City of Philadelphia

City Council
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Title: Amending Title 10 of The Philadelphia Code, entitled “Regulation of Individual Conduct and Activity,” and Title 19 of The Philadelphia Code, entitled “Finance, Taxes and Collections,” to impose liability and provide for the revocation of licenses for certain persons who permit human trafficking, involuntary servitude, or related unlawful activity to occur on a property or in connection with a business, under certain terms and conditions.

Sponsors: Councilmember Greenlee

Indexes: FINANCE, TAXES AND COLLECTIONS, HUMAN TRAFFICKING, LICENSES

Code sections: Title 10 - REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY

Attachments: 1. Bill No. 19018201, As Amended.pdf, 2. CertifiedCopy19018201

Date	Ver.	Action By	Action	Result	Tally
6/26/2019	1	MAYOR	SIGNED		
6/13/2019	1	CITY COUNCIL	READ AND PASSED	Pass	17:0
6/6/2019	1	CITY COUNCIL			
6/6/2019	1	CITY COUNCIL			
6/6/2019	1	CITY COUNCIL			
6/4/2019	0	Committee on Law and Government			
6/4/2019	0	Committee on Law and Government			
6/4/2019	0	Committee on Law and Government			
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3/14/2019	0	CITY COUNCIL			

Amending Title 10 of The Philadelphia Code, entitled “Regulation of Individual Conduct and Activity,” and Title 19 of The Philadelphia Code, entitled “Finance, Taxes and Collections,” to impose liability and provide for the revocation of licenses for certain persons who permit human trafficking, involuntary servitude, or related unlawful activity to occur on a property or in connection with a business, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 10 of The Philadelphia Code is hereby amended as follows:

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TITLE 10. REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY

* * *

CHAPTER 10-2300. Liability for Human Trafficking

§ 10-2301. Definitions.

(1) Deliberate indifference. The failure to inquire regarding circumstances that would lead a reasonable person to question whether human trafficking activity or any other related unlawful activity was occurring.

(2) Equity Interest. A legal or equitable ownership interest in a property or business, however designated, including, but not limited to, capital stock, partnership interests, or membership interests.

(3) Human Trafficking Activity. Any activity in violation of 18 Pa.C.S. Section 3011 (relating to trafficking in individuals);18 Pa.C.S. Section 3012 (relating to involuntary servitude); 18 Pa.C.S. Section 3013 (relating to patronizing a victim of sexual servitude); 18 Pa.C.S. Section 3014 (relating to unlawful conduct regarding documents); 18 Pa.C.S. Section 3015 (relating to nonpayment of wages); 18 Pa.C.S. Section 3016 (relating to obstruction of justice); 18 Pa.C.S. Section 3017 (relating to violation by business entities).

§ 10-2302. Prohibited Conduct.

(1) No person shall knowingly or with deliberate indifference permit human trafficking activity to occur on a property or in connection with the activities of a business owned by such person.

(2) For the purposes of this Chapter 10-2300, a natural person shall be considered to own a property or business if such natural person has an equity interest that exceeds one or more of the following, regardless of whether the natural person has a direct equity interest or an equity interest that is held through one or more tiers of a corporate structure, such as a parent-subsidiary structure: (a) twenty-four percent (24%) of the value of such property or business, or (b) twenty-four percent (24%) of the value of the owner of such property or business. If no natural person has an equity interest that exceeds twenty-four percent (24%) of such value, and an owner of such business or property is not a publicly traded corporation, the four natural persons who have the largest equity interest in such business or property shall be considered to own the business or property.

(3) For the purposes of this Chapter 10-2300, no person shall be considered to own a property before title has transferred to such person solely because such person has signed an agreement of sale for such property.

§ 10-2303. Presumption of Deliberate Indifference

(1) A person will be presumed to have acted with deliberate indifference under Section 10-2302 with respect to human trafficking activity at a subject property or business if such person was on notice that human trafficking activity may have occurred on one or more occasions in connection with any property or business owned by such person. The presumption shall apply even if such activity took place at different properties or with respect to different businesses owned by such person. A person is on notice for the purposes of this chapter when a person becomes aware of a written or oral complaint, a criminal investigation, a criminal proceeding, or an arrest, any of which relate to alleged human trafficking activity in connection with

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any property or business owned by such person.

(2) A person may rebut a presumption that such person acted with deliberate indifference under Section 10-2303(1) by a showing of clear and convincing evidence that (a) either (i) such person took reasonable measures to prevent human trafficking activity from occurring at the subject property or business, or (ii) the risk of the human trafficking activity could not have been minimized or prevented by any reasonable measures; and (b) the activity at issue took place without the knowledge of such person and without circumstances that would lead a reasonable person to question whether human trafficking activity, or any other related unlawful activity was occurring.

§ 10-2304. Penalties.

(1) The penalty for a violation of Section 10-2302 shall be a fine of two thousand (2,000) dollars per violation; and such other equitable relief as the court deems appropriate. Each day of violation shall constitute a separate offense. No stipulated payment under Section 1-112(3) shall be available.

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