

TESTIMONY OF
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BEFORE THE

HOUSE LABOR RELATIONS COMMITTEE AND THE HOUSE
URBAN AFFAIRS COMMITTEE
JOINT PUBLIC HEARING ON
HOUSE BILL 2445

JUNE 23, 2008

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My name is Christine M. Young-Gertz. I am the Government Affairs Director for the Pennsylvania Apartment Association (PAA), and its affiliate, The Apartment Association of Greater Philadelphia (AAGP). I am sorry I can not be present today to testify in person. But I appreciate this opportunity to acquaint the Committees with our Association and present our views on House Bill 2445, which is intended to “eliminate neighborhood blight caused by property owners who fail to maintain their property or to comply with municipal property maintenance codes.”

The Pennsylvania Apartment Association is comprised of The Apartment Association of Greater Philadelphia, The Apartment Association of Central Philadelphia, and the Western Pennsylvania Apartment Association. We are affiliated with the National Apartment Association, the leading advocate for quality rental housing in the United States. Association members are professional owners, managers and developers of quality multi-family rental housing. Together, they represent roughly 300,000 thousand apartment homes throughout the Commonwealth.

The PAA is the foremost authority on the apartment industry in Pennsylvania, and we actively promote responsible property management. Our members regularly avail themselves of our nationally recognized education programs that include topics on property maintenance and safety, code compliance, and fair housing. Our certification courses in apartment management and maintenance are the most highly regarded in the country.

Additionally, we take our responsibility to be good citizens seriously. For example, in keeping with our mission to enhance opportunities for quality rental housing, we are making available, free of charge, our recently published PAA Landlord/Tenant Lease and Law Handbook to every Magisterial District Judge in Pennsylvania. It is a guide to our lease as well as pertinent Pennsylvania law. Our views on HB 2445 are based on our professional expertise, industry knowledge, and community involvement.

Let me emphasize, we want to help find real solutions to the problems that irresponsible property owners, including landlords, are causing in communities throughout our Commonwealth. Blight in neighborhoods diminishes our members' property values as well as the quality of life of their residents. Keeping our communities strong is crucial for our apartment industry as well as Pennsylvania's continued economic health.

However, while it is imperative we deal with irresponsible landlords, whose neglect of their properties increases blight, we must do so in a way that does not hinder the efforts of conscientious landlords, nor discourage responsible investors from bringing their business enterprise dollars to our Commonwealth.

Most importantly, we must not allow our fervor for the job to lead us to adopting measures that are superfluous to solutions we already have at our disposal, or, worse, are inherently unjust. We have to finely tune solutions to fit particular problems without doing more harm than good.

1. **Subchapter B**, Actions against Owner of Blighted Property, allows governing bodies, municipal officers, aggrieved owner's or tenants to bring an action against a blighted property owner. A cause of action would be permitted in addition to other remedies. This expansive provision is harmful and wholly unnecessary. It grants carte blanche authority to anyone who imagines any grievance, however inconsequential, for even a non-critical violation of any building, housing or health ordinance. This provision will simply encourage frivolous lawsuits.
2. **Subchapter D**, which establishes Conservatorships, is a promising approach that will equitably serve the stated purpose of this bill, which is to effectively deal with blighted and abandoned properties. It would compliment, not replicate, the substantial remedies already available to municipalities. We support this provision of the bill.
3. **Subchapter E** deals with state and local government permit denials. **§ 6141 (a)** allows a department, board or commission to deny an applicant a state permit, certification, or license {emphasis added} if the applicant owns any real property

in Pennsylvania for which there are delinquent taxes, water, sewer or refuse charges, or which is in serious violation of state and municipal housing, maintenance or fire safety code requirements. This sweeping provision far exceeds the legislative relationship between the purpose of this bill and the licensing requirements of the various professions that will be affected.

Accountants, barbers, cosmetologists, funeral directors, chiropractors, and a host of other professions are licensed by the Commonwealth. Serious constitutional issues are raised when any piece of legislation includes non-germane subjects mixed in with the primary focus of the legislation. There is no place in HB 2445, whose single subject is blighted properties, for restrictions on professional licensing. Moreover, there is no basis for the state to deny a professional license because of an alleged violation of a property maintenance or fire safety code requirement.

4. § 6142 (2) would deny building and zoning permits, zoning variances, municipal licenses and other municipal permits if applicants own any property in any municipality that has been determined to be in serious violation of applicable State or municipal code requirements. This is incompatible with a recent Pennsylvania Supreme Court ruling against a municipality whose ordinances imposed similar penalties. In Commonwealth of Pennsylvania v. Sandra Hoffman, No 850 C.D. 2007 (December 11, 2007), the City of Sharon denied the defendant landlord rental licenses for her properties because of past due sewage charges. The Supreme Court ruled that the Pennsylvania law authorizing cities to collect real property taxes and municipal claims does not grant authority to withhold rental licenses over outstanding taxes and assessments.

I want to thank you for your time, and for the privilege of providing written testimony. I would welcome any questions you may have. Please feel free to contact me any time.