care about this
7 space. And I know each of you do care,
8 and I know everyone on this call cares.
9 And these people here who are doing good
10 we want you to save these spaces with us
11 so that we can continue to be a part of
12 that public safety effort and be a part
13 of positive ways to help and support the
14 infrastructure of our City. Thank you
15 so much for your time today and thank
16 you for hearing us.

17 COUNCILWOMAN BROOKS: Thank you
18 so much, Ms. Siegel.

19 Ms. Shearlds, can you read the
20 name of the next person registered for
21 public comment.

22 THE CLERK: Migdalia Mendez.

23 MS. MENDEZ: Good morning. My
24 name is Migdalia Mendez. Can you hear
25 me?

1 COUNCILWOMAN BROOKS: Yes, we
2 can hear you. Can you please state your
3 name for the record and proceed with
4 your testimony.

5 MS. MENDEZ: My name is
6 Migdalia Mendez. I live at 415 West
7 Hewson Street, 19122. Andria was
8 talking about me earlier about my
9 problem with my house. Since they built
10 a house next to mine, they did a lot of
11 damage to my house. My house is out of
12 condition.

13 I called the Licenses &
14 Inspections. They sent an inspector
15 just to make sure I was safe living in
16 here. I'm trying to get two lots, the
17 only two lots next to my house, 417 and
18 419, because I don't want them to make
19 another house next to mine because I'm
20 going to lose my house.

21 A good friend of mine is
22 willing to pay the back taxes for those
23 two lots if they give me the ownership.
24 I don't want to lose my house for this
25 development. They only make things over

1 here worse. This is a very small
2 street, two-way. There's no two-way
3 anymore because they have more cars than
4 people living in this part of the City,
5 so I just want for anyone so they can
6 help me.

7 I tried to call Maria Quinones-
8 Sanchez. They told me that she could
9 come help me about the lot on 417. I
10 called her office and the secretary just
11 asked me why I need that lot. She
12 didn't ask me for no name and no others
13 and she hang up on me. Two weeks ago I
14 reached Angel Cruz, I sent him a
15 message. Today I haven't hear from him
16 either.

17 I just want help so I can't
18 lose my house. I have nowhere to go. I
19 can't pay rent or I can't pay any
20 mortgage. I've been living here for
21 more than 30 years and I'm the only one
22 that have been taking care of this lot.
23 Andria, she's my lawyer and she's the
24 one that helps me to try to get this
25 lot. I can pay the back taxes that's on

1 the lot. If they can give me the
2 ownership, I'd be grateful for that. So
3 I just need your help. I don't want to
4 lose my house. Thank you. Have a nice
5 day.

6 COUNCILWOMAN BROOKS: Thank you
7 so much for your testimony.

8 Ms. Shearlds, can you read the
9 name of the next person registered for
10 public comment.

11 THE CLERK: Leah Clouden.

12 MS. CLOUDEN: Hello.

13 COUNCILWOMAN BROOKS: Hello.
14 Good afternoon. Please state your name
15 and proceed with your testimony.

16 MS. CLOUDEN: Good afternoon.
17 My name is Leah Clouden. I'm speaking
18 on behalf of the lot next to my house at
19 310 North 53rd Street. We are the only
20 house on the block. We're surrounded by
21 I guess on the other side is probably
22 about eight tracts of land that is
23 unoccupied. And on the other side of
24 us, I guess it would be the left, there
25 is one tract of land which is directly

1 next to our house, and we have been
2 taking care of this lot for over 30
3 years, my parents and I.

4 My dad was cutting the grass
5 all the time until he got sick probably
6 about less than 10 years ago. He was a
7 retiree of the School District of
8 Philadelphia. He got sick from one of
9 the schools. So we've been putting a
10 lot into just making sure that the lot
11 stays clear.

12 Once he got sick, we were able
13 to call 311 and get somebody to come out
14 and cut it. I guess (inaudible) --

15 THE CLERK: Madam Chair, she
16 dropped the line. I'll try to call her
17 back.

18 COUNCILWOMAN BROOKS: Okay.
19 Should we move onto the next person
20 while they try to get her back?

21 Ms. Shearlds, can you please
22 read the name of the next person
23 registered.

24 THE CLERK: Yes. Hopefully --

25 COUNCILWOMAN BROOKS: Hello --

1 THE CLERK: Sorry. Josue
2 Rodriguez.

3 MR. RODRIGUEZ: Hello,
4 everyone.

5 COUNCILWOMAN BROOKS: Good
6 afternoon. Can you please state your
7 name and proceed with your testimony.

8 MR. RODRIGUEZ: My name is
9 Josue Rodriguez, and I'm a father, son
10 and lifelong member of the Kensington
11 community. I'd like to thank you all
12 for all that each of you have done in
13 this effort to send the communities that
14 many of us call home. It seems like
15 we've had this conversation often,
16 haven't we, that of out-of-touch
17 developers versus the people of the
18 community. That is the outrage that is
19 felt when those with all the power
20 choose to wield it against those
21 without.

22 We have heard and will hear
23 countless testimonies of residents that
24 had to deal with the loss of the safe
25 spaces that these gardens, side yards

1 and green spaces represent. We have
2 heard also of the cost and damages
3 incurred to homeowners as a result of
4 irresponsible builders of homes,
5 roadways and peace of mind being
6 sacrificed for constructs that likely
7 won't outlive the tax breaks that have
8 spurred this race to injustice.

9 My story is much the same. For
10 over 30 years, (inaudible) members of
11 our community and caretakers of our side
12 yard which we have maintained as a green
13 space and garden. Many adults my age
14 can remember swimming in the pool that
15 my father set up every summer, and many
16 of my neighbors have eaten my mother's
17 tomatoes or benefited from her sound
18 advice.

19 Growing up in an inner city,
20 children are often taught to play with
21 (inaudible) our yard, my neighbors'
22 children to hopefully for my children
23 and their friends whose turn it is to
24 explore their garden. And it is for
25 them that we're fighting today and every

1 day, for all of our youth who yet to
2 have had their birthday parties, their
3 summer lunches and events in a place
4 close to home as is reserved for the
5 whole community, and for our elderly who
6 have spent all their lives building
7 these gardens, finding a way daily to
8 nurture them for the joy of the youth
9 who have come to enjoy and appreciate
10 their long years of work and sacrifice.

11 And still time and again we
12 have had these talks. Time and again we
13 have fought this fight. Time and again
14 we have heard, said the government, is a
15 thing for and of the people. Well, if
16 that's true, then there's work left to
17 be done to save the spirits of our
18 communities, even as we all seek to
19 beautify and modernize our City. We all
20 welcome the progress that comes from
21 bringing new (inaudible). As it relates
22 to these vacant lots and homes, we
23 should be buying back the U.S. Bank
24 liens and begin tax incentives to local
25 residents who have the best interest of

1 communities from the inside out, and to
2 create a system or committee that ensure
3 that these green spaces have a fighting
4 chance.

5 (Inaudible) caretakers so that
6 we are able to have in writing what we
7 have already earned with our labor.
8 Time and again we have said that
9 government is for and of the people. So
10 here we are again with this message to
11 our elected officials who must be the
12 shield that guard citizens from forces
13 too powerful for us to fight alone. Are
14 we not the people? Thank you.

15 COUNCILWOMAN BROOKS: Thank you
16 so much for your testimony.

17 Ms. Shearlds, can you please
18 read the name of the next person
19 registered for public comment.

20 THE CLERK: We have Leah back
21 on the line.

22 COUNCILWOMAN BROOKS: Thank
23 you. Leah, can you please resume your
24 testimony.

25 MS. CLOUDEN: Yes. Thank you.

1 What I wanted to say is that because
2 this land at 310 North 53rd Street has
3 been abandoned, people are now writing
4 graffiti on the side of our house.
5 They're dumping anything you can think
6 of. They're dumping trash, dead animals
7 in trash bags, construction debris,
8 everything and everybody else's having
9 dumped on the lots next to their house.

10 Like I said, we've owned our
11 property since '83 and the property next
12 to us has been abandoned or has been
13 torn down since the '90s and the people
14 are deceased, there's no heir. So we
15 tried to acquire or purchase it and we
16 were not able to. We got it pushed to
17 the sheriff's sale. It was on the
18 sheriff's sale and then it was pulled,
19 so we have no idea what's going on with
20 the land next to our house. So we're
21 trying to purchase it or acquire it and
22 we have over 30 years of sweat equity
23 put into this land.

24 We wanted to put a gate up just
25 to stop people from walking through. I

1 found people walking through. There are
2 bodies that -- I had to call the police
3 because I thought it was dead bodies
4 behind the house where the lot is and
5 they just were sleep or whatever. We
6 have a lot of homeless people now
7 because I'm surrounded by lots.

8 I don't know what else there is
9 to do, but we're asking for help. We're
10 asking for that land. We didn't have a
11 problem with paying a fee. We
12 understand that, but it can't be
13 astronomical for something that we've
14 already put 30 years into. It's just
15 not fair. It's not fair what's
16 happening to our communities. So I ask
17 that you please buy back the U.S. Bank
18 loans. Help us. We're surrounding by
19 lots and it's becoming more and more
20 throughout our community.

21 I had the RDA already on the
22 other side with the eight tracts of land
23 that is on the other side, so I'm asking
24 for 310 North 53rd Street for the time
25 that our family has put into the lot

1 trying to keep all the riff-raff and
2 everything else away from our community.
3 We're the only house on the block, which
4 is 53rd Street. So I thank you for your
5 time and adding me back to the call.

6 COUNCILWOMAN BROOKS: Thank you
7 so much for your testimony.

8 Ms. Shearlds, can you please
9 read the name of the next person
10 registered for public comment.

11 THE CLERK: Karen Phillips.

12 COUNCIL TECH SUPPORT: She is
13 not on the line. We were not able to
14 get a hold of her.

15 COUNCILWOMAN BROOKS: Thank
16 you. Can you read the name of the next
17 person registered.

18 THE CLERK: Angie Ramso.

19 COUNCIL TECH SUPPORT: She also
20 just recently hung up. The next person
21 we have available is Ms. Duran.

22 COUNCILWOMAN BROOKS: Okay
23 Ms. Shearlds, can you read the name of
24 the next person registered.

25 THE CLERK: Simona Reyes-Duran.

1 COUNCILWOMAN BROOKS: Thank you
2 so much. Good afternoon. Can you
3 please state your name and proceed with
4 your testimony.

5 MS. REYES-DURAN: My name is
6 Simona Reyes-Duran.

7 THE INTERPRETER: Interpreter
8 is going to ask her to begin.

9 MS. REYES-DURAN: The issue why
10 I'm calling is because of the block
11 where I live. I live at 208 East
12 Wishart in Philadelphia, Pennsylvania.
13 And the zip code is 19134. The issue is
14 that I have a yard at the back of the
15 house for over 20 years. I've been
16 maintaining it, taking care of it and
17 I'd like to purchase it. I don't want
18 another person to get it. I looked for
19 an attorney and I went to City Hall.

20 I think that I have to provide
21 \$4100-something. The attorney went to
22 pay the money for the taxes, but they
23 didn't accept it because they claim that
24 a bank has it and the bank is owed
25 \$11,000-plus. And I am calling because

1 I would like to come to an agreement so
2 I can purchase that space. I don't want
3 anybody else to get into that yard.
4 It's been way too many years that I've
5 been upkeeping and maintaining that
6 area, and I'd like to purchase it.
7 That's all I have. Thank you and may
8 you have a nice day.

9 COUNCILWOMAN BROOKS: Thank you
10 so much for your testimony.

11 Ms. Shearlds, can you please
12 read the name of the next person
13 registered for public testimony.

14 THE CLERK: Evelyn Valcarcel.

15 MS. VALCARCEL: Yes, I'm right
16 here.

17 COUNCILWOMAN BROOKS: Good
18 afternoon. Can you please state your
19 name and proceed with your testimony.

20 MS. VALCARCEL: My name is
21 Evelyn Valcarcel and I live at 708 block
22 of West Russell, and I moved there back
23 in 1997. So when I moved, there was a
24 lot of (inaudible) homes, but there was
25 still two houses that needed to be

1 demolished. A lot of trash, a lot of
2 mice, a lot of stolen cars, a lot of
3 tires, abandoned cars. Every week they
4 would just bring in new cars that were
5 stolen. They would take everything
6 apart and it was lit up on fire. I just
7 couldn't live like that.

8 So I couldn't live like that
9 anymore. I asked about the yard, and
10 they told me that I should go to 1234
11 Market Street. So then they really
12 weren't able to help me. They referred
13 me to a program called Impact, and
14 that's where they told me that I should
15 go. And that was located on Indiana,
16 and they told me that I should probably
17 put a used fence up.

18 So I purchased about \$3,000
19 worth of fence from Home Depot with
20 materials and I was able to fence the
21 area of the four lots. So it's been
22 about 25 to 26 years that I've been
23 maintaining the yard. We use it for the
24 kids on the block for activities during
25 the summer. We plant tomatoes,

1 potatoes. We have a cherry tree. We
2 store the bikes for kids there. We also
3 have a pool for the kids there. We
4 recycle the cans as well as the plastic
5 around, and the money that we generate
6 we use it to upkeep the patio to mow the
7 lawn or pick up the trash.

8 Over the years since the prices
9 have been increasing, I'm not able to
10 pay for all that. Sometimes I do have
11 volunteers who are assisting with it,
12 but most of the time I do not. I have
13 tried to purchase the land. I have gone
14 to the City and they say that it belongs
15 to this one or belongs to someone, but
16 nobody is ever able to give me a
17 straight answer. I would like to
18 purchase it for my grandkids. And I
19 would to thank the people from Harden
20 Garden. I've been able to maintain the
21 yard over the years. Thank you for
22 listening to me.

23 COUNCILWOMAN BROOKS: Thank you
24 so much for your testimony.

25 Ms. Shearlds, can you please

1 read the name of the next person

2 registered for public comment.

3 THE CLERK: Virgen Figueroa.

4 MS. FIGUEROA: I'm right here.

5 COUNCILWOMAN BROOKS: Can you
6 please state your name and proceed with
7 your testimony.

8 MS. FIGUEROA: My name is
9 Virgen Figueroa. My address is 3334 of
10 North Lawrence and I've been fighting
11 about the yard. My husband and I
12 purchased the house and we have been
13 working on it since 2003. In the back
14 of it, the address is 3333 Olney, which
15 is next to the house. So the Sheriff
16 did have an auction. We did go. We
17 presented ourselves because we wanted to
18 purchase this space.

19 There were some people --
20 actually there was a lady here that was
21 talking earlier and she was able to help
22 us but, you know, I want to fight for
23 it. We have been with the property
24 since 2003 and I have, you know, my
25 grandkids. So we went to City Hall. We

1 wanted to find out more about what is it
2 that we need to do.

3 They referred us to a community
4 person where we were informed that it
5 was owed \$4200, and also that the bank
6 owed about \$1,000. We were willing to
7 pay, but then they told us that the
8 owner actually died. So apparently
9 since the person passed away, there is
10 now someone who inherited the property
11 and it's been many years and I've been
12 trying to find out who this person is.

13 I am worried because there
14 isn't a safe space for my grandkids to
15 play. It's very dangerous on the
16 street. And what I want to find out is
17 what is it that I need to do to make the
18 purchase because I'm interested. So
19 when we went to the attorneys from
20 community that we were referred, they
21 told us that it's not worth it to make
22 the purchase because the people that
23 inherited the property will be getting
24 the property even after we pay for
25 everything. And the best course of

1 action will be to wait until the yard
2 goes up for auction again through the
3 sheriff and maybe we can go and have a
4 chance then.

5 So that is the reason why I
6 want to have the purchase of the land
7 because for my grandkids and also
8 because we want to plan things. So I'm
9 pretty saddened about this situation
10 because they are planning to take it
11 away, and we do need a space like that
12 because we are not sad, especially
13 because of the pandemic. We don't want
14 to be depressed. So I would really like
15 to see if I can get help about this
16 because as you understand, there is a
17 lot of things going on. There's a lot
18 of crime and you really want to be able
19 to protect your kids. That's pretty
20 much everything, and thank you for
21 listening to us. Let's see if there's a
22 way that we can be helped.

23 COUNCILWOMAN BROOKS: Thank you
24 so much for your testimony.

25 MS. FIGUEROA: Likewise.

1 COUNCILWOMAN BROOKS:

2 Mr. Shearlds, can you please read the
3 name of the next person registered for
4 public comment.

5 THE CLERK: The last person
6 registered to testify for public comment
7 is Adam Butler.

8 MR. BUTLER: Hi. My name is
9 Adam Butler. I'll begin my testimony.
10 I'm going to keep it brief because we've
11 heard from so many people who have
12 echoed so many comments from earlier.
13 But the U.S. Bank lien properties have
14 become a gentrification machine. They
15 have led to predatory development and
16 have had a huge negative impact on
17 communities when they have been lost.

18 I also want to respond to some
19 of the comments we heard earlier from
20 both the Sheriff and Linebarger. The
21 Sheriff has done no engagement with
22 community groups in terms of trying to
23 identify resolutions to these issues.
24 When we went to the Sheriff's Office,
25 they met us with eight armed deputies

1 and told us we weren't allowed to go in
2 and have a conversation with the
3 Sheriff.

4 And the follow-up that we had
5 done, the comments that they made about
6 how they are trying to fix and resolve
7 the notification process (inaudible).
8 The Sheriff has already announced that
9 there will be a tax foreclosure sale on
10 December 10th, and they indicated
11 earlier that 60 days' notice is
12 standard.

13 There's not a single property
14 listed on either the Sheriff's website
15 or the bid drafters website that will be
16 included in that December 10th sale.
17 They should immediately suspend that
18 sale until the notification issues are
19 resolved. Thank you.

20 COUNCILWOMAN BROOKS: Thank you
21 so much Mr. Butler.

22 Ms. Shearlds, are there any
23 other folks listed for public comment?

24 THE CLERK: No, Councilmember,
25 there aren't.

1 COUNCILWOMAN BROOKS: Thank you
2 so much. I want to thank, Rudy, for
3 your interpretation today. We
4 appreciate it very much. Thank you for
5 staying on and taking care of that for
6 us.

7 THE INTERPRETER: Thank you
8 very much, Ms. Brooks.

9 COUNCILWOMAN BROOKS: There
10 being no other witnesses to testify, I
11 would like to ask is there anyone else
12 present in the hearing whose name we
13 have failed to call and that wishes to
14 offer testimony on the resolution being
15 considered today?

16 (No response.)

17 COUNCILWOMAN BROOKS: Hearing
18 none, I want to thank all the panels and
19 witnesses for their participation today.
20 We value your opinion. This concludes
21 the public hearing of the Committee and
22 we will now recess this hearing until
23 the call of the Chair. Thank you all
24 very much for your attendance. Have a
25 great day.

1 (Committee on Housing,
2 Neighborhood Development and The
3 Homeless concluded at 12:17 p.m.)
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C E R T I F I C A T I O N

I, hereby certify that the
proceedings and evidence noted are contained
fully and accurately in the stenographic notes
taken by me in the foregoing matter, and that
this is a correct transcript of the same.

TANEHA CARROLL
Court Reporter - Notary Public

(The foregoing certification of
this transcript does not apply to any
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