

City of Philadelphia



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

(Resolution No. 130713)

RESOLUTION

Calling on Mayor Michael A. Nutter to immediately issue an Executive Order to require enforcement functions at the Department of Licenses and Inspections to report to the Department of Public Safety, as recommended by the Special Investigating Committee on Demolition Practices in Philadelphia.

WHEREAS, Under the Philadelphia Home Rule Charter § 5-1002, the Department of Licenses and Inspections is required to perform the following Building Safety and Sanitation, Signs and Zoning duties as follows:

It shall, except as otherwise specifically provided in this charter, administer and enforce all statutes, ordinances and regulations for the protection of persons and property from hazards, in the use, condition, erection, alteration, maintenance, repair, sanitation (including the maintenance and condition of plumbing and drainage facilities and the maintenance of sanitary conditions in housing accommodations), removal and demolition of buildings and structures or any parts thereof and the grounds appurtenant thereto, in the operation of equipment therein, and of outdoor signs;ⁱ and

WHEREAS, Mayoral Executive Order No. 3-08, *Relating to the supervision of, and coordinating among the City's departments, boards and agencies*, caused the Department of Licenses and Inspections (L&I) to report to the Deputy Mayor for Planning and Economic Development, who is also the Director of Commerce;ⁱⁱ and

WHEREAS, The Deputy Mayor manages all departments that carry out economic development activities for the City. In addition to the Department of Licenses and Inspections, other departments include the Office of Housing and Community Development, the Philadelphia City Planning Commission, the Office of Sustainability, and the Philadelphia Historical Commission.ⁱⁱⁱ All quasi-public agencies dealing with economic development, including the Philadelphia Industrial Development Corporation

City of Philadelphia

RESOLUTION NO. 130713 continued

(PIDC) and the Philadelphia Redevelopment Authority (RDA) also report to the Deputy Mayor to ensure comprehensive planning and coordination of the City's development resources; and

WHEREAS, Current L&I Commissioner Carlton Williams explained the core duties of the Department of Licenses and Inspections as follows: "Our responsibilities in terms of what we do for the City of Philadelphia is to inspect buildings to ensure public safety";^{iv} and

WHEREAS, The issue was best summarized by Bennett Levin, former L&I Commissioner, at a hearing on demolition practices as follows:

"The current organization of the department is dysfunctional. It is not based upon the department's basic core functions as defined by the City Charter. L&I is not an economic development entity. L&I is not a revenue entity. Its first and primary responsibility is dealing with the safety of the general public. It may have revenue responsibilities. But in those areas, those responsibilities are and should be subordinate to the primary function as a guardian of some of the most critical life safety functions born by the City government. The first and primary responsibility is dealing with the safety of the general public";^v and

WHEREAS, The Special Investigating Committee on Demolition Practices appreciates the role that L&I plays in promoting economic development in the City, but believes that this role is secondary. L&I's core objective and most important function is public safety; and

WHEREAS, Former L&I Commissioner Fran Burns remarked, "I do think it reinforces the mission of L&I to have it in a structure of public safety. Sometimes that gets lost if it's not there";^{vi} and

WHEREAS, Recent demolition catastrophes and demolition and construction hazards indicate that public safety is, indeed, the "something that gets lost" by having the Department of Licenses and Inspections report under a rubric of commerce and economic development; now therefore

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That City Council hereby urges the Mayor to issue an Executive Order requiring the Department of Licenses and Inspections to directly report to and operate under the Department of Public Safety.

RESOLVED FURTHER, That the Special Investigating Committee will introduce legislation seeking an amendment to the Philadelphia Home Rule Charter to further codify a Mayoral Executive Order requiring the Department of Licenses and Inspections

City of Philadelphia

RESOLUTION NO. 130713 continued

to report to the Department of Public Safety forever to ensure that public safety retains the utmost prioritization among the various duties carried out by the Department.

City of Philadelphia

RESOLUTION NO. 130713 continued

CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the fifth day of December, 2013.

Darrell L. Clarke
PRESIDENT OF THE COUNCIL

Michael A. Decker
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmembers Jones, Quiñones Sánchez, Henon, Kenney
and Blackwell

Sponsored by: Councilmembers Jones, Quiñones Sánchez, Henon, Kenney
and Blackwell

ⁱ Philadelphia Home Rule Charter, Title V §5-1002 (a).

ⁱⁱ Mayoral Executive Order No. 3-08, *Relating to the Supervision of, and Coordinating Among the City's Departments, Boards and Agencies* (January 7, 2008).

ⁱⁱⁱ Id.

^{iv} Transcript, (June 19, 2013) p. 11.

^v Transcript, (August 1, 2013) p. 84-85.

^{vi} Id.

..End