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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING

4

COMMITTEE ON LICENSES AND INSPECTIONS

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Room 696, City Hall
Philadelphia, Pennsylvania
December 17, 2002
10:10 a.m.

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BILL 020496 - an ordinance amending Section 9-205 of
The Philadelphia Code, entitled "Sidewalk Sales"...

10

BILL 020634 - an ordinance amending Title 4 of The
Philadelphia Code, Subcode PM, by amending
requirements applicable to vacant premises...

11

BILL 020732 - an ordinance amending Title 4 of The
Philadelphia Code, Subcode PM, by adding provisions
relating to the maintenance of exterior...

12

13

BILL 020735 - an ordinance amending Title 4 of The
Philadelphia Code, Subcode A, by amending provisions
relating to fees assessed for certain licenses...

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PRESENT:

16

COUNCILMAN RICHARD T. MARIANO, Chair
COUNCILWOMAN BLONDELL REYNOLDS-BROWN

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COUNCILMAN ANGEL L. ORTIZ
COUNCILMAN MICHAEL NUTTER

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COUNCILMAN FRANK RIZZO

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I N D E X

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1 12/17/02 - LICE SES - BILL 020758

2 COUNCILMAN MARIANO: This is a hearing
3 of the Committee of Licenses and Inspection. The
4 Committee will hear testimony on Bills 020496,
5 020634, 020732 and 020758.

6 I have Councilman Mariano,
7 Vice-Chairman, Councilman Nutter, Councilman Ortiz,
8 Councilwoman Blondell Reynolds-Brown and I think
9 Councilman Rizzo is in the men's room. So we're
10 ready to roll.

11 Clerk, you can read the title now.

12 THE CLERK: Bill 020758, an ordinance
13 amending Title 4 of The Philadelphia Code, Subcode
14 A, by amending provisions relating to fees assessed
15 for certain licenses and permits and amending
16 provisions relating to the posting of certain
17 permits and licenses; amending Subcode PM by
18 amending provisions to consolidate licenses relating
19 to residential dwellings; and amending Title 19 of
20 The Philadelphia Code, Section 19-2602, relating to
21 fees assessed for business privilege licenses; all
22 under certain terms and conditions.

23 COUNCILMAN MARIANO: Testimony.

24 Mr. McLaughlin?

25 MR. McLAUGHLIN: Yes. Good morning,

1 12/17/02 - LICE SES - BILL 020758
2 Councilman Mariano and Members of the Council
3 Committee of Licenses and Inspections. I am Edward
4 J. McLaughlin. I am here today to testify on Bill
5 020758, which changes certain fees charged by the
6 Department of Licenses and Inspections for licenses
7 and permits.

8 Accompanying me here today are my
9 deputies, Robert Solvibile and David Perry and
10 Dominic Verdi, as well as my administrative services
11 director, Richard Felgus, and our director of
12 information technology, James Weiss.

13 Before we provide any further testimony
14 on this bill, we would like to request that the
15 Committee amend this bill by deleting the proposed
16 Subsection A-906.2.1 and replacing with the
17 following: A-906.2.1, owner unit exemption. For
18 one- and two-family dwellings, the \$30 license fee
19 is waived for a dwelling unit occupied by an owner
20 listed on the title deed to the property.

21 This change will keep the owner unit
22 exemption the same as our current license provision,
23 which will have separate licenses for residential
24 housing.

25 In the interest of brevity, I would just

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2 like to summarize that this bill will adjust fees
3 with the increased departmental costs to issue
4 permits and licenses, as well as to allow the
5 Department to automate operations by reducing our
6 fast-form permits by 50 percent. For single-family
7 residences and reducing single-family construction
8 for building permits by 20 percent, we hope to
9 foster repair and rehabilitation of existing
10 dwellings throughout the City, thereby aiding the
11 City's anti-blight efforts.

12 We believe that maintaining a strong
13 Department of Licenses and Inspections which is
14 properly equipped with modern technology will
15 benefit all of the citizens of Philadelphia.

16 Thank you for your consideration and for
17 the opportunity to present our testimony. I will be
18 happy to answer any questions at this time.

19 COUNCILMAN MARIANO: Thank you,
20 Commissioner. I just want to make note that
21 Councilman Rizzo joined us.

22 Do we have any questions for the
23 commissioner?

24 Councilman Ortiz.

25 COUNCILMAN ORTIZ: Commissioner, how

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2 will these fees increase revenue, and are these fees
3 going right back into the general fund of the
4 Department?

5 MR. McLAUGHLIN: These fees will help us
6 automate the Department and to provide better
7 services to people, on-line services, plus it will
8 allow our inspectors in the field to use that
9 technology to provide more effective, more efficient
10 service right on the spot in the field.

11 COUNCILMAN ORTIZ: In the first year of
12 these fees, how much money are you expecting to be
13 able to get?

14 MR. McLAUGHLIN: \$2.2 million.

15 COUNCILMAN ORTIZ: And, again, that
16 money will not go into the general fund, but will go
17 right into the Department?

18 MR. McLAUGHLIN: Well, the money will go
19 into the general fund, but the commitment from the
20 administration is to automate L&I. So, very
21 specifically, we have been joined by the managing
22 director and the mayor's office with the objective
23 of automating L&I.

24 COUNCILMAN ORTIZ: So the \$2 million
25 will go towards that automation?

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2 MR. McLAUGHLIN: Yes.

3 COUNCILMAN ORTIZ: Thank you.

4 COUNCILMAN MARIANO: Any other questions
5 for the commissioner?

6 COUNCILWOMAN REYNOLDS-BROWN: No.

7 COUNCILMAN MARIANO: Thank you.

8 Seeing none, Commissioner, anyone else
9 to testify on this bill? Anybody?

10 Michael, for the commissioner?

11 COUNCILMAN NUTTER: Commissioner, your
12 testimony on Bill 020758, that's the bill that we're
13 on presently?

14 MR. McLAUGHLIN: That's correct.

15 COUNCILMAN NUTTER: Two questions. One,
16 your proposed amendment, if I'm reading it
17 correctly -- and I know you asked for us to delete
18 the section and insert the new language that you put
19 in -- from what I can tell, the language that you're
20 suggesting is exactly the same as what's already in
21 the bill, with the exception that the sentence has
22 the additional language of "for one- and two-family
23 dwellings"; is that correct?

24 MR. McLAUGHLIN: That's correct.

25 COUNCILMAN NUTTER: The second issue is,

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2 and I've had conversation with the Chair and the
3 clerk of the Committee, I actually have a proposed
4 amendment myself based on conversations between my
5 staff and Mr. Otis Haigler. There was a recent
6 addition to The Philadelphia Code generally referred
7 to as the Educational Housing District Bill, which
8 was passed just a couple months ago. There is one
9 provision that affects the property maintenance
10 section, 102, and that did not get picked up in the
11 course of the drafting of this bill.

12 I'm going to assume, for one, this bill
13 in a drafting stage could have possibly started
14 before we even passed the Educational Housing
15 District Bill, but having said that, I'm going to
16 propose at the appropriate time an amendment, which
17 would go at Page 6, under Section PM-102.0,
18 licensing, for a new section, which would be
19 PM-102.1.1, which would replicate the language from
20 the original Educational Housing District Bill to be
21 inserted between PM-102.1 and PM-102.2. So it would
22 literally go right in between those two sections.

23 And I just wanted to bring that to your
24 attention during the course of the public hearing
25 and ask if you would be in agreement with that.

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2 MR. McLAUGHLIN: Yes, we are in
3 agreement with that, Councilman.

4 COUNCILMAN NUTTER: Thank you,
5 Mr. Chairman.

6 Thank you.

7 COUNCILMAN MARIANO: Any other questions
8 for the commissioner from the Committee?

9 Seeing none, and no one else to testify
10 on this bill -- Commissioner, do you want to say
11 something else?

12 MR. McLAUGHLIN: Could we request
13 suspension of the rules?

14 COUNCILMAN MARIANO: Sure.

15 MR. McLAUGHLIN: Thank you.

16 COUNCILMAN MARIANO: Thank you.

17 COUNCILMAN ORTIZ: Know that this will
18 not get passed this year.

19 COUNCILMAN MARIANO: This won't get
20 passed, because we only have one council session.
21 We'll get past the first one on the next one,
22 January 28.

23 MR. McLAUGHLIN: Yes. We're aware.

24 COUNCILMAN MARIANO: Thank you.

25 The clerk will read the title of Bill

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2 020496.

3 THE CLERK: Bill 020496, an ordinance
4 amending Section 9-205 of The Philadelphia Code,
5 entitled Sidewalk Sales, by prohibiting sidewalk
6 sales on portions of 18th Street and Callowhill
7 Street.

8 COUNCILMAN MARIANO: Otis Haigler.

9 MR. HAIGLER: Good day, Councilman
10 Mariano, Members of the Committee. I am Otis
11 Haigler, Jr., legislative and regulatory affairs
12 manager for the Department of Licenses and
13 Inspections.

14 Today I'm here to provide testimony on
15 Bill 020496, which, if enacted, will amend Section
16 9-204 of The Philadelphia Code to prohibit sidewalk
17 sales on portions of 18th Street and Callowhill
18 Streets.

19 With respect to this bill, the
20 Department offers no objections to its enactment and
21 is prepared to enforce its provision subsequent to
22 passage by City Council and being signed into law by
23 the mayor.

24 Thank you. I will be happy to answer
25 any questions at this time.

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2 COUNCILMAN MARIANO: Any questions from
3 the Committee for Mr. Haigler?

4 Seeing none, Mr. Haigler. Is Mr. Moore
5 here from Community College? Do you want to
6 testify, Mr. Moore?

7 MR. MOORE: Good morning. My name is
8 Harry Moore. I'm the director --

9 COUNCILMAN MARIANO: Mr. Moore, pull
10 that right up, because this is like -- he's getting
11 all the new technology. We're not getting anything.

12 MR. MOORE: Okay. There we go. Is that
13 better for everybody?

14 COUNCILMAN MARIANO: Yes.

15 MR. MOORE: My name is Harry Moore. I'm
16 the director of facility operations for the
17 Community College of Philadelphia, and I'm here to
18 just pass a couple comments onto the bill there.

19 The request was submitted by the College
20 because at the time that we dealt with the
21 neighborhood association, Logan Square, they had
22 requested us to seek this legislation. And since
23 there are no vendors on the site now, we just want
24 to continue the status quo and satisfy our
25 commitment to the Logan Square Association.

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2 COUNCILMAN MARIANO: Thank you.

3 Any questions for Mr. Moore from
4 Community College?

5 Seeing none, the clerk will read the
6 title of Bill 020634.

7 THE CLERK: 020634, an ordinance
8 amending Title 4 of The Philadelphia Code, Subcode
9 PM, by amending requirements applicable to vacant
10 premises, all under certain terms and conditions.

11 COUNCILMAN MARIANO: Mr. Haigler.

12 MR. HAIGLER: Good day, Councilman
13 Mariano and Members of the Committee. I am Otis
14 Haigler, Jr., legislative and regulatory affairs
15 manager for the Department of Licenses and
16 Inspections.

17 Accompanying me today is First Deputy
18 Commissioner Robert Solvibile.

19 Today I am here to provide testimony on
20 Bill 020634, which, if enacted, will amend sections
21 of the Property Maintenance Code to require that the
22 owners of properties classified as causing a
23 blighting influence maintain and secure them with
24 windows and doors.

25 The Department fully supports this bill

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2 in the interest of addressing concerns regarding
3 blighted buildings without windows and doors that
4 have a deleterious effect on the surrounding
5 community.

6 Besides being a public nuisance to the
7 other residents who live in proximity to them, the
8 buildings that fall into the category of causing a
9 blighting influence on the community pose a threat
10 to public safety. Accessibility to these buildings
11 by unauthorized persons create a harbor for criminal
12 and other adverse activity to transpire, which is
13 inconsistent with public policy and the desires of
14 others residing in the community.

15 Bill 020634 provides a mechanism to
16 address this blight on the community by requiring
17 that the owners of these properties maintain them in
18 a condition which is consistent with other aspects
19 of the community in which they are located.

20 It is believed that this will help to
21 stabilize areas of the City from the spread of
22 further blight that has an economic impact on
23 surrounding properties and an emotional impact on
24 the individuals who reside in them.

25 From an operational perspective, the

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2 Department is prepared to enforce the provisions of
3 this bill should it be passed by City Council and
4 signed into law by the mayor. However, we wish to
5 emphasize that our primary objective in enforcing
6 the provisions of this bill will be to use our
7 enforcement powers in cooperation with other local
8 governmental departments and agencies in an effort
9 to gain compliance from the property owner through
10 their abatement of blighting conditions.

11 Thank you for the opportunity to provide
12 the Department's testimony on Bill 020634. I'll be
13 happy to answer any questions at this time.

14 COUNCILMAN MARIANO: Any questions from
15 the Committee for Mr. Haigler? Councilman Nutter.

16 COUNCILMAN NUTTER: Thank you,
17 Mr. Chairman.

18 I have not had an opportunity to talk
19 with the sponsoring councilmember about this
20 particular bill, which I certainly plan to support.
21 I did have one question, and I don't know if you can
22 answer it, Mr. Haigler, or if you were involved in
23 the drafting of the bill.

24 But under the definition of the
25 blighting influence, I was intrigued about the --

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2 there appear to be two conditions that determine
3 whether or not the property qualifies as being
4 considered a blighting influence. First was that
5 the building is located on the block face where 80
6 percent or more buildings on the block face are
7 occupied.

8 Do you have any idea where the 80
9 percent standard came from, and does this mean that
10 if the block -- if the property is on a block where
11 only 70 percent of the buildings are occupied, then
12 the building is not considered a blighting
13 influence?

14 MR. SOLVIBILE: Councilman, this was
15 language put in by --

16 COUNCILMAN MARIANO: Mr. Solvibile, you
17 have to state your name for the record.

18 MR. SOLVIBILE: I'm sorry. My name is
19 Robert Solvibile, deputy commissioner of Licensing
20 and Inspections.

21 It was put in at the suggestion of the
22 Law Department, but it gives us the right to write
23 this violation on any block in the City of
24 Philadelphia; just that the notice period would be
25 longer for less than 80 percent.

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2 COUNCILMAN NUTTER: I'm sorry, Mr.
3 Solvibile. Say that again.

4 MR. SOLVIBILE: It would give us the
5 right to write the violation on any property in
6 Philadelphia without doors and windows. It's just
7 that the time for notice when it's less than 80
8 percent of vacancy on the block would be 20 days
9 versus, say, a ten-day notice.

10 COUNCILMAN NUTTER: Tell me the
11 provision of the bill that allows you to write the
12 violation on any block regardless of the 80 percent
13 standard.

14 MR. HAIGLER: Councilman, we currently
15 have provisions of the Code that allow us to deal
16 with the abatement of vacant buildings in general.
17 This particular bill primarily deals with buildings
18 that cause a blighting influence on the community,
19 where there are community concerns that have been
20 raised to require that we go beyond just what we
21 normally do with vacant buildings, require that they
22 seal them.

23 This bill will require that the owner
24 provide -- put in windows and doors, actual windows
25 and doors in those buildings, to keep the buildings

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2 consistent with the rest of the community.

3 COUNCILMAN NUTTER: Well, that's what I
4 thought the purpose of the bill was. I mean, I've
5 certainly had a few experiences, and Mr. Solvibile
6 and I have had discussions about this, where is it
7 true that under the current Code there is not a
8 requirement that you have windows in where windows
9 are and doors where a door would normally be? Isn't
10 that presently the case?

11 MR. SOLVIBILE: It's unclear in the Code
12 that we can require doors and windows, which is the
13 reason for this bill, to make it clear that we have
14 that authority to require doors and windows and not
15 just let the owners seal the building. A case in
16 point would be the property you and I are both very
17 aware of on Lawnton Street.

18 COUNCILMAN NUTTER: Exactly.

19 MR. SOLVIBILE: We have no authority to
20 make him put doors and windows on that. With this
21 bill, we will.

22 COUNCILMAN NUTTER: Okay. So the bill
23 does provide the clarity that we need to require the
24 windows and doors.

25 So let me go back again, and I don't

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2 know what the Law Department's advice was, but tell
3 me a little more, I guess, about this 80 percent
4 standard, and will that in any way, shape or form
5 interfere with the ability to require windows and
6 doors if the person makes the argument that, for
7 whatever reason, the particular block in question
8 only has 70 percent occupancy?

9 MR. HAIGLER: No, sir, because under the
10 second section there, it gives the commissioner the
11 discretionary authority to require windows and doors
12 for other scenarios where you have four different
13 criteria here where the deterioration and/or safety
14 of the property is at question, whether there's a
15 safety issue for the surrounding community, the
16 value of intact and occupied properties in the
17 surrounding vicinity of the property. The
18 commissioner would make this determination in
19 consultation with the other appropriate City
20 officials.

21 So the 80 percent is one standard, but
22 then you have a second criteria that could be
23 followed as well.

24 COUNCILMAN NUTTER: Okay. As I said,
25 I'm pleased that we have this bill. It does remove

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2 the ambiguity that we've been operating under. I
3 just wanted to make this discussion for the record
4 so that it's clear going forward.

5 I mean, there are some people who
6 specialize in trying to figure out how to get around
7 The Philadelphia Code. That's a bit of a cottage
8 industry these days. And if I were not the kind of
9 calm person that has my oatmeal every day, I'd be
10 dealing with some of these folks in a slightly
11 different fashion.

12 I appreciate this bill, and I'll sleep
13 better tonight. Thank you.

14 MR. HAIGLER: Thank you.

15 COUNCILMAN MARIANO: Thank you,
16 Councilman.

17 Councilman Rizzo.

18 COUNCILMAN RIZZO: Just to follow up on
19 that, take me through the process. You build a new
20 building. You have to have a certificate of
21 occupancy to move into that building in
22 Philadelphia. You build a new house. To get a
23 certificate of occupancy, you have to have windows,
24 don't you?

25 MR. HAIGLER: Correct. It would have to

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2 meet the minimum standards required under the
3 Building Code, Property Maintenance Code.

4 COUNCILMAN RIZZO: So if the person
5 showing up, the inspector, to provide the
6 certificate of occupancy walked up and there were no
7 windows, no doors or bricks where windows are
8 supposed to be, would they get a certificate of
9 occupancy?

10 MR. HAIGLER: No.

11 COUNCILMAN RIZZO: So my confusion is,
12 when a building falls out, falls beyond the
13 requirements of a certificate of occupancy, why
14 isn't it in violation?

15 MR. HAIGLER: Because all buildings, all
16 properties in the City of Philadelphia, have to meet
17 minimum standards as required by law, as required by
18 the Property Maintenance Code. Any building in the
19 City, regardless whether it's occupied or vacant,
20 still have to meet those minimum standards of the
21 Property Maintenance Code, and the property will be
22 maintained by the owners of those properties.

23 COUNCILMAN RIZZO: I'm probably not
24 making myself clear.

25 An occupied property, a person lives in

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2 an occupied property, and they're living on the
3 first floor or the second floor, and the first floor
4 gets boarded up. And there are conditions like that
5 where people are living in homes like that. Isn't
6 that automatically a violation because they boarded
7 it up and it wouldn't have gotten a certificate of
8 occupancy if you came out there and it had boards in
9 the window?

10 MR. SOLVIBILE: The Law Department
11 advised us that the Code, the present Code, did not
12 allow us to order doors and windows; that the code
13 said that you had to seal the property -- you could
14 seal the windows versus having doors and glass in
15 the windows, you could use wood to seal it; and that
16 to order owners to comply with our desire to have
17 doors and windows, we would need this ordinance.
18 That's, basically, what our desire has been all
19 along.

20 As an example, it was brought up
21 yesterday, 2200 block of Arch, and it's a high-rise
22 building in Center City without doors and windows.
23 We only had the right to make him seal the windows
24 that were accessible to -- the openings that were
25 accessible with wood.

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2 With this ordinance, we have a right to
3 order all doors and windows in the whole building.
4 And there's several buildings like that in the City
5 that have that kind of effect on the community.

6 Another area where it will be put to a
7 lot of use is in the corner stores all over the City
8 that you see that are sealed on the second and third
9 floor and the business is to operating out of the
10 first. That has a horrible effect on the
11 community's morale and the value of the property in
12 the community. And we intend to use this ordinance
13 to write that type of building in violation to
14 require doors and windows on all the openings if
15 they're going to do business there.

16 COUNCILMAN RIZZIO: Again, my point being
17 that, common sense, there's a minimum requirement to
18 get a certificate of occupancy. Once that building
19 falls below that standard, you would think that that
20 building would be in violation. Because if you
21 can't get a certificate of occupancy with the
22 scenario that you just described, boards in the
23 windows, it just doesn't make a lot of sense, but --

24 MR. HAIGLER: Councilman, let me clarify
25 one issue.

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2 The certificate of occupancy is
3 primarily required for new construction, for new
4 buildings.

5 COUNCILMAN RIZZO: Exactly.

6 MR. HAIGLER: Buildings that are being
7 maintained, they fall under requirements -- the
8 certificate of occupancy is a requirement that falls
9 on the buildings that are being constructed under
10 the Building Code.

11 COUNCILMAN RIZZO: I understand that.

12 MR. HAIGLER: And the Property
13 Maintenance Code is to maintain existing property.
14 So there's a distinction there.

15 This bill will allow for the maintaining
16 of those properties to a minimum standard that was
17 not in existence before. And the issue with the
18 wood in doors, that was primarily from a safety
19 perspective to prevent trespass into the property so
20 that it would prevent somebody from going into the
21 premises, starting fires and so forth. So that was
22 a minimum requirement to prevent access to the
23 building.

24 This will be one step above to require
25 that the building not only be maintained against

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2 trespass, but it also would have to be aesthetically
3 consistent with the other surrounding buildings in
4 the community.

5 MR. RIZZO: My final question: What
6 resistance, what legal challenges to you anticipate
7 with the implementation of this legislation? I own
8 that building at 22nd and Arch. Today he's legal.
9 Tomorrow, or whenever, it becomes a violation.

10 Do you realistically think that you're
11 going to be able to enforce this legislation if it
12 passes?

13 MR. SOLVIBILE: Councilman, the Law
14 Department has drafted this for us with buildings
15 like that in mind. So that would be a question that
16 we can't answer, but I'm sure the Law Department
17 thought that they could enforce this bill against
18 people who are having this blighting effect on the
19 community.

20 COUNCILMAN RIZZO: Have we done any kind
21 of communication with these property owners, letting
22 them know that this legislation is on the way?

23 MR. SOLVIBILE: The three properties
24 that I mentioned in my testimony have been in equity
25 court, and we have gone back and forth for years

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2 with these owners about the conditions of these
3 buildings. And by the buildings being open, they
4 continue to deteriorate, and concrete is falling off
5 the buildings. And every third year we're back in
6 equity court.

7 So we're trying to stop that and make
8 them take a hold of their buildings and make them
9 more pleasing aesthetically to the community.

10 COUNCILMAN RIZZO: Were those property
11 owners, equity court, the interested parties, were
12 they made aware of this hearing?

13 MR. SOLVIBILE: I can't answer that
14 question.

15 COUNCILMAN RIZZO: I think they should
16 have been.

17 MR. HAIGLER: It's public notice,
18 Councilman. The requirements of the City Charter,
19 the notice did go out.

20 COUNCILMAN RIZZO: I understand that,
21 but my point being is, this is a big, big unexpected
22 burden on these people. You know, I'm not saying
23 that they shouldn't do what we suggest here, but
24 this is how sometimes government gets criticized,
25 where you parachute in an ordinance that possibly

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2 could cause several hundred thousands of dollars in
3 temporary expenditure that's not budgeted. You
4 know, there is some fairness and some communication
5 I think required or some way to work this in
6 gradually, maybe by the floor.

7 COUNCILMAN MARIANO: Councilman, if I
8 may, I think being the co-sponsor with Councilman
9 Krajewski on this, I think the spirit of this was --
10 I get your intention, but the spirit of it was if we
11 don't do something about this eventually -- you
12 heard Councilman DiCicco speak about this yesterday.
13 He asked Mr. Solvibile about this. But if we don't
14 do something about this eventually, it never gets
15 done. And on your part of it, what you're trying to
16 say here, I think, maybe when this becomes a law, do
17 we send something out and say, look, we passed this
18 law, now you got two weeks or a month or we're
19 coming to get you tomorrow.

20 MR. SOLVIBILE: Well, when it's passed,
21 we're going to write a violation, and they'll have
22 rights of appeal, and they're all represented by
23 attorneys.

24 COUNCILMAN RIZZO: Excuse me. See, this
25 is the part that really bothers me. You know, we're

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2 trying to work with people. Why do you need to
3 write a violation to get cooperation? Right away
4 you get people's feathers ruffled. The building has
5 been sitting there for 30 years or how many years.
6 Now all of the sudden they get a violation. Isn't
7 there a better way to conduct our business than
8 doing it this way? My God.

9 MR. SOLVIBILE: I know of no way to
10 comply -- to force on owner to comply. We could
11 send --

12 COUNCILMAN RIZZO: It sounds to me this
13 is typically why we are all in the craphouse that
14 we're in with our public relations, that there ought
15 to be a better way, in my opinion, to get this
16 accomplished without, you know, Friday it's legal,
17 Monday it's not, bam, you got a violation. Come on,
18 Guys. Let's think of a better way to get this
19 accomplished.

20 MR. SOLVIBILE: What comes to mind,
21 Councilman, is a property that I'm very aware of and
22 have been back and forth with the owner and their
23 attorneys for years, and it's in a neighborhood
24 where homes are very well kept, and this is the only
25 one that's vacant and it's getting broken into and

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2 it's a pigeon roost and it's everything that you
3 don't want in a residential community. And the
4 citizens that are living in that neighborhood have a
5 right to have a home there that looks decent.

6 And that's all this bill is trying to
7 do, is to assist the community in getting this type
8 of housing that's in their neighborhood to look and
9 be aesthetically pleasing instead of deteriorating.

10 COUNCILMAN RIZZO: Commissioner, I'm not
11 talking about that scenario. I'm talking about the
12 one we just talked about that's in Center City
13 Philadelphia, that people own it, that you have
14 probably a relationship with, and, in my opinion,
15 you do it how you need to do it, but, again,
16 hammering them with a violation is -- it's like the
17 meter person waiting there until the meter expires.
18 It's just, in my opinion, not the best way to
19 conduct our government. You know, that's my
20 opinion, and that's why I'm here at this committee
21 hearing.

22 MR. McLAUGHLIN: Ed McLaughlin,
23 commissioner of L&I.

24 I hear what you're saying, Councilman,
25 and we will pull a group of those group together and

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2 talk about how we should go about enforcing this.

3 The issue for us, though, is, we need
4 the backdrop of the law. You know yourself that
5 we're reasonable in our enforcement and that we take
6 a step back and let people have room to comply with
7 the law. But we always need the backdrop of having
8 the law there that will support our actions.

9 We will definitely listen to what you're
10 saying, call a group of people together. We know
11 who the players are as well as you do, and, you
12 know, your phone will ring. The rest of the
13 councilpeople's phones will ring on this issue if we
14 don't enforce it reasonably. So we understand that.

15 COUNCILMAN RIZZO: Thank you,
16 Commissioner. Thank you, Deputy Commissioner.

17 COUNCILMAN MARIANO: Thank you,
18 Commissioners. Thank you, Councilman.

19 You're truly the kinder gentleman
20 council -- kinder, gentler councilman. Thank you.

21 Is there any other questions for these?

22 This concludes the public hearing. We
23 will now go into the public meeting.

24 The public meeting is brought to owner,
25 and I think, Councilman Nutter, you will be

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2 Councilwoman Krajewski, since she's not here.

3 COUNCILMAN NUTTER: I --

4 COUNCILMAN MARIANO: I think you should
5 leave that the way I said it.

6 COUNCILMAN NUTTER: Yes. She'll be
7 quite upset, but...

8 COUNCILMAN MARIANO: We both love her
9 dearly, too.

10 COUNCILMAN NUTTER: No question.

11 Now, do you want to go right down the
12 line down, Councilman?

13 COUNCILMAN MARIANO: Yes. Do the
14 amendments.

15 MR. NUTTER: To 758?

16 COUNCILMAN MARIANO: Yes. 58 they
17 wanted to suspend the rules.

18 COUNCILMAN NUTTER: Okay. Thank you,
19 Mr. Chairman.

20 There are two amendments to Bill 020758.

21 The first is in Section 1, which deletes the
22 proposed Subsection A-906.2.1 and replace that
23 section with the following: "A-906.2.1 (Reserved)
24 owner unit exemption: For one and two-family
25 dwellings, the \$30 license fee is waived for a

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2 dwelling unit occupied by an owner listed on the
3 title deed to the property."

4 The second amendment, proposed
5 amendment, to Bill 020758 is to amend the bill on
6 Page 6, by inserting the following paragraph between
7 Section PM-102.1 and Section PM-102.2 with this new
8 section: "PM-102.1.1, Special Requirement in
9 Educational Housing Districts: In addition to the
10 other conditions for obtaining a license under this
11 section, no person shall be issued a," delete
12 "multi-family dwelling," insert "housing inspection"
13 license for a property located in an Educational
14 Housing District in which the total number of
15 students living in the building exceeds 25, or in
16 which the percentage of dwelling units in the
17 buildings in which at least one student lives
18 exceeds 25 percent of the dwelling units of such
19 building, and no such license shall be renewed,
20 unless such person obtains a certification from the
21 Department stating that within the last ninety days
22 the property has been inspected by the Department
23 and is in substantial compliance with the
24 requirements of the Building Construction and
25 Occupancy Code. The fee for such an inspection

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2 shall be established by the Department by
3 regulation. For purposes of this subsection, the
4 terms "Educational Housing District" and "student"
5 shall have the meanings as defined in Chapter
6 10-1800 of the Code."

7 MR. ORTIZ: I move the adoption of the
8 amendment.

9 COUNCILMAN MARIANO: The amendment has
10 been read and seconded.

11 COUNCILMAN NUTTER: I move the adoption
12 of both amendments read into the record.

13 COUNCILMAN ORTIZ: Second.

14 COUNCILMAN MARIANO: The amendment has
15 been read and seconded. All those in favor say aye.

16 MEMBERS: Aye.

17 COUNCILMAN MARIANO: Opposed? Seeing
18 none, the amendments pass.

19 COUNCILMAN NUTTER: Mr. Chairman, I move
20 that Bill 020758 as amended be reported out of this
21 Committee with a favorable recommendation.

22 COUNCILMAN RIZZO: Second.

23 COUNCILMAN NUTTER: A further
24 recommendation, that the Rules of Council be
25 suspended so as to permit first reading in our next

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2 session.

3 COUNCILMAN MARIANO: It has been read
4 and seconded as amended. All those in favor say
5 aye.

6 MEMBERS: Aye.

7 COUNCILMAN MARIANO: All those opposed?
8 Seeing none, it passes as amended and with a
9 suspension of the Rules.

10 Okay. Councilman Nutter, on Bill No.
11 020496.

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

14 Bill 020496, I move that Bill 020496 be
15 reported out of this Committee with a favorable
16 recommendation.

17 COUNCILMAN ORTIZ: Second.

18 COUNCILMAN MARIANO: It's been moved and
19 seconded. All those in favor say aye.

20 MEMBERS: Aye.

21 COUNCILMAN MARIANO: All those opposed?
22 None. Seeing none, it passes.

23 Councilman.

24 COUNCILMAN NUTTER: Mr. Chairman, I move
25 that Bill 020634 be reported out of this Committee

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2 with a favorable recommendation.

3 COUNCILMAN ORTIZ: Second.

4 COUNCILMAN MARIANO: So moved and
5 seconded. All those in favor?

6 MEMBERS: Aye.

7 COUNCILMAN MARIANO: Opposed? Seeing
8 none, it passes.

9 This concludes the public meeting --

10 COUNCILMAN NUTTER: Mr. Chairman, 732.

11 COUNCILMAN MARIANO: We didn't do 732?

12 COUNCILMAN NUTTER: I started at the
13 end. I'm sorry. Did we take testimony on 732?

14 COUNCILMAN MARIANO: I'm sorry. We're
15 holding 732. That's been held. I'm sorry.

16 COUNCILMAN NUTTER: Do you want to put
17 that in?

18 COUNCILMAN MARIANO: 020732 has been
19 held by request of the sponsor.

20 COUNCILMAN NUTTER: No problem.

21 COUNCILMAN MARIANO: And that concludes
22 the public meeting on Licenses and Inspection.

23 Thank you, Everyone.

24 (Hearing concluded at 10:45 a.m.)

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CERTIFICATE

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MICHELE L. MURPHY

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RPR-Notary Public

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I HEREBY CERTIFY that the proceedings,
evidence and objections are contained fully and
accurately in the stenographic notes taken by me
upon the foregoing matter on December 17, 2002,
and that this is a true and correct transcript of
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