

Legislation Text

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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

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