

# City of Philadelphia



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

(Resolution No. 210838)

## RESOLUTION

Authorizing the Committee on Housing, Neighborhood Development, and the Homeless to conduct hearings to identify barriers and solutions to permanently preserving community gardens and open spaces in the City of Philadelphia.

WHEREAS, The City of Philadelphia is rapidly losing community gardens and green spaces, and these neighborhood beacons will be lost forever without urgent action to ensure their preservation; and

WHEREAS, In 1997, the City of Philadelphia bundled together 30,000 tax liens to raise revenue to address a school funding crisis, resulting in their sale to U.S. Bank, a private corporation. The City lost money in this effort when investors were unable to collect on many of the securitized liens, and the consequences of the fallout from the 1997 securitization are still evident throughout Philadelphia today; and

WHEREAS, In 2017, there were more than 5,000 properties encumbered by U.S. Bank liens in Philadelphia, but by February 2020, there were fewer than 3,000 properties remaining on this list. Hundreds more have been sold during the pandemic, many of them through online sheriff sales; and

WHEREAS, Most of the remaining properties are in predominantly low-income Black and Brown neighborhoods, and 90% of the properties sold since July 1, 2019 were located in neighborhoods near or below the poverty line. Importantly, about one in four of the remaining U.S. Bank lien vacant properties were located in zip codes 19140 and 19133—the same neighborhoods that experience some of the highest incidences of gun violence and food insecurity in our City; and

WHEREAS, Many community gardens and open spaces are located on U.S. Bank tax lien properties, and, even with Council support, currently little can be done to save the properties, as growers and lot stewards are often unable to pay the lien and the exorbitant fees that accompany it. This usually leads to a developer purchasing the property and replacing the garden with luxury

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housing units out of the reach of the existing community. This dynamic ultimately contributes to a sharp increase in property taxes and displacement of long-term, lower-income residents; and

WHEREAS, The presence of U.S. Bank liens significantly impairs the ability of the City to put vacant land back into productive reuse. As such, long abandoned parcels remain overgrown, littered with trash, drug paraphernalia, and other debris, creating a vicious cycle of disinvestment. With approximately 43,000 vacant lots, the problem is particularly acute in Philadelphia. Over 300,000 Philadelphians live on blocks with one or more abandoned houses or parcels. This large inventory of vacant land not only decreases the value of neighboring properties, but burdens residents and local government as vacant properties create significant health and safety issues; and

WHEREAS, Community gardens and open spaces have proven to enhance community health and safety and provide relief in parts of the City that have been impacted by long-term divestment and structural racism; and

WHEREAS, On October 7, 2021, City Council delivered a letter to Mayor Kenney and the Sheriff's Office requesting urgent action, which resulted in Linebarger Goggan Blair & Sampson, LLP, the law firm that conducts tax lien sales for the City of Philadelphia, suspending sales for most vacant lots scheduled for October 8, 2021; and

WHEREAS, That letter also called on City partners to work together on several additional action steps, including (1) immediately authorizing the Land Bank to acquire parcels encumbered by U.S. Bank liens so that these properties can be restored to productive use; (2) dedicating public funding to pay off individual U.S. Bank liens when needed and appropriate to facilitate acquisitions; (3) pursuing the one clear long term solution—allocating funds for the bulk repurchasing of U.S. Bank liens at a negotiated discount, so that they no longer endanger beloved community spaces or obstruct key community redevelopment opportunities; (4) to the extent sheriff sales take place, end the online-only sheriff sales with a third party agency, publicly post any sheriff sale lists to the main City website with ample advance notice (no less than 90 days) and develop methods to ensure direct notice of sales to interested community members, so that neighbors and advocates can determine if any listed properties are existing gardens that should be preserved; and (5) collaboratively identifying and implementing additional measures to better level the playing field and discourage speculative purchasing by ensuring that both sheriff sales and the Land Bank's acquisition and disposition processes are made more accessible to community members; and

WHEREAS, The next tax collection sheriff sale of known, established community gardens is scheduled for November 5, 2021; and

WHEREAS, The City is currently finalizing an Urban Agriculture Strategic Plan that will outline how to better support this important greening and land stewardship work; and

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WHEREAS, Without urgent, coordinated, and more comprehensive action, these sales will result in the preventable loss of key lots to developers and speculators, ending the efforts of neighbors and community organizations to preserve community gardens; now, therefore be it

RESOLVED, BY THE CITY COUNCIL OF PHILADELPHIA, That it hereby authorizes the Committee on Housing, Neighborhood Development, and the Homeless to conduct hearings to identify barriers and solutions to permanently preserving community gardens and open spaces in the City of Philadelphia.

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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 fourteenth day of October 2021.

Darrell L. Clarke  
PRESIDENT OF THE COUNCIL

Michael A. Decker  
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Brooks

Sponsored by: Councilmembers Brooks, Gauthier, Gym, Henon, Johnson, Green, Gilmore Richardson, Quiñones Sánchez, Squilla and Domb