

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 240481)

RESOLUTION

Authorizing the City Council Committee on Licenses and Inspections to hold public hearings to examine the progress of implementing Section 906 of the Philadelphia Property Maintenance Code entitled “Necessary Urgent Repair Program,” understand the impact it would have if fully funded, and further exploring partnerships and programs that could assist in successfully executing this initiative.

WHEREAS, On March 11, 2021, Councilmember Curtis Jones, Jr., along with Councilmember Jamie Gauthier and former Councilmember Bobby Henon introduced Bill #210205 to amend Chapter 9 of the Philadelphia Property Maintenance Code to create a program entitled the “Necessary Urgent Repairs Program,” which would allow the City of Philadelphia to perform critical repairs on qualifying multi-family and vacant single-family buildings and charge the property owners for repayment of those repairs (Exhibit A); and

WHEREAS, The legislation was unanimously passed by City Council on October 28, 2021, and was returned to Council unsigned by the Mayor on November 18, 2021. Pursuant to Section 2-202 of the Philadelphia Home Rule Charter, the Ordinance became law, and became effective on November 18, 2022; and

WHEREAS, Under the terms of the legislation, the City is empowered to repair critical violations that have become public nuisances. These include violations of the Philadelphia Property Maintenance Code concerning plumbing systems, mechanical and electrical heating systems, mechanical equipment, or other violations that the Department of Licenses and Inspections shall deem necessary; and

WHEREAS, In the more than a year since the legislation has been effective, the City has not implemented this program, leaving dozens of public nuisance properties to slip further into disrepair. In his letter that was submitted to Council providing an explanation for not signing the

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legislation, Mayor Kenney affirmed his support for the intention of the legislation but also noted that “the Administration does have concerns about our capacity to effectively implement the program” (Exhibit B). While the Administration at the time had concerns about the feasibility of implementation, the current cost that non-implementation has is detrimental to Philadelphia and its residents, and that cost grows higher each day that it is not being implemented; and

WHEREAS, There are numerous properties throughout the City of Philadelphia, both multi-family units and abandoned single-family residences, that would benefit from this program. Affordable housing is necessary for the preservation of strong neighborhoods. Implementing the Urgent Necessary Repair Program would allow for a larger number of residents, especially seniors, to stay in their homes, prevent displacement, and ensure the safety, health, and well being of communities throughout Philadelphia: and

WHEREAS, Even with adequate funding being made available, implementing the program will still be a challenge. However, just because a situation will be challenging does not mean it can be ignored and looked away from. Furthermore, it is necessary to understand how the City can work collaboratively without outside organizations to further implement this legislation. By creating City partnerships with groups like organized labor, CTE programs, and other organizations dedicated to teaching construction skills, the City would be able to address the issue of blighted and abandoned properties, potentially create a school-to-paycheck pipeline, and would skills that can be utilized for for generations to come; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That it hereby authorizes the City Council Committee on Licenses and Inspections to hold public hearings to examine the progress of implementing Section 906 of the Philadelphia Property Maintenance Code entitled “Necessary Urgent Repair Program,” understand the impact it would have if fully funded, and further exploring partnerships and programs that could assist in successfully executing this initiative.

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Exhibit A

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Philadelphia, November 18, 2021

CERTIFICATION: This is to certify that Bill No. 210205 was presented to the Mayor on the twenty eighth day of October, 2021, and was not returned to the Council with his signature at a meeting held November 18, 2021 (being more than ten days after it had been presented to him).

THEREFORE, Pursuant to the provisions of Section 2-202 of the Philadelphia Home Rule Charter, the ordinance becomes effective as if the Mayor had approved it.

Michael A. Decker
Chief Clerk of the City Council

(Bill No. 210205)

AN ORDINANCE

Amending Chapter 9 of Subcode PM (“The Philadelphia Property Maintenance Code”) of Title 4 of The Philadelphia Code, entitled “Additional Special Requirements,” to establish a program in which the City may perform certain urgent repairs and bill the property owner; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 4 of the Philadelphia Code is hereby amended to read as follows:

TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE

* * *

SUBCODE “PM” (THE PHILADELPHIA PROPERTY MAINTENANCE CODE)

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CHAPTER 9 ADDITIONAL SPECIAL REQUIREMENTS

* * *

SECTION PM-906. NECESSARY URGENT REPAIR PROGRAM.

(1) *Definitions. For purposes of this Section, the following terms shall have the following meanings:*

“Department.” The Department of Licenses and Inspections.

“Qualifying Multi-Family Building.” A residential building that has a Household Living Use pursuant to Section 14-601(2)(a)(.3) of the Philadelphia Zoning Code and, in which, a public nuisance is present.

“Qualifying Vacant Single-Family Building.” A residential building that has been unoccupied for one year or more, has a Household Living Use pursuant to Section 14-601(2)(a)(.1) of the Philadelphia Zoning Code and, in which, the presence of a public nuisance is significantly impacting a neighboring property.

(2) *A significant violation of one or more of the following sections of the Philadelphia Property Maintenance Code shall be considered a public nuisance:*

- (a) *PM15-504.3: Plumbing Systems-Hazards;*
- (b) *PM15-506.1: Plumbing Systems-Sanitary Drainage;*
- (c) *PM15-506.2: Plumbing Systems-Sanitary Maintenance;*
- (d) *PM15-602.2: Mechanical & Electrical-Heating Residential;*
- (e) *PM15-602.3: Mechanical-Heating Residential Temp;*
- (f) *PM15-603.1: Mechanical-Mechanical Equipment.*

(3) *The Department may, by regulation, designate additional significant violations of the Philadelphia Property Maintenance Code that shall be considered public nuisances and have the same effect as significant violations listed in Section PM-906(2) of this Code.*

(4) *Owners and authorized agents of Qualifying Multi-family Buildings and Qualifying Vacant Single-Family Buildings are required to immediately repair any public nuisance listed in*

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Section PM-906(2) of this Code, after being provided with service of reasonable notice of the public nuisance.

(5) Failure to repair any such public nuisance within one (1) month of provision of reasonable notice of the existence of the public nuisance, including a summary of the repairs to be completed, shall authorize the Department to cause the public nuisance to be repaired.

(a) If, at the time of the notice, the owner or authorized agent of the Qualifying Multi-Family Building or Qualifying Vacant Single-Family Building is engaged in a good-faith effort to repair the public nuisance at least as soon as it could be corrected by the Department, the Department shall not commence any repairs unless and until the owner or authorized agent interrupts or ceases the repairs or the Department determines that emergency repairs or temporary safeguards are required.

(6) The owner shall be responsible for, and shall be billed for, all expenses incurred by the Department pursuant this Section PM-906, which, after a period of non-payment of thirty (30) days, shall be filed as a lien against the property.

SECTION 2. This Ordinance shall take effect one year from the date it becomes law.

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Exhibit B

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City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

Legislation Text

File #: 210952, Version: 0

November 17, 2021

TO THE PRESIDENT AND MEMBERS OF THE COUNCIL OF THE CITY OF PHILADELPHIA:

I am hereby returning without my signature Bill No. 210205, which was passed by Council at its session on October 28, 2021. This Bill will amend Chapter 9 of Subcode PM ("The Philadelphia Property Maintenance Code") of Title 4 of The Philadelphia Code, entitled "Additional Special Requirements," to establish a program in which the City may perform certain urgent repairs and bill the property owner.

The Administration supports the intention of this Bill and understands that the violations targeted in this legislation - lack of heating and damaged plumbing - can be significantly detrimental to residents and near neighbors. It is important to help encourage property owners to maintain their properties in a manner that prevents displacement of residents, wherever possible which is why we already offer programs like the Basic Systems Repair Program, the Small Landlord Working Capital Loans, Restore Repair Renew, and the Rental Improvement Fund. Each of these programs gives property owners the opportunity to make desperately needed repairs at low costs. However, the Administration does have concerns about our capacity to effectively implement the program.

First, the Administration has concerns that in many cases, we will not be successful in gaining access to the property in order to make the necessary inspections and/or repairs. Each of the previously listed programs requires the consent of the property owner to make the necessary repairs. Outside of voluntary access or a court order, which is its own lengthy and difficult process, the Department of Licenses and Inspections (L&I) would not be able to enter the property and the repairs could not be made.

Furthermore, there are concerns regarding the liability that the City would be subject to if we performed these repairs. The Bill would require the City to enter a property that we do not own to effect repairs. Construction operations contain risks of injury to workers and the public. In addition, anyone performing the work would need to be responsible for the quality and effectiveness of the work after the repair is completed.

Lastly, we have concerns about the capacity of L&I to manage the program and the cost of the repairs that would be incurred by the City. A program would need to be developed to prioritize properties with open violations, select licensed contractors, and ensure that the work is completed in a timely, code compliant manner. Additionally, the cost of these repairs may be significant, and the Administration does not believe we would be able to recover funds from the property owner, after the repairs have been completed.

The Administration was ready and willing to participate in a working group over the summer to address these concerns, as promised by the Sponsor at the June 9, 2021, Licenses and Inspections Committee hearing. The Administration was hopeful that this working group could lead to a program that could be supported and ready to be implemented shortly after final passage. The Sponsor failed to follow through with this commitment and the significant issues with the Bill remain unaddressed, therefore, we cannot currently support this Bill. The

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Administration is still open to participating in a working group with Council to address the issues this Bill aims to address.

For these reasons, I am returning without my signature, Bill No. 210205.

Respectfully,

James F. Kenney

Mayor

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the sixteenth day of May, 2024.

Kenyatta Johnson
PRESIDENT OF THE COUNCIL

Elizabeth McCollum
INTERIM CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Jones

Sponsored by: Councilmembers Jones, Driscoll, Squilla, Gilmore Richardson,
Gauthier, Phillips, Harrity, Landau, Young and Brooks