

PHILADELPHIA LAND BANK

MARCH 14, 2023 BOARD OF DIRECTORS MEETING MINUTES

A Regular Meeting of the Board of Directors of the Philadelphia Land Bank was held on Tuesday, March 14, 2023 via Zoom webinar, of which proper notices were given. A condensed certified transcript of this meeting is attached to these minutes as **Exhibit A**.

CALL TO ORDER

The meeting was called to order at 10:04 a.m.

Andrea Imredy Saah, Senior Counsel, made the following announcements:

Today's Board meeting is being held via an authorized communication device because of the continued closure of Land Bank offices to the public due to public health concerns. This meeting is being recorded. Questions and comments may be made using the Q&A or raised hand button at the bottom of the screen. If you are calling in and not using the Zoom webinar link, you may ask questions or make comments by pressing *9 on your phone or using the "raise hand" function at the bottom of the screen. Please do not use the chat function. If any member of the public has any issues submitting questions or comments, please send an email to Andrea.Saah@phdc.phila.gov. Please note all questions and comments received by email prior to this meeting or through the Q&A section will be included in the minutes.

Prior to today's Public Session, the Board held an Executive Session at which the meeting agenda was reviewed.

Item I **Roll Call**

The following members of the Board of Directors reported present: Anne Fadullon, Majeedah Rashid, Rick Sauer, Andrew Goodman, Richard DeMarco, Maria Gonzalez, Michael Koonce and Rebecca Lopez Kriss.

The following Board members were absent: Alexander Balloon and Michael Johns.

The following Land Management staff members were present: Angel Rodriguez, Jessie Lawrence, Andrea Imredy Saah, Esq., Jamila Davis, Todd Hestand, Cristina Martinez, Tracy Pinson-Reviere, Mathen Pullukattu, Brian Romano, Ashley Stukes-Martin, and Carolyn Terry.

Public Attendees: The list of public attendees follows these minutes.

A quorum of Directors was present, and the meeting, having been duly convened, proceeded with business.

Item II
Approval of Board Minutes

Ms. Fadullon called for questions or comments regarding the minutes of the Board meeting of February 14, 2023. There were none.

Ms. Fadullon called for a motion regarding approval of the minutes.

Mr. Goodman moved to approve the minutes. Ms. Gonzalez seconded the motion.

Upon motion made and duly seconded, the Board unanimously approved the February 14, 2023 Board Meeting minutes.

Item III
Executive Director's Report

Mr. Rodriguez called the Board's attention to the charts included in the Board package that summarized the RFPs that have been issued and are being processed and approved and the unsolicited project applications that have been approved, as well as progress towards the Land Bank's disposition targets in various categories of dispositions.

Item IV
Administrative Matters

Ms. Imredy Saah announced that Board member Maria Gonzalez, as President of HACE Affordable Housing Corporation, the subject of the next three agenda items, had submitted a recusal letter (attached to these minutes as **Exhibit B**) and would leave the meeting during consideration of and voting on the administrative resolutions.

Ms. Gonzalez left the meeting at this time.

A. Termination of Declaration of Restrictive Covenants

Ms. Imredy Saah presented HACE's request to terminate the Declaration of Restrictive Covenants (the "DORC") pertaining to 3028 N. American Street following the default of HACE Affordable Housing Corporation ("HACE") under the provisions of the Purchase and Development Agreement (the "PDA") and the DORC, and to release HACE from the penalty for such default under the PDA.

Ms. Imredy Saah presented a history of the project as originally approved and HACE's subsequent actions that resulted in an incurable default under the PDA's and the DORC's provisions, along with the possible penalties the Land Bank could impose for the incurable default. The staff recommends that HACE's requests be granted.

Ms. Fadullon asked if any questions or comments were received from the public on this item prior to the Board meeting. Ms. Imredy Saah stated that none were received, but that HACE did submit a memo pertaining to this and the next two agenda items (attached to these minutes as **Exhibit C**).

Ms. Fadullon called for question or comments from the public. Harry Tapia, Director of Operations at HACE, apologized for the organization's actions and expressed the organization's appreciation for the staff's recommendation to approve this request.

Carlos Rendon from Councilwoman Lozada's office expressed the Councilwoman's support for the Board's adoption of this resolution.

Ms. Fadullon called for a motion regarding the resolution to terminate the DORC pertaining to 3028 N. American Street and to consent to releasing HACE from the penalties for its default under the PDA.

Ms. Lopez Kriss asked questions about the difference between HACE's original project as approved by the Board and the proposed modified project, as well as about the timeline of HACE's actions and whether the sale of 3028 N. American Street was approved by the Land Bank. The attached transcript contains the full discussion on pages 12 to 21.

Following the extended discussion, Ms. Fadullon again asked for a motion on the resolution.

Mr. Sauer moved to approve the resolution. Mr. Goodman seconded the motion.

Upon motion made and duly seconded, the Board unanimously approved the Resolution Authorizing the Non-Imposition of Penalties for an Incurable Default under the Purchase and Development Agreement and Declaration of Restrictive Covenants Governing 3028 N. American Street and the Termination of the Declaration of Restrictive Covenants with Respect to 3028 N. American Street (attached to these minutes as **Exhibit D**).

B. Issuance of Consent to Sell Letters

Mr. Lawrence requested the Board's approval allowing the staff to issue Consent to Sell letters to HACE for homes constructed on 3022, 3024 and 3026 N. American Street and 19, 21, 23, 25 and 27 E. Somerset Street. He provided a history of HACE's lack of compliance with requirements for the approval of the sale of 3028 N. American Street and income certification of the buyer of the home and explained HACE's inability to comply with the requirements of the Economic Opportunity Plan. He also described the steps taken since the sale of 3028 N. American Street to bring HACE into compliance for the remaining homes in the project.

Ms. Fadullon called for questions or comments from the Board. There were none.

Ms. Fadullon called for questions or comments from the public. Carlos Rendon expressed Councilwoman Lozada's support for the approval of this agenda item. Harry Tapia explained why HACE was unable to meet the targets under the EOP.

Following the public comment, Ms. Fadullon asked for a motion on the resolution.

Mr. Koonce moved to approve the resolution. Mr. DeMarco seconded the motion.

Upon motion made and duly seconded, the Board unanimously approved the Resolution Authorizing Issuance of Consent to Sell Letters and a Certificate of Completion for the Homes Located at 19, 21, 23, 25 and 27 E. Somerset Street and 3022, 3024 and 3026 N. American Street, Subject to the

Developer's Compliance with its Obligations under the Purchase and Development Agreement (attached to these minutes as **Exhibit E**).

C. Amendment, Assignment and Assumption of Developer Obligations under Purchase and Development Agreement, and Amendment of Declaration of Restrictive Covenants

Ms. Imredy Saah presented HACE's request to change the approved affordable homeownership project to allow the land and improvements at 19, 21, 23, 25 and 27 E. Somerset Street and 3022 and 3026 N. American Street to be transferred to Good Lands Trust ("GLT"), to allow GLT to assume HACE's obligations under the PDA and the DORC, and to allow GLT to sell only the improvements and lease the land to the buyers of the homes under the provisions of GLT's documents, which conflict with the PDA and the DORC on numerous issues. This would require an Amendment, Assignment and Assumption Agreement and an amended DORC to be recorded. Ms. Imredy Saah then presented a summary of the main differences between the Land Bank's model and GLT's model, as presented in the Board package, finishing with the staff's recommendation that HACE's request not be granted due to the described major differences between the two models of homeownership, as outlined on pages 30 to 35 of the attached transcript.

Ms. Fadullon asked if any questions or comments were received prior to the Board meeting. Ms. Imredy Saah stated that none were received from the public but that HACE submitted documentation documenting the receipt of public financing based on these properties being transferred into and retained in the land trust (see documentation attached to these minutes as **Exhibit F**).

Ms. Fadullon called for questions or comments from the Board. Mr. Sauer asked for the rationale for the Land Bank's imposition of its minimum and maximum affordability period for affordable homes. Mr. Rodriguez explained that the policy changed from requiring a 10-year period to now requiring a 15-year period, which resets for another 15 years if the home is sold in the first 15 years, in order for these affordable homes to be eligible for a Turn The Key program second mortgage. In the Land Bank model, compliance with the resale restrictions is the homeowner's responsibility, not the developer's, whereas in the land trust model, the developer owns the land and can enforce compliance.

Ms. Fadullon called for questions or comments from the public. Harry Tapia from HACE emphasized how important it was for the Board to approve HACE's request to change the project to a land trust model, as otherwise it would have to return the public financing it received conditioned on the land trust model being implemented. HACE believes that the land trust model is one of only a few models to ensure long-term affordability and prevent displacement.

Carlos Rendon followed up to express Councilwoman Lozada's support for the Board's approval of the changes to the project.

Ms. Lopez Kriss, Mr. Goodman and Mr. Sauer asked questions pertaining to the staff's analysis of the differences between the approved project model and the GLT (land trust) model. The attached transcript contains the full discussion on pages 42 to 47.

Seeing no further questions or comments from the Board and the public, Ms. Fadullon summarized the relative merits of each model and stated her hope that the Land Bank and HACE could reach a negotiated solution that would address some of the Land Bank's concerns while also permitting the

land to be transferred to and held in the land trust. She then called for a motion pertaining to this agenda item and explained the various types of motions Board members could make.

Mr. Sauer moved to approve the resolution with the caveat that the Land Bank staff and HACE negotiate to resolve the differences so that the modification can move forward. Mr. DeMarco seconded the motion. Ms. Lopez Kriss asked what would happen if the negotiations did not result in an acceptable resolution and stated that she was not comfortable with the motion as presented. Mr. Rodriguez asked if the Board would consider tabling the item if the Land Bank could commit to negotiating a resolution quickly given the burden on HACE. Following further discussion, Mr. Sauer withdrew his motion. Ms. Lopez Kriss then moved to table the item until the Land Bank and HACE negotiate an acceptable modification to the project in a timely manner, allowing the resolution to be brought back to the Board at the April Board meeting.

Mr. Goodman seconded Ms. Lopez Kriss's motion. Ms. Fadullon then recognized Mr. Tapia, who emphasized the urgency of approving HACE's request as soon as possible.

Upon motion made and duly seconded, the Board unanimously approved the motion to table the item for negotiation of the issues and for reconsideration at the April Board meeting.

Ms. Gonzalez rejoined the meeting at this time.

Item V

Property Dispositions

A. Development – Affordable Housing (Request for Proposals)

Mr. Lawrence asked the Board to authorize the disposition of the following properties located in the 5th Council District to Civetta Property Group, LLC for the development of seventy (70) single-family homeownership units to be sold to households with incomes at or below 100% of AMI:

621, 623, 625, 637 and 917 Diamond Street; 924, 927, 928 and 936 Edgley Street; 926 and 928 French Street; 2106, 2112, 2140, 2141, 2142, 2143, 2151, 2166, 2170, 2172, 2215, 2217 and 2219 N. Franklin Street; 2112, 2130, 2144 and 2214 N. Marshall Street; 2105, 2107, 2109, 2110, 2111, 2112, 2113, 2119, 2121, 2133, 2140, 2143, 2146 and 2150 N. Percy Street; 904, 910 and 912 W. Susquehanna Avenue; 2102, 2109, 2114, 2126, 2128, 2130, 2131, 2134, 2135, 2136, 2150 and 2210 N. 7th Street; 2101, 2113, 2121, 2155, 2167-69 and 2201 N. 8th Street; 2124, 2126, 2132, 2150 and 2165 N. 9th Street; and 2121 N. 10th Street.

Applications were solicited via a Request for Proposals for affordable housing development at or below 100% AMI, and the applicant was the most qualified bidder for all of the properties in the RFP. The developer will purchase the properties for a total of \$7,000. Evidence of project financing was provided. The applicant is compliant and in good standing with the City of Philadelphia. The project will be subject to an Economic Opportunity Plan and an irrevocable power of attorney and right of reverter. The units will be subject to use and resale restrictions and a minimum 15-year term of affordability, and purchasers will be income-certified.

Ms. Fadullon asked for questions and comments from the Board. Mr. Goodman asked if there were any other qualified applicants, and Mr. Lawrence explained that Civetta Property Group LLC was the most qualified applicant for the entire RFP. The other qualified applicants who scored lower will be posted on the website once the Board has made a decision regarding this disposition.

Ms. Fadullon asked if any public comment on this item was received prior to the Board meeting. Ms. Imredy Saah summarized a letter received from Shirley Kitchen, the leader of North Central East RCO, which stated the community's concerns that arose at the developer's community outreach meeting, as well as two other emails criticizing the project (attached to these minutes as **Exhibit G**).

Ms. Fadullon then recognized various members of the public, who stated a variety of different questions and concerns. The people recognized were Sabina Bellinger, Shirley Kitchen, Jihad Ali, Christopher Miano, Kevin Brockenbrough, Andrew Zeygel, Perrell Jerae Simmons, Charles Dyches and Adam Butler. The issues raised included opportunities for minority developer participation, concerns about the number of people who will move into the neighborhood, the inability of residents to acquire lots they have maintained for years, the marketing and pricing of the homes, timing of community outreach, the developer's compliance with EOP targets and ability to complete awarded projects, the differences in lot sizes, and how the RFP was organized. The attached transcript contains all public questions and comments and subsequent discussion at pages 62 to 85.

Mr. Sauer then asked whether the developer had made any changes to the project in response to the feedback from the community. Brennan Tomasetti (representing the developer) indicated that outdoor space is planned for each of the homes, homes are being adjusted to match the streetscape but maintain similar home sizes, and they are working with PHS to plant more trees in the neighborhood. Ms. Gonzalez stated that she wanted residents with lower incomes than city employees to be eligible to purchase these homes. Ms. Fadullon responded that the preference for city employees was legislated by Council and is not something the Land Bank can change; Mr. Rodriguez explained that the public union employees who are applying for these homes and qualifying for Turn The Key participation have salaries well below 80% of AMI, usually below \$50,000. Mr. Goodman then made several comments about issues that had been raised, asking for involvement by staff in the community meetings before dispositions are brought to the Board.

Seeing no further comments from the Board, Ms. Fadullon called for a motion regarding this disposition.

Ms. Lopez Kriss moved to approve the disposition to Civetta Property Group LLC, and Mr. DeMarco seconded. Five Board members (Ms. Lopez Kriss, Mr. Koonce, Mr. DeMarco, Ms. Rashid, Ms. Fadullon) voted to approve the disposition, while three Board members (Mr. Sauer, Mr. Goodman, Ms. Gonzalez) voted against the disposition. Since a vote on any disposition for property exceeding \$50,000 in value requires at least six votes either in favor or opposed, this disposition was tabled to the April Board meeting.

B. Development – Gardens/Open Space

Mr. Lawrence asked the Board to authorize the disposition of 1901 N. Ringgold Street and 1910 N. 24th Street in the 5th Council District to Sanctuary Farm Phila., a nonprofit organization, to be stabilized as a community garden. The organization has been farming on 1906 and 1908 N. 24th Street and wishes to expand its capacity to grow produce and fruit for the community.

The applicant is compliant and in good standing with the City of Philadelphia. The project will not be subject to an Economic Opportunity Plan but will be subject to an irrevocable power of attorney and right of reverter. The property will be subject to a 30-year mortgage and permanently restricted for use as a community garden.

Ms. Imredy Saah indicated that no public comment regarding this item was received prior to the Board meeting.

Ruth Birchett asked whether the Land Bank monitors how the garden organization distributes produce. She volunteered at a garden at 24th Street and Berks Street, and the community was unhappy that they had to purchase the produce from the garden. Mr. Rodriguez stated that if a garden wants to run a business selling the produce, they must register as a business with the city, and that is considered an urban farm rather than a community garden. Andrea Vettori, executive director of Sanctuary Farm Phila., stated that all of their produce is given away for free – they have never sold any of their produce. Ms. Birchett then requested that the Land Bank require any applicant that receives property from the Land Bank to engage the community in their planning.

Seeing no further public comment or comments from the Board, Ms. Fadullon called for a motion on the disposition.

Ms. Gonzalez moved to approve the disposition to Sanctuary Farm Phila. Mr. Koonce seconded the motion.

Upon motion made and duly seconded, the Board unanimously approved the Resolution Authorizing Conveyance of 1901 North Ringgold Street and 1910 North 24th Street to Sanctuary Farm Phila. (attached to these minutes as **Exhibit H**).

C. Development – Side/Rear Yards

Ms. Fadullon referenced a comment made by Ms. Lopez Kriss earlier in the meeting, in which she stated she did not think it was appropriate to convey valuable vacant lots as side yards when the need for affordable housing is so great.

Mr. Lawrence then asked the Board to authorize the disposition of the following properties for side or rear yards: 1217 Pennock Street in the 5th Council District to Jonathan D’Alba and Lianne Earley, 2032 E. Boston Street in the 7th Council District to Charles J. Kessler and Colleen Foster, and 2410 and 2412 N. Orianna Street in the 7th Council District to Daniel McShane and Victoria Noll. The applicants reside in and own their adjacent home, and all applicants are compliant and in good standing with the City of Philadelphia. The projects will not be subject to an Economic Opportunity Plan but will be subject to an irrevocable power of attorney and a right of reverter. The properties will also be subject to a 30-year mortgage for the appraised value and permanently restricted for use as side/rear yards.

Ms. Fadullon called for questions or comments from the Board. There were none.

Ms. Fadullon asked if any public comments were received prior to the Board meeting. Ms. Imredy Saah indicated that Ashley Rivera, the homeowner at 1215 Pennock Street, emailed asking the Board to place an easement on 1217 Pennock Street so that she could gain access to the lot once it was sold as a side yard if and when she needed to maintain or repair the exterior of her home. Ms. Fadullon stated that the Philadelphia Code requires neighbors to give access to their property when maintenance is required on a neighbor’s property, and that obligation can be legally enforced.

Ms. Fadullon called for questions or comments from the public. Jacqueline Wiggins asked for information about the Land Bank's policy regarding community gardens and how residents can advocate more effectively for such land use. Ms. Fadullon directed her to the website.

Seeing no further comments or questions from the Board or the public, Ms. Fadullon called for a motion regarding these dispositions.

Mr. Sauer moved to approve all three side/rear yard dispositions. Ms. Gonzalez seconded the motion.

Upon motion made and duly seconded, the Board unanimously approved the following resolutions: Resolution Authorizing Conveyance of 1217 Pennock Street to Jonathan D'Alba and Lianne Earley, Resolution Authorizing Conveyance of 2032 East Boston Street to Charles J. Kessler and Colleen Foster, and Resolution Authorizing Conveyance of 2410 and 2412 North Orianna Street to Daniel McShane and Victoria Noll (all attached to these minutes as **Exhibit I**).

Item VI

Public Comment (Old & New Business)

Ms. Fadullon announced that the Board had received many comments by email prior to the Board meeting about the disposition policy for community gardens (attached to these minutes as **Exhibit J**). She asked that the policy committee schedule a meeting with community garden representatives to discuss the issues and then have the staff bring back recommendations to the Board at a future date. Mr. Goodman stated that the policy committee had already discussed this issue in a general way last year and that it should be brought to the Board as an agenda item at the April Board meeting. Mr. Sauer raised concerns about gardens that were facing a decision-making deadline prior to the Board meeting. Mr. Rodriguez clarified that those were PRA dispositions, and that any Land Bank policy change would not change the PRA's or the Department of Public Property's policy. Ms. Gonzalez asked that the staff provide a summary of the issues to the Board for the Board meeting.

Mr. DeMarco left the meeting at this time.

Ms. Fadullon then recognized the following public commenters: Elizabeth Waring of Holly Street Neighbors Community Garden, Mimi McKenzie of the Public Interest Law Center, Joshua Warner of Urban Creators and Life Do Grow Farm, Jenny Greenberg of Neighborhood Gardens Trust, Madeline Ahola of The People's Kitchen, Jeff Carpenter of Arcadia Commons, Amy Gottsegen of Iglesias Gardens, Sonia Galiber of Soil Generation, Elizabeth Way of Hawthorn Community Garden, Alexander Miller of Farm on Florence, Jovian Patterson of Original American Foundation, Jeff Carpineta of the East Kensington Neighbors Association, and Oranica Fields of the More To Love Garden. The commenters uniformly stated their request for the Land Bank to remove the 30-year self-amortizing mortgage requirement, stating that it placed an undue burden on their organizations, and for the Land Bank to clarify the circumstances under which the City or the Land Bank could take the property back for lack of maintenance. The full statements are on pages 106 to 127 of the attached transcript.

Item VII

Adjournment

There being no further business to address, Ms. Fadullon called for a motion to adjourn the meeting.

Mr. Sauer moved to adjourn the meeting. Ms. Gonzalez seconded the motion.

Upon motion made and duly seconded, the Board unanimously voted to adjourn at 1:10 pm.

NOTE: All comments and questions submitted via the Q&A function follow the list of attendees attached to these minutes.

SECRETARY TO THE BOARD

PUBLIC ATTENDANCE SHEET
PHILADELPHIA LAND BANK BOARD OF DIRECTORS REGULAR MEETING
 Tuesday, March 14, 2023, at 10:00 AM, held remotely using Zoom Webinar.

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PUBLIC COMMENTS SUBMITTED IN Q&A
PHILADELPHIA LAND BANK BOARD OF DIRECTORS REGULAR MEETING
 Tuesday, March 14, 2023, at 10:00 AM, held remotely using Zoom Webinar

Question	Asker Name	Answer
What is the processing time once an application is submitted?	L Elaine Johnson	Per our disposition policy, we have 120 days to review but we tend to wrap up our reviews in much less.
Where are the representatives from the communities where they are placing the properties	Lisa D	These properties are on Somerset and American Street in the 7th Councilmatic District, they are vacant at this time with hoembuyers waiting to purchase.
Will the recording of this meeting be made available to the public? And if so, where would someone go to access it?	Kermit O	Yes it will. It is accessible at the link below: https://phdcphila.org/who-we-are/boards/philadelphia-land-bank-board/
Are we going to have time in this meeting to talk about the 30-Year Amortized Mortgages being placed on community garden parcels?	Kermit O	New business will be discussed at the end of the regular agenda
I am extremely concerned about developers being able to purchase LAND for \$7,000. My next issue is why 30-year leases to urban gardens, farms, and sidelot caretakers is even being considered by the Land Bank. These gardens and farms are being used and cared for by THE PEOPLE--the resident taxpayers.	Jacqueline Wiggins	Thank you for your comment it will be included in the record. We will be discussing the mortgage issue in new business.
Yes to gardens. I was a community development professional for close to a decade (Massachusetts Association of CDCs named me community development professional of the year in 2001) so I appreciate the discussions and efforts around affordable housing, anti-displacement, etc. I also submitted written testimony with my concerns related to the urgent need to protect current critical infrastructure of community farms and neighborhood gardens. I'd like to know how this board will specifically address and prioritize the need to protect and expand urban agriculture in accordance with the urban ag. and tree plans of the City? Feeding and housing Philadelphia residents are both critical and the Land Bank should be addressing these intersecting needs. Further, community farms, gardens and food forests and orchards also address a number of public health including mental health and anti-violence needs facing all too many of our city's families and the city overall. I realize the scheduled meeting is coming to an end.	Jethro Heiko	
This is heartbreaking to hear and I thank you for sharing your story. We should not be pitting community gardens and green space access against affordable housing. I hope the Land Bank board is listening.	Kim Jordan	Thank you for your comment it will be included in the record.

Question	Asker Name	Answer
Why is the above--[\$7,000 leases to developers and 30-year leases to gardens and farms] occurring? The gardens and farms are being used to feed THE PEOPLE as FOOD is MEDICINE. Your policy(ies) in these matters and those of all who represent the concerns of THE PEOPLE cannot be ignored.	Jacqueline Wiggins	
Follow-up to current speaker. Who at PHS are you working with?	Jethro Heiko	We will follow up and ask.
Ms. Tomasetti's comment here is a cop out. Planting a few trees and having *private* greenspace is not equivalent to the social and ecological value of *community* green space, such as community gardens.	Kermit O	
Why is this the only project targeting city workers?	PerrellJerae Simmons	All approved RFPs are eligible for the turn the key program https://phdcphila.org/residents-and-landlords/homebuyers-and-renters/turn-the-key/
About the preferential purchase by City employees for these properties: what is the transparency around who purchases them and which city department (or Council office) they work in?	Kim Jordan	You can learn about turn the key here: https://phdcphila.org/residents-and-landlords/homebuyers-and-renters/turn-the-key/
Mrs. Tomasetti was not at meeting only her husband and daughter. Her husband could not answer any of our questions. 280.000 is very high not to have a basement	Charles Dyches	
The RCO IS NOT from our COMMUNITY! Why are we not using the RCO from 8th & Diamond?	PerrellJerae Simmons	
Mr Rodriguez what the best way to reach for communication	Andrew Zeygel	angel.b.rodriguez@phdc.phila.gov
sorry missed the part you	Andrew Zeygel	
All of the food is free	Andrea Vettori	
Thank you	Andrew Zeygel	
Is there a stipulation requiring community gardens to give free produce to people in the community who are not members?	J Fields	No
this is ridiculous! these meetings over zoom are unconstitutional! we have to right to speak up and be heard. your meetings can wait	Mara henao Henao	
If the garden conversation is tabled, will there be any way to hold off sherrif sales of the properties in duration?	J Fields	Sheriff sales that are occuring now are US Bank lien properties. The land bank cannot stop those sales. The City Treasury department is negotiating with US Bank to address this issue.

Exhibit A

Condensed full transcript follows

CITY OF PHILADELPHIA
PHILADELPHIA LAND BANK

- - - - -

BOARD OF DIRECTORS MEETING

DATE: Tuesday, March 14, 2023

LOCATION: Zoom Teleconference

REPORTED BY: John Kelly, Court Reporter

BOARD MEMBERS: ANNE FADULLON, Chairperson
MARIA GONZALEZ, Secretary
REBECCA LOPEZ KRISS, Treasurer
MICHAEL KOONCE, Board Member
MAJEEDAH RASHID, Board Member
RICK SAUER, Board Member
ANDREW GOODMAN, Board Member
RICHARD DeMARCO, Board Member

ALSO PRESENT: ANDREA IMREADY SAAH, Esquire, Board Counsel
JESSIE LAWRENCE
ANGEL RODRIGUEZ

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AGENDA

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<p style="text-align: right;">Page 3</p> <p style="text-align: center;">P R O C E E D I N G S</p> <p>CHAIR FADULLON: Good morning, everybody, and welcome to the March meeting of the Philadelphia Land Bank Board. We will start with an announcement from our attorney about holding virtual meetings.</p> <p>MS. SAAH: Good morning, everyone. Today's Board meeting is being held via an authorized communication device because of the continued closure of Land Bank offices to the public due to public health concerns. This meeting is being recorded. Questions and comments may be made using the Q&A or raised hand button at the bottom of your screen. If you are calling in and not using the Zoom webinar link, you may ask questions or make comments by pressing star 9 on your phone or the "raise hand" function at the bottom of your phone screen. Please do not use the chat function. If any member of the public has issues submitting questions or comments, please send an email to Andrea.Saah@phdc.phila.gov and that will be placed in the chat. Please note all questions and comments received by email prior to this meeting or through the Q&A function will be included in today's meeting minutes. Also, prior to today's Public Session, the Board held an Executive Session at which it reviewed today's meeting agenda. Thank you.</p> <p>CHAIRPERSON FADULLON: Thank you, and now roll call.</p>	<p style="text-align: right;">Page 5</p> <p>Land Bank Board meeting. Hopefully the Board has had a chance to review those minutes. If there's no questions or comments or edits, I will entertain a motion.</p> <p>MR. GOODMAN: Motion to approve February meeting minutes.</p> <p>MS. GONZALEZ: I second.</p> <p>CHAIR FADULLON: Motion has been made and properly seconded to approve the minutes of the February 14, 2023 Land Bank Board meeting. All in favor?</p> <p>(Chorus of ayes.)</p> <p>CHAIR FADULLON: Any opposed?</p> <p>(No response.)</p> <p>CHAIR FADULLON: All right. Motion carries.</p> <p>Executive Director's report?</p> <p>MR. RODRIGUEZ: Good morning, everybody. Today I'd like to call your attention to the package, just in terms of talking about progress that the Land Bank has made.</p> <p>You'll see in the first chart that was provided, we have issued and approved 14 RFPs across the city in the 1st, 2nd and 4th, also 5th districts. Of those, we've approved about 516 units of affordable housing.</p> <p>Currently what we are doing is focusing on, obviously the Land Bank has to go through a process of consolidating deeds into the Land Bank to then go to settlement, so we're</p>
<p style="text-align: right;">Page 4</p> <p>MS. SAAH: Anne Fadullon?</p> <p>CHAIR FADULLON: Here.</p> <p>MS. SAAH: Majeedah Rashid?</p> <p>MS. RASHID: Here.</p> <p>MS. SAAH: Rick Sauer?</p> <p>MR. SAUER: Here.</p> <p>MS. SAAH: Andrew Goodman?</p> <p>MR. GOODMAN: Here.</p> <p>MS. SAAH: Rich DeMarco?</p> <p>MR. DeMARCO: Here. Good morning.</p> <p>MS. SAAH: Good morning. Maria Gonzalez?</p> <p>MS. GONZALEZ: Here.</p> <p>MS. SAAH: Michael Koonce?</p> <p>MR. KOONCE: Here.</p> <p>MS. SAAH: Michael Johns?</p> <p>(No response.)</p> <p>MS. SAAH: Rebecca Lopez Kriss?</p> <p>MS. LOPEZ KRISS: I'm here.</p> <p>MS. SAAH: Alexander Balloon?</p> <p>(No response.)</p> <p>MS. SAAH: Okay. So we have two absent, one vacancy, so we have eight members present. We have a quorum.</p> <p>CHAIR FADULLON: Okay. Thank you. All right. We'll start with approval of the minutes from the February 14th</p>	<p style="text-align: right;">Page 6</p> <p>doing that. We have some that will be going into closing in April. Others we have closed and are in the process of being developed as we speak.</p> <p>The second half, the lower portion of that chart in the first chart of the first page, you will see unsolicited affordable applications. Now, these are not RFPs. These are applications that were submitted to us by developers. These are in the 1st, 7th and 5th districts, and 2nd. These are following the disposition policy of the mixed income. We that, we've approved 116 units of affordable housing. At this point, here we have two that have settled and are under construction. And then we are moving towards three that are under construction and others we're moving towards settlement this month and next month.</p> <p>So before I move on to the next one, does anybody have any questions?</p> <p>(No response.)</p> <p>MR. RODRIGUEZ: So the second chart that was placed in the package for everybody to consider is an overall view. This chart, as you've seen before, really talks about the progress that the Land Bank has made across our goals for the year.</p> <p>You'll see that the strategic plan disposition targets are at the top, and then what we're showing is because we</p>

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<p style="text-align: right;">Page 7</p> <p>1 have to move everything into Land Bank, there are things at 2 different various stages, but you'll note that we are, in 3 terms of housing unit production and approval, we're 300 4 times higher than what we had projected. Again, it's just a 5 real administrative issue of getting the deeds legally 6 transferred and conveying a free and clear title. Also 7 we're moving towards closing on side yards and there are 8 other items like business expansion as well as gardens and 9 open space.</p> <p>10 Any questions from the Board? 11 (No response.)</p> <p>12 MR. RODRIGUEZ: So that concludes my report.</p> <p>13 CHAIR FADULLON: Great. Thank you. Thank you, Angel.</p> <p>14 All right. We'll go on to the next section of the agenda, 15 which are a series of administrative matters.</p> <p>16 MS. SAAH: Yes. So we received a letter of recusal 17 from Board Member Maria Gonzalez because these next three 18 resolutions pertain to HACE affordable housing corporation, 19 of which she is the president, so she will be turning off 20 her audio and video during these resolutions.</p> <p>21 The first resolution under Agenda Item IV.A pertains 22 to the sale of a property that the Land Bank conveyed to 23 HACE in July of 2021. The developer is asking the Board to 24 approve the termination of the declaration of restrictive</p>	<p style="text-align: right;">Page 9</p> <p>1 Four months after that initial inquiry, the developer 2 conveyed 3028 North American Street to its Land Trust, and 3 the Land Trust then sold the home built on the land to a 4 purchaser and leased the land to the buyer instead of 5 selling it. These actions occurred without the Land Bank's 6 knowledge and consent and without complying with obligations 7 under the Purchase and Development Agreement and the 8 Declaration of Restrictive Covenants that was recorded 9 against all nine properties.</p> <p>10 As a result, the PDA, HACE and the Land Trust are now 11 in default under the Purchase and Development Agreement and 12 the Declaration of Restrictive Covenants, and this is 13 considered an incurable default. Furthermore, the 14 provisions of the sales agreement and lease used by the Land 15 Trust are not compatible with the provisions of the 16 Declaration of Restrictive Covenants.</p> <p>17 Now, under the provisions of the PDA, the penalty for 18 an unauthorized transfer is the payment of 50 percent of 19 the sales price to the Land Bank. In addition, the Land 20 Bank has the right to revert title to the premises back to 21 the Land Bank and to take possession of it.</p> <p>22 The Board package contained a much more detailed 23 description of the events and the individual violations, 24 which the Board has hopefully reviewed.</p>
<p style="text-align: right;">Page 8</p> <p>1 covenants with respect to that property which was 3028 North 2 American Street, and to not impose any of the penalties 3 provided in the purchase and development agreement for 4 HACE's default under the purchase and development agreement 5 and the declaration of restrictive covenants pertaining to 6 that property.</p> <p>7 Just by way of a quick background, the Board approved 8 the conveyance of nine properties including 3028 North 9 American Street to HACE for the development of the 10 properties for affordable homeownership and the sale of the 11 land and improvements to income-qualified purchasers making 12 not more than 80 percent of AMI, Area Median Income, with a 13 minimum affordability period of 10 years and a maximum 14 affordability period of 30 years.</p> <p>15 That application was unsolicited at the time, 16 evaluated pursuant to the disposition policy, and the 17 properties were sold to the developer for \$1.00 each. A 18 year after the properties were conveyed, HACE notified the 19 Land Bank that it wished to transfer the properties and the 20 homes built on them to Good Lands Trust, which is a 21 non-profit corporation that is wholly owned by HACE, and 22 also that they wished to sell only the homes to purchasers, 23 retaining ownership of the land in the Land Trust, to ensure 24 permanent affordability.</p>	<p style="text-align: right;">Page 10</p> <p>1 The staff's recommendation is that given that the Land 2 Bank does not wish to penalize the buyer as a result 3 of HACE's and the Land Trust's actions, and given that the 4 imposition of the financial penalty would present a hardship 5 to HACE and the Land Trust, the staff recommends that the 6 Board approve the termination of the Declaration of 7 Restrictive Covenants with respect to the premises, with 8 respect to 3028 North American Street, and that the Board 9 agree to not impose the penalties for the default that are 10 provided in the PDA. Thank you.</p> <p>11 CHAIR FADULLON: Thank you, Andrea. And did we 12 receive any email comments about this item prior to the 13 meeting?</p> <p>14 MS. SAAH: We received a memo from Harry Tapia, who is 15 the director of operations for HACE, pertaining to -- I'm 16 sorry, I'm just trying to look for it -- pertaining to all 17 three resolutions.</p> <p>18 And HACE's comment with respect to this one was, HACE 19 is in agreement with the staff recommendation. The economic 20 hardship to HACE is further reason for the Board to also 21 approve one of the other resolutions, but they had no 22 comment to this and there were no other public comments.</p> <p>23 CHAIR FADULLON: Great. Thank you. Are there any 24 questions or comments from the Board on this item?</p>

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<p>Page 11</p> <p>1 (No response.)</p> <p>2 CHAIR FADULLON: Seeing none, do we have any members</p> <p>3 of the public that wish to speak to this item? We do have</p> <p>4 one hand raised. Can we un-mute Harry Tapia, please?</p> <p>5 MR. TAPIA: Hey, good morning, Board of Directors.</p> <p>6 Again, my name is Harry Tapia, director of operations at</p> <p>7 HACE. You know, we definitely welcome the recommendation of</p> <p>8 the Board.</p> <p>9 We do apologize, you know, regarding this, you know,</p> <p>10 default. It's never happened to us before. We were, you</p> <p>11 know, this was in the middle of COVID. We were really</p> <p>12 ambitious, trying to get this project, you know, completed</p> <p>13 and sold, and you know, sort of, you know, got a little bit</p> <p>14 ahead of ourselves.</p> <p>15 So again, we wanted to apologize regarding this</p> <p>16 default, and again, HACE has never had any issue like this</p> <p>17 before and we will definitely, you know, take the</p> <p>18 recommendation of the staff when it comes to Item A, so</p> <p>19 thank you.</p> <p>20 CHAIR FADULLON: Thank you. Next we have Carlos</p> <p>21 Rendon.</p> <p>22 MR. RENDON: Good morning, everyone. My name is</p> <p>23 Carlos Rendon. I am a staffer here with Council Member</p> <p>24 Lozada's office and I am speaking on behalf of the office.</p>	<p>Page 13</p> <p>1 The difference between having just regular</p> <p>2 restrictions would be that, you know, you can have a home</p> <p>3 that would have a 10-year restriction that then could be</p> <p>4 sold, you know, to another market rate buyer.</p> <p>5 Under our Good Lands Trust, we would have restrictions</p> <p>6 where that home would stay low-income into perpetuity, which</p> <p>7 means that, you know, that first home buyer, once they are</p> <p>8 ready to move on to their second home, then they would have</p> <p>9 to sell that home to another buyer that's at 80 percent or</p> <p>10 less of area median income.</p> <p>11 MS. LOPEZ KRISS: Okay. So what are the risks to the</p> <p>12 home buyer in this situation?</p> <p>13 MR. TAPIA: So the home buyer really doesn't have a</p> <p>14 risk. What, you know, they take a chance, again, at the</p> <p>15 market, right, and you know, they're trying to generate</p> <p>16 wealth, right, through purchasing a home.</p> <p>17 This model allows them to generate wealth because</p> <p>18 there is a resale formula where they're able to resell.</p> <p>19 After 10 years, there's a resale formula where they can sell</p> <p>20 the property up to four percent, four times 60 percent of</p> <p>21 AMI. So they're still able to generate wealth. The only</p> <p>22 restriction would be that they need to sell it to another,</p> <p>23 you know, low-income family.</p> <p>24 CHAIR FADULLON: Harry, can you explain what you just</p>
<p>Page 12</p> <p>1 The Council Member is supportive of this resolution.</p> <p>2 CHAIR FADULLON: Great. Thank you, Mr. Rendon. And</p> <p>3 next we have Nefertiti Stanford. Go ahead, Ms. Stanford.</p> <p>4 You are un-muted.</p> <p>5 (No response.)</p> <p>6 CHAIR FADULLON: Ms. Stanford no longer has her hand</p> <p>7 up. Ms. Stanford, do you have a comment for the Board on</p> <p>8 this item?</p> <p>9 (No response.)</p> <p>10 CHAIR FADULLON: All right, doesn't look like it, so</p> <p>11 I'm going to ask for a motion from the Board.</p> <p>12 MS. LOPEZ KRISS: I have a question for Harry.</p> <p>13 CHAIR FADULLON: Sure.</p> <p>14 MS. LOPEZ KRISS: Harry, for the sake of the public,</p> <p>15 are you able to articulate the difference between what</p> <p>16 you're proposing and what you originally proposed?</p> <p>17 (No response.)</p> <p>18 MS. LOPEZ KRISS: Is he there?</p> <p>19 CHAIR FADULLON: Are we able to get Harry back? There</p> <p>20 we go.</p> <p>21 MR. TAPIA: Hey. So originally we, you know, again,</p> <p>22 proposed to develop these with restrictions, resale</p> <p>23 restrictions, right. We were challenged in order to try,</p> <p>24 you know, something innovative which is a Land Trust.</p>	<p>Page 14</p> <p>1 said? They can sell it at four percent, up to four times,</p> <p>2 60 percent of median?</p> <p>3 MR. TAPIA: Correct. So --</p> <p>4 CHAIR FADULLON: What does that mean?</p> <p>5 MR. TAPIA: Yeah, all right. So we have a resale</p> <p>6 formula, right, and there's two aspects of it. The first 10</p> <p>7 years, they accumulate very little wealth because we want</p> <p>8 them to, you know, be in the community and be part of the</p> <p>9 community and take part in the revitalization of the</p> <p>10 community.</p> <p>11 So for the first 10 years, they are able to appreciate</p> <p>12 to five percent of purchase price. After year 11, then</p> <p>13 they're able, there's a resale formula where they can sell</p> <p>14 the property, right. If you take 60 percent of AMI for a</p> <p>15 family of four, that annual amount, you times it by four,</p> <p>16 then that is what they can sell the property for.</p> <p>17 CHAIR FADULLON: Okay. So I just want to make an</p> <p>18 example, all right. So the first 10 years they can only</p> <p>19 increase it by a certain percent, the value by a certain</p> <p>20 percent, but in year 11, let's say a house affordable to 60</p> <p>21 percent of median was \$100,000, just to make the math easy.</p> <p>22 They could potentially sell the house at \$400,000, is that</p> <p>23 what you're saying?</p> <p>24 MR. TAPIA: Correct, yes, up to \$400,000, but they</p>

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<p style="text-align: right;">Page 15</p> <p>1 need to sell it to somebody that's at 80 percent of AMI.</p> <p>2 CHAIR FADULLON: Right. So the reality is they can</p> <p>3 only sell it at, it's not really capped at four times 60</p> <p>4 percent. It's really capped at whatever is affordable to</p> <p>5 somebody who could pay at 80 percent.</p> <p>6 So for example, four times 60 could be 400, but the 80</p> <p>7 percent price could be 250, and what they can really sell it</p> <p>8 at would be the 250. Correct?</p> <p>9 MR. TAPIA: That is correct. And then the main thing</p> <p>10 about this, right, we are building these at \$340,000. We're</p> <p>11 selling these, with the first one that we sold, we sold it</p> <p>12 at 160. So that 250 is still double the amount of equity</p> <p>13 that you earn, right.</p> <p>14 So when I think about a homeowner, right, you're able</p> <p>15 to go into a new construction property at a really minimum</p> <p>16 mortgage, anywhere from 160 to 180, and year 11 be able to</p> <p>17 double the amount of equity that you build.</p> <p>18 So it's a win-win for the buyer, right, because you're</p> <p>19 not walking into a property that needs repair. It's a</p> <p>20 property that's brand new, brand new construction, so you</p> <p>21 mitigate your risk up front. You're buying a property</p> <p>22 that's 100 percent new.</p> <p>23 And so that's, you know, again, that's also the value</p> <p>24 that we're adding, you know, through the Land Trust, because</p>	<p style="text-align: right;">Page 17</p> <p>1 appraised value of the land and the home, and then that's</p> <p>2 multiplied times the market value at the time or the</p> <p>3 appraised value at the time of resale, and the Land Trust</p> <p>4 chooses, basically it's the lower of those two prices,</p> <p>5 correct?</p> <p>6 MR. TAPIA: Correct.</p> <p>7 MS. SAAH: Okay. So there are examples in that table</p> <p>8 of what it would be after at \$160,000 sale price and the</p> <p>9 \$200,000 appraised value at the time it was sold, what the</p> <p>10 resale price would be after three years and then after 10</p> <p>11 years, and that's making, of course, certain assumptions</p> <p>12 about the increase in value, things like that.</p> <p>13 CHAIR FADULLON: Any other --</p> <p>14 MS. LOPEZ KRISS: Thank you, Andrea.</p> <p>15 MS. SAAH: It's --</p> <p>16 CHAIR FADULLON: Go ahead. I'm sorry.</p> <p>17 MS. SAAH: Sorry, I just was wondering if there were</p> <p>18 any -- I mean, it's a complicated formula.</p> <p>19 CHAIR FADULLON: Any other questions? And just to</p> <p>20 remind the Board that this one is about the consent to sell</p> <p>21 the one property. Is that right?</p> <p>22 MR. RODRIGUEZ: The default.</p> <p>23 CHAIR FADULLON: No, it's the termination of the</p> <p>24 Declaration of Restrictive Covenants on the one property.</p>
<p style="text-align: right;">Page 16</p> <p>1 you can go down the block. The houses on Kensington Courts,</p> <p>2 they're up for \$450,000, the same model that we're selling.</p> <p>3 MS. LOPEZ KRISS: Mr. Tapia, your description of the</p> <p>4 resell price isn't consistent with my understanding of how</p> <p>5 this all goes down.</p> <p>6 Andrea, is it possible for you to go through this</p> <p>7 again, and can we figure out where the discrepancy is?</p> <p>8 MS. SAAH: Yes, sure. So Exhibit B of the Board</p> <p>9 packet pertaining to this resolution, there's a table</p> <p>10 telling how the resale price is calculated.</p> <p>11 And Harry, if I may call you that --</p> <p>12 MR. TAPIA: Yes.</p> <p>13 MS. SAAH: -- can you just clarify? My understanding</p> <p>14 was that the lease provides that it's three times the income</p> <p>15 of a family of four at 60 percent of AMI, not four times.</p> <p>16 Is that a misunderstanding on my part?</p> <p>17 MR. TAPIA: Sorry, it's three times. Correct. Three</p> <p>18 times.</p> <p>19 MS. SAAH: Three times, okay. And so that is one type</p> <p>20 of calculation that is used after the first ten years.</p> <p>21 That's called the formula price. And then the other way,</p> <p>22 the other calculation is the purchaser's ownership interest</p> <p>23 at resale which is basically a complicated calculation based</p> <p>24 on what the purchase price was originally compared to the</p>	<p style="text-align: right;">Page 18</p> <p>1 MS. LOPEZ KRISS: Just that one property and then the</p> <p>2 rest are the original deal.</p> <p>3 CHAIR FADULLON: And then we'll get to the rest of it.</p> <p>4 MS. LOPEZ KRISS: So I know that HACE has provided a</p> <p>5 number of documents. I mean, I'm looking at the timeline</p> <p>6 how this all went down, and like, they made a request for us</p> <p>7 to change it. There was a slow response and then they just</p> <p>8 sold it anyway. Is that correct? I'm looking at page 19 of</p> <p>9 the Board packet.</p> <p>10 MS. SAAH: Are you asking me? Sorry.</p> <p>11 MS. LOPEZ KRISS: Yes.</p> <p>12 MS. SAAH: Oh, I'm sorry. Okay.</p> <p>13 MS. LOPEZ KRISS: I wasn't clear. On my side, I'm</p> <p>14 looking at you.</p> <p>15 (Laughter.)</p> <p>16 MS. SAAH: I can't see that. Yes. So there was a</p> <p>17 request to commit assignment to the Land Trust of all the</p> <p>18 properties in July of last year, and then we started</p> <p>19 reviewing all the documents to see what that would entail.</p> <p>20 And then as we were going through that and receiving</p> <p>21 drafts and final versions and things like that, then 3028</p> <p>22 was sold. Actually, the agreement of sale was signed before</p> <p>23 the request was made to us, but then it was sold in October</p> <p>24 of last year.</p>

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<p style="text-align: right;">Page 19</p> <p>1 CHAIR FADULLON: Harry, do you want to make a quick 2 comment on that?</p> <p>3 MR. TAPIA: Yes, I do.</p> <p>4 CHAIR FADULLON: I see your hand up. Go ahead.</p> <p>5 MR. TAPIA: Yeah, yeah. So we've been providing 6 information on our Land Trust going back into the summer. 7 We were, as Andrea mentioned, right, so we were drafting and 8 putting together our stewardship plan.</p> <p>9 So they requested information. As we were going back 10 and working with our consultants to finalize it and working 11 with regional legal housing services, we were providing 12 information.</p> <p>13 So it wasn't as if we were not sort of front-coming 14 with what we had is, as Andrea asked for revisions, then we 15 went back, met with our consultants, met with our legal 16 attorneys to make sure that we provided the correct answers.</p> <p>17 But it was way before the summer that we had the 18 intention to notify the Land Bank that we were building a 19 Land Trust.</p> <p>20 MR. RODRIGUEZ: Harry, could you just be very clear, 21 at the time of the sale we did not provide authority for you 22 to assign it to the Land Trust.</p> <p>23 MR. TAPIA: That is correct, and again, I started off 24 this meeting apologizing. We got ahead of ourselves. We've</p>	<p style="text-align: right;">Page 21</p> <p>1 around since 1982. We've never been in default in any of 2 the funding or the city programs that we've dealt with. So 3 we take this very serious. And again, that's why I started 4 off apologizing, because this was uncharacteristic. We were 5 dealing in the pandemic. We were, you know, really moving 6 to get this done.</p> <p>7 We built five houses. We had three break-ins, so we 8 were really motivated to get somebody in there in order to 9 stop the, sort of stop the bleeding and stop the houses from 10 getting robbed.</p> <p>11 We had three break-ins, you know. That was another 12 \$80,000 that we had to pay in additional to building these. 13 So you know, we went in defensive mode, like, all right, we 14 have a buyer. Let's hurry up and get them in there so that 15 we can protect the homes.</p> <p>16 We completed all nine now. We've really been waiting 17 and trying to work with the Land Bank to make sure that we 18 do get the approval to put them in the Land Trust, so to 19 make sure that this doesn't happen again.</p> <p>20 Again, we were dealing during COVID, and you know, our 21 project was getting broken into. We were trying to hurry up 22 and get, you know, somebody in there to prevent that from 23 continuing to happen.</p> <p>24 MS. LOPEZ KRISS: Thank you.</p>
<p style="text-align: right;">Page 20</p> <p>1 been working at this from, you know from the beginning. 2 MR. RODRIGUEZ: You requested a change. We were 3 working on it, we were requesting issues. That was an 4 ongoing process. And during that time, the decision on the 5 part of HACE was to proceed with the sale under a format 6 that hadn't been approved, correct?</p> <p>7 MR. TAPIA: That is correct. But again, if the Land 8 Bank would have said, hey, this is definitely not going to 9 fly, then it would have been different. We thought we were 10 working at it. And yes, again, I apologize. We got ahead 11 of ourselves and we were moving very quickly. It was, you 12 know --</p> <p>13 MS. LOPEZ KRISS: So I think --</p> <p>14 MR. TAPIA: -- we were under the sort of a frame that 15 we were working to get this done and that it would be 16 something achievable.</p> <p>17 MS. LOPEZ KRISS: So I guess, I mean, I think no one 18 wants to get in the way or penalize the purchaser of the 19 building. However, how does HACE intend to prevent this 20 type of oversight from happening again?</p> <p>21 MR. TAPIA: Well, you know, very quickly, we've lost, 22 I want to say four buyers since, you know, we notified the 23 Land Bank of selling the first home.</p> <p>24 So we take this very serious. Again, we've been</p>	<p style="text-align: right;">Page 22</p> <p>1 CHAIR FADULLON: Thank you, Harry. Any other 2 questions or comments from the Board?</p> <p>3 (No response.)</p> <p>4 CHAIR FADULLON: All right. Seeing none, I'll call 5 the question. Can I get a motion on Item IV.A, which is the 6 termination of Declaration of Restrictive Covenants for 3028 7 North American Street?</p> <p>8 MR. SAUER: I'll make a motion to approve the 9 resolution.</p> <p>10 MR. GOODMAN: Second.</p> <p>11 CHAIR FADULLON: All right. Motion has been made and 12 properly seconded to terminate the Declaration of 13 Restrictive Covenants for 3028 North American Street. All 14 in favor?</p> <p>15 (Chorus of ayes.)</p> <p>16 CHAIR FADULLON: Any opposed?</p> <p>17 (No response.)</p> <p>18 CHAIR FADULLON: All right. Motion carries. That 19 brings us to Item IV.B, which is the issuance of consent to 20 sell letters.</p> <p>21 MR. LAWRENCE: Thank you, Chair. Today the request 22 comes again from HACE. The Board's requested to authorize 23 the issuance of consent to sell letters to HACE for homes 24 constructed on 19, 21, 23, 25 and 27 E. Somerset Street and</p>

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<p>Page 23</p> <p>1 also on 3022, 3024 and 3026 North American Street, 2 collectively referred to in this package as the premises. 3 Looking to get both authorizations for the consent to sell 4 and the authorization for the issuance of a certificate of 5 completion upon completion of the entire project. 6 Just a bit of background, The Land Bank entered into a 7 purchase and development agreement with HACE dated July of 8 2021 specifically for the development of nine affordable 9 homeownership units that were located on 3022, 3024, 3026 10 and 3028 North American Street, as well as 19, 21, 23, 25 11 and 27 East Somerset Street, referred to as the project in 12 this package. 13 Pursuant to the Agreement, HACE was required to, among 14 other things, adhere to the following requirements with 15 regard to the project itself: 16 An Economic Opportunity Plan requirements, also 17 referred to as EOP; permission to proceed with the sale of 18 the units in the project; marketing requirements; income 19 certification requirements; and inspection requirements. 20 On October 31, 2022, HACE requested the Land Bank's 21 consent to sell the unit located and completed at 3024 North 22 American Street. They were provided with the checklist of 23 items, as the aforementioned items. 24 It was then brought to the Land Bank's attention on</p>	<p>Page 25</p> <p>1 The project's current near-completion status minimizes the 2 likelihood of meeting this requirement overall. 3 The second step we took were regarding income 4 certifications. HACE submitted income certification 5 packages to the Land Bank for the homebuyers of 3024 and 6 3028 on December 7, 2022. Staff approved each homebuyer as 7 compliant with the income requirements of the project on 8 December 15, 2022. 9 We then took inspections as the next step. The Land 10 Bank received certificates of occupancy for all four of the 11 units built on American Street, and these units were 12 inspected on December 9, 2022. Land Bank confirmed that the 13 development of these units adhered to approved plans set 14 forth in the purchase agreement. 15 So today, should the Board approve the issuance of the 16 consent to sell letters for HACE for the affordable 17 homes and the issuance of a certificate of completion upon 18 completion of the project, HACE must comply with all its 19 obligations and requirements under the agreement in order to 20 receive a consent to sell for affordable homes and receive 21 the certificate of completion following the completion of 22 the project, including, but not limited to, the following 23 items. 24 HACE may not market or enter into an agreement of sale</p>
<p>Page 24</p> <p>1 December 5, 2022 that HACE had already sold the unit 2 completed at 3028 North American Street on October 11, 2022 3 without adhering to any of the requirements in the 4 agreement. This ultimately placed HACE in default of the 5 executed agreement. To address HACE's request to sell 3024 6 and the unauthorized sale of 3028, the Land Bank took the 7 following steps and corrective actions to bring the 8 developer back into compliance to the extent possible. 9 The first step was regarding EOP. The staff reached 10 out to the city's Compliance Unit to confirm if these 11 requirements were met and determined that the EOP was not 12 monitored due to an oversight. Because of this, the 13 department tasked with monitoring the economic opportunity 14 plan cannot sign off on the project. 15 HACE was then contacted to ascertain if documentation 16 was available to evidence the efforts made to hire 17 minority-owned business enterprises and women-owned business 18 enterprises as well. 19 In response, HACE provided the information that would 20 allow the Compliance Unit to assess HACE's economic 21 opportunity plan performance. Upon Compliance's review, it 22 determined that HACE met the requirement for hiring 23 women-owned business enterprises but did not meet the 24 requirement for hiring minority-owned business enterprises.</p>	<p>Page 26</p> <p>1 for a unit without first allowing PHA to market the unit for 2 the 30 days, with the Land Bank determining the beginning of 3 that marketing period. 4 The Land Bank must also be notified of the completion 5 of the unit and receive certificates of occupancy from HACE. 6 The Land Bank must also inspect any completed unit to 7 ensure adherence to plans and may then issue a consent to 8 sell letter to HACE. 9 HACE must also notify the Land Bank of a prospective 10 buyer by submitting documentation to the Land Bank for 11 the buyer's income certification, along with a required Land 12 Bank rider to the agreement of sale signed by the 13 prospective buyer. 14 So today, the staff recommendation is that the Board 15 approve this resolution to permit the issuance of consent to 16 sell letters for the homes constructed on 3022, 3024 and 17 3026 North American Street and on 19, 21, 23, 25 and 27 East 18 Somerset Street and ultimately also the issuance of a 19 certificate of completion for the project, subject to the 20 developer's full compliance with the terms of the agreement. 21 Thank you. 22 CHAIR FADULLON: Thank you, Jessie. Any questions or 23 comments from the Board on this item? 24 (No response.)</p>

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<p style="text-align: right;">Page 27</p> <p>1 CHAIR FADULLON: Seeing none, do we have any members</p> <p>2 -- oh, I'm sorry. Someone have a question? All of a</p> <p>3 sudden, I heard something.</p> <p>4 Any members of the public that wish to speak to this</p> <p>5 item? Can we un-mute Carlos Rendon, please?</p> <p>6 MR. RENDON: Hello, this is Carlos Rendon again on</p> <p>7 behalf of Council Member Lozada. She is in support of this</p> <p>8 resolution for Item IV.B. Thank you.</p> <p>9 CHAIR FADULLON: Thank you. And Harry Tapia?</p> <p>10 MR. TAPIA: Hey, good afternoon again. So just wanted</p> <p>11 to sort of go over what HACE did, and again, sort of</p> <p>12 apologize for, you know, this project not going sort of, you</p> <p>13 know, as planned.</p> <p>14 Usually what happens is, we had a kickoff meeting when</p> <p>15 we have a city-funded project where we go over every single</p> <p>16 item. And because of COVID, we really didn't get a chance</p> <p>17 to go over this one in detail, and again, you know, some</p> <p>18 steps were missed.</p> <p>19 Also wanted to reiterate, we were working under COVID</p> <p>20 so it really, really was challenging for us to find</p> <p>21 minorities that we can have participate in this project. We</p> <p>22 did these modular, so that really reduced the amount of</p> <p>23 opportunities that we can have.</p> <p>24 We did do our best efforts. We did reach out to the</p>	<p style="text-align: right;">Page 29</p> <p>1 for properties on North American Street and East Somerset</p> <p>2 Street. All in favor?</p> <p>3 (Chorus of ayes.)</p> <p>4 CHAIR FADULLON: Any opposed?</p> <p>5 (No response.)</p> <p>6 CHAIR FADULLON: All right. Motion carries, and that</p> <p>7 brings us to Item IV.C, which is -- this is a mouthful --</p> <p>8 Amendment, Assignment and Assumption of Developer</p> <p>9 Obligations under Purchase and Development Agreement and</p> <p>10 Amendment of Declaration of Restrictive Covenants for</p> <p>11 Properties on East Somerset Street and North American</p> <p>12 Street.</p> <p>13 And Andrea, I'm sorry. That last item, I forgot if</p> <p>14 there was public comment. I assume there was nothing too</p> <p>15 relevant that came in, even though I did write that notice</p> <p>16 to myself, but let's hear this one and then I'm definitely</p> <p>17 going to remember to refer to you.</p> <p>18 MS. SAAH: Thank you. I appreciate it. Good morning,</p> <p>19 Board. So this Item IV.C is HACE's request to approve,</p> <p>20 number one, a modification in the use of the premises,</p> <p>21 meaning the land, allowing the developer to retain title to</p> <p>22 the premises indefinitely and to sell only the improvements</p> <p>23 erected on the land and to lease the land to qualified</p> <p>24 purchasers, under different provisions than those contained</p>
<p style="text-align: right;">Page 28</p> <p>1 ones -- you know, we have three minority contractors that we</p> <p>2 felt could handle this type of work, and unfortunately,</p> <p>3 because they were working on other projects, they didn't</p> <p>4 have the capacity to also bid on this work because all of</p> <p>5 their projects were delayed.</p> <p>6 So we end up still, you know, just about meeting our</p> <p>7 obligations. It was just inverted, right? So we were at 25</p> <p>8 percent for WBE and we were at six percent for MBE, and</p> <p>9 we're still working to get -- we did have a security company</p> <p>10 because, again, once we didn't get the consent to sell, we</p> <p>11 had to get a security company doctor to monitor these</p> <p>12 properties to make sure that they weren't broken into.</p> <p>13 So we're working with the Enterprise Center right now</p> <p>14 to get them certified, and that should definitely boost us</p> <p>15 up to at least 10 percent MBE, and then 25 percent WBE,</p> <p>16 which would be 35 percent combined.</p> <p>17 CHAIR FADULLON: Thank you, Harry.</p> <p>18 I don't see any other members of the public with their</p> <p>19 hand raised, so if there's no other questions or comments</p> <p>20 from the Board, I'll entertain a motion on this item.</p> <p>21 MR. KOONCE: Motion to approve.</p> <p>22 MR. GOODMAN: Second.</p> <p>23 CHAIR FADULLON: Motion has been made and properly</p> <p>24 seconded to approve the issuance of consent to sell letters</p>	<p style="text-align: right;">Page 30</p> <p>1 in the Purchase and Development Agreement and the</p> <p>2 Declaration of Restrictive Covenants;</p> <p>3 Number two, to convey the premises with all the homes</p> <p>4 constructed on the land, to Good Lands Trust, its assignee;</p> <p>5 And number three, to assign the HACE's rights and</p> <p>6 responsibilities under the Purchase and Development</p> <p>7 Agreement and the Declaration of Restrictive Covenants, as</p> <p>8 amended for the modified use, to Good Lands Trust.</p> <p>9 So by way of background, again, this is very similar</p> <p>10 to what I described, this is the same as what I described in</p> <p>11 the first, with respect to the first resolution. The homes</p> <p>12 were to be sold to purchasers with a household income at or</p> <p>13 below 80 percent of AMI with a minimum and maximum</p> <p>14 affordability period of 10 years up to 30 years.</p> <p>15 The resale provisions during that affordability period</p> <p>16 would allow for a modest increase in equity during that</p> <p>17 compliance period while ensuring that the home would be</p> <p>18 sold, home and land, to a future homebuyer who is</p> <p>19 income-qualified at or below 80 percent of area median</p> <p>20 income.</p> <p>21 Again, we went through the sequence that HACE</p> <p>22 requested we transfer the properties and the homes to Good</p> <p>23 Lands Trust. Subsequently, HACE has indicated that it</p> <p>24 wishes to sell 3024 North American Street under the original</p>

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<p>Page 31</p> <p>1 provisions of the project, meaning home and land would be 2 sold outright to the buyer.</p> <p>3 So this request pertains only to the remaining seven 4 properties in the project which are 19, 21, 23, 25 and 27 5 East Somerset Street, and 3022 and 3026 North American 6 Street.</p> <p>7 So I just wanted to briefly provide a summary, because 8 this is very relevant here, comparison of the Land Bank and 9 Land Trust sale, resale and lease provisions, and these are 10 in written form in Exhibit B to this fact sheet.</p> <p>11 Both the Land Bank and the Land Trust have a residency 12 requirement that this be the primary residence of the 13 purchaser. Renting of the home is not permitted under Land 14 Bank regulations. Under the Land Trust, it is permitted 15 with the consent, but the rent amount is restricted.</p> <p>16 The income level restrictions are the same. It's up 17 to 80 percent of AMI, although the Land Trust is trying to 18 lower that to homeowners with a lower area median income.</p> <p>19 The affordability period restrictions are minimum ten 20 years, maximum of 30 year for the Land Bank. For the Land 21 Trust, it is a 99 year lease to the homeowner which can be 22 renewed by their heirs, I suppose.</p> <p>23 The sale price permitted under the Declaration of 24 Restrictive Covenants in the Land Bank is \$195,000, no more</p>	<p>Page 33</p> <p>1 Under the Land Bank model, it is the original price 2 paid by the owner plus closing costs paid at purchase and 3 closing costs, estimated closing costs to be paid at resale 4 by the homebuyer, all adjusted for inflation.</p> <p>5 I also gave in the table examples of what the resale 6 price would be, making certain assumptions about inflation 7 rate and appraised value of the land. In the Land Bank's 8 model, the resale price is higher for the homeowner. The 9 Land Trust resale price is lower.</p> <p>10 And on the other hand, the Land Trust, home can never 11 be sold at the market value, whereas under the Land Bank's 12 model, the home can be sold at market value no more than 30 13 years after the original purchase.</p> <p>14 Capital improvements, there's no provision in the Land 15 Bank's resale calculation because there's a limited 16 affordability period, so if an owner makes a capital 17 improvement to the home, that is not included in the resale 18 price. Under the Land Trust's model, if the capital 19 improvement occurs with their consent, then 50 percent of 20 that cost is added to the resale cost calculation but 21 depreciated over ten years.</p> <p>22 Insurance, the Land Bank doesn't have any homeowner's 23 insurance requirements. That's usually the mortgage 24 lender's requirement. And under the Land Trust model, both</p>
<p>Page 32</p> <p>1 than \$195,000. The Land Trust sold its first home at 2 \$160,000 and intends to sell the remaining seven homes at 3 \$190,000.</p> <p>4 Ownership under the Land Bank's model is land and 5 improvements, and under the Land Trust model it is the 6 improvements, the home.</p> <p>7 There are lease payments for the lease of the land for 8 a homeowner in the Land Trust, none for the Land Bank.</p> <p>9 The responsibility for payment of property taxes, in 10 the Land Bank's model, the homeowner is responsible for 11 paying taxes on land and the home, and under the Land Trust 12 model, the homeowner is also responsible for paying taxes on 13 the land and the home.</p> <p>14 Utilities are both always the owner's responsibility. 15 Maintenance and repair of both the land and the home are the 16 owner's responsibility in both models.</p> <p>17 Under the Land Bank's model, the Land Bank retains the 18 right of first refusal, meaning it can purchase the property 19 back at the set price. Under the Land Trust model, it's the 20 Land Trust that has that right of first refusal.</p> <p>21 The resale price, as I mentioned earlier, in the Land 22 Trust model is the lower of two calculations. It's too 23 complicated for me to describe, but if anyone is really 24 interested, please go to Exhibit B.</p>	<p>Page 34</p> <p>1 replacement and liability insurance are required.</p> <p>2 And then the proceeds of a mortgage foreclosure, under 3 the Land Bank model, the resale and purchaser restrictions 4 end when the mortgage company forecloses upon the mortgage, 5 and the proceeds from the sale, if there are any after 6 satisfaction of the mortgage are paid to the other. Under 7 the Land Bank model, the Land Trust has a right to purchase 8 the mortgage for the amount owed to the lender. If the home 9 is sold by the lender to another party, then after the 10 mortgage is paid off, the homeowner receives a restricted 11 amount, what they would have received had they sold it as 12 under the Land Trust calculation and then the Land Trust 13 receives the excess.</p> <p>14 There also is a summary of the relative advantages and 15 disadvantages of each. I don't think I will read them here 16 because it's quite lengthy, but basically the basic summary 17 is, the Land Trust model is heavily weighted in favor of 18 long-term or permanent affordability, whereas the Land Bank 19 provisions are shorter term affordability but a higher, more 20 wealth creation for the homeowner, whereas under the Land 21 Trust model, the homeowner has a lower increase in equity 22 after ten years.</p> <p>23 I hope that summarizes everything fairly clearly. The 24 staff's recommendation for this particular resolution, based</p>

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<p>Page 35</p> <p>1 on the current provisions of the Land Trust, is that the</p> <p>2 Board reject this request based on the current structure of</p> <p>3 the Land Trust model, and maintain the project as originally</p> <p>4 approved, requiring the homes to be sold at a maximum price</p> <p>5 of \$195,000 to purchasers at or below 80 percent of AMI,</p> <p>6 with the Land Bank's recorded Declaration of Restrictive</p> <p>7 Covenants governing the sale and resale of the homes as well</p> <p>8 as the affordability period.</p> <p>9 And just to expand upon that, the reason the staff</p> <p>10 reached that recommendation was because this was originally</p> <p>11 a homeownership project, and the Land Bank felt strongly</p> <p>12 that the concerns of wealth creation were an important part</p> <p>13 of that disposition and that the Land Trust model as</p> <p>14 currently structured in this case does not provide that</p> <p>15 sufficiently, and also that the financial burden of paying</p> <p>16 the property taxes for both land and home is unfair to a</p> <p>17 homeowner who only owns the home.</p> <p>18 CHAIR FADULLON: Thank you, Andrea.</p> <p>19 And did we receive any comment on this item prior to</p> <p>20 the meeting?</p> <p>21 MS. SAAH: None from members of the public, but</p> <p>22 subsequently to the Board package being posted and sent to</p> <p>23 the Board, HACE did submit documentation indicating two</p> <p>24 things: one, that they received \$300,000 in state funding,</p>	<p>Page 37</p> <p>1 rationale for that?</p> <p>2 MS. SAAH: So the disposition policy provides for a 30</p> <p>3 year mortgage for side yards and gardens. We don't place a</p> <p>4 mortgage on affordable homes because we don't provide the</p> <p>5 mortgage to the homeowner. That's the --</p> <p>6 MR. RODRIGUEZ: Andrea, the confusion is, there's the</p> <p>7 disposition policy of disposing land and the terms on</p> <p>8 disposing land for affordable development, and then there's</p> <p>9 housing terms where originally the legislation was 10 years</p> <p>10 and if the first homebuyer then sold the property in the</p> <p>11 first 10 years, there would be a calculation and then the 10</p> <p>12 years would reset up to 30 years.</p> <p>13 With the advent of Turn the Key, that has been</p> <p>14 extended to 15 years. So the first homebuyer would be</p> <p>15 responsible. So a way to think about this, in a typical</p> <p>16 development that the Land Bank approves, the resale</p> <p>17 restriction and affordability restriction falls to the first</p> <p>18 homebuyer, not -- the developer develops the property. The</p> <p>19 developer is required to make sure that -- and so is the</p> <p>20 Land Bank -- make sure that the homebuyer, the initial</p> <p>21 homebuyer is income qualified, meaning they meet the AMI</p> <p>22 requirements. That homebuyer --</p> <p>23 (Pause.)</p> <p>24 MR. SAUER: Did Angel just freeze? He's back.</p>
<p>Page 36</p> <p>1 PHARE, for the construction of the homes on these properties</p> <p>2 based on their being in the Land Trust;</p> <p>3 And secondly, that they were awarded \$750,000 from</p> <p>4 Federal Home Loan Bank for another project that was for five</p> <p>5 PHA properties HACE was going to renovate or build new on.</p> <p>6 It did not come to fruition, and therefore HACE submitted a</p> <p>7 request to Federal Home Loan Bank to change their award to</p> <p>8 apply to the five properties on East Somerset Street, for</p> <p>9 the five of the nine it received from the Land Bank for the</p> <p>10 80 percent AMI project, and also based upon assurance that</p> <p>11 HACE would place them in the Land Trust and apparently</p> <p>12 approval of this change or modification in the Federal Home</p> <p>13 Loan Bank's award requires a modified Purchase and</p> <p>14 Development Agreement and I would assume a Declaration of</p> <p>15 Restrictive Covenants as well since ours is currently not</p> <p>16 what the Land Trust wants.</p> <p>17 CHAIR FADULLON: Okay. Thank you, Andrea.</p> <p>18 Do we have any questions or comments about this item</p> <p>19 from the Board?</p> <p>20 MR. SAUER: Just one question. You had mentioned in</p> <p>21 the Land Bank's, I don't know if it's official dispositions</p> <p>22 policies or just in the PDA, but the maximum affordability</p> <p>23 period the Land Bank allows for homeownership projects is</p> <p>24 only 30 years. Did I hear that correct? And what's the</p>	<p>Page 38</p> <p>1 CHAIR FADULLON: We lost you there for a second,</p> <p>2 Angel.</p> <p>3 MR. RODRIGUEZ: Oh, sorry. Where did you lose me?</p> <p>4 So, can you hear me now?</p> <p>5 CHAIR FADULLON: Yes.</p> <p>6 MR. RODRIGUEZ: The restrictions fall to the homebuyer</p> <p>7 on the affordability and resale, and that's 15 years, all</p> <p>8 right, with the advent of Turn the Key which provides that</p> <p>9 soft second mortgage.</p> <p>10 So I don't want to confuse the issue of disposing of</p> <p>11 land to a developer to develop affordable housing, that of</p> <p>12 course the initial homebuyer has to meet the income</p> <p>13 requirement, all right.</p> <p>14 What this fundamentally is saying is that because --</p> <p>15 in essence, because of the way this is structured with a</p> <p>16 long-term lease and with the improvement on top, the</p> <p>17 involvement of the developers is a longer period of time.</p> <p>18 MR. SAUER: Okay. So under Turn the Key, we have sort</p> <p>19 of a maximum affordability period, but in general, the</p> <p>20 disposition policies does not cap the length of the</p> <p>21 affordability period for homeownership projects; is that</p> <p>22 correct?</p> <p>23 MR. RODRIGUEZ: It doesn't cap it. It sets it, and it</p> <p>24 also sets the recourse and responsibilities.</p>

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<p>Page 39</p> <p>1 MR. SAUER: Thank you.</p> <p>2 CHAIR FADULLON: Any other questions on this item from</p> <p>3 the Board?</p> <p>4 (No response.)</p> <p>5 CHAIR FADULLON: All right. Seeing none, do we have</p> <p>6 any members of the public that wish to speak to this item?</p> <p>7 Mr. Tapia?</p> <p>8 MR. TAPIA: Hey, again, thank you for all your time,</p> <p>9 the Board. I know that we've been taking up a lot of time</p> <p>10 on your Board meeting today.</p> <p>11 But you know, it is very important that, you know,</p> <p>12 that you guys really approve our recommendation. This is</p> <p>13 going to be a real hardship on our organization, as you can,</p> <p>14 you know, as Andrea mentioned. This is a million dollars</p> <p>15 worth of funding that we would have to reject and send back</p> <p>16 to PHARE and the Federal Home Loan Bank. If you take that</p> <p>17 million dollars, right, in comparison to HACE's annual</p> <p>18 budget, our annual budget is about \$1.5 million.</p> <p>19 And the reason, again, we applied, we really try to</p> <p>20 use some city funding. We try to use the Turn the Key, but</p> <p>21 having Turn the Key and the Federal Home Loan Bank would</p> <p>22 have too many soft seconds on the mortgages.</p> <p>23 So the reason we, you know, we really went through</p> <p>24 this is because as we were working with the Land Bank, we</p>	<p>Page 41</p> <p>1 displacement. And the Fairhill and St. Hugh neighborhood is</p> <p>2 one of the neighborhoods that are left that we still have</p> <p>3 time in order to do that.</p> <p>4 And the Land Trust model is the one way that we</p> <p>5 figured out that we can make this displacement and keep</p> <p>6 displacement into perpetuity. And we're not the only ones.</p> <p>7 When you're thinking about other non-profits, you know, WCRP</p> <p>8 has a land trust model. We have APM, Esperanza, Mount</p> <p>9 Vernon Manor. They're all who are coming. We're just the</p> <p>10 first one that have been able to build units under this Land</p> <p>11 Trust model.</p> <p>12 So we really, really, it would be a detrimental, you</p> <p>13 know, hardship not just for us, right, because, you know, we</p> <p>14 have to give this money back. Then the next time that we go</p> <p>15 to apply to build homes in this manner, you know, we're not</p> <p>16 going to be as lucky. And then ultimately, you know, we</p> <p>17 would not be able to offer these to the residents of the</p> <p>18 Fairhill and St. Hugh neighborhood.</p> <p>19 So we plead with the Board to approve this and, you</p> <p>20 know, sort of allow us to really fight gentrification and</p> <p>21 displacement. Thank you.</p> <p>22 CHAIR FADULLON: Thank you, Harry. Next we'll</p> <p>23 recognize Carlos Rendon.</p> <p>24 MR. RENDON: Hello again, everyone. This is Carlos</p>
<p>Page 40</p> <p>1 thought that we were able to get the Land Trust model, you</p> <p>2 know, amended and approved and that's why we continue to</p> <p>3 fundraise, you know, in order to develop these.</p> <p>4 Again, as I mentioned, it costs us about \$350,000 to</p> <p>5 build these. We're selling them, the first one we sold at</p> <p>6 160. The rest, we're selling them at 185. And the only way</p> <p>7 that we can do this is really through fundraising.</p> <p>8 Those fundraising dollars are very limited and very,</p> <p>9 very competitive. So we really, really would like to ask</p> <p>10 the Board to approve our model. The reason we want, right,</p> <p>11 so we're really trying to put the Land Trust model in in</p> <p>12 order to prevent gentrification and displacement.</p> <p>13 Gentrification and displacement, in ten years, you</p> <p>14 know, you can sell this house, take all the equity out of</p> <p>15 it, and then we've lost yet another low-income neighborhood</p> <p>16 in Philadelphia, which is the same thing that we</p> <p>17 experienced.</p> <p>18 I'm a product of the neighborhood. I grew up in the</p> <p>19 Norris Square neighborhood. A lot of the home projects</p> <p>20 there that were done, unfortunately, the first low-income</p> <p>21 family sold those, moved on, and that neighborhood has been</p> <p>22 completely lost, and there's no opportunity even for me to</p> <p>23 go back and try to purchase in that neighborhood.</p> <p>24 We really, really are trying to stop, you know,</p>	<p>Page 42</p> <p>1 Rendon, hopefully for the last time this morning. On behalf</p> <p>2 of Council Member Lozada, we are in support of this</p> <p>3 resolution for Item IV.C. Thank you.</p> <p>4 CHAIR FADULLON: Thank you. I don't see any other</p> <p>5 members of the public that wish to comment, so I'm going to</p> <p>6 throw it to Rebecca.</p> <p>7 MS. LOPEZ KRISS: I have a quick question for Mr.</p> <p>8 Tapia. So I'm interested in understanding your take on the</p> <p>9 criticism that it's not fair to the homeowner that they pay</p> <p>10 taxes completely on the land and on the value of the</p> <p>11 improvement. What's your thinking there?</p> <p>12 MR. TAPIA: The Good Lands Trust is a non-profit. We</p> <p>13 have submitted for an exemption on the taxes on the land, so</p> <p>14 we're currently working through that. If for some reason we</p> <p>15 do not receive that, then as a non-profit we would have to</p> <p>16 continue to fundraise to then be able to take on the taxes</p> <p>17 on the land.</p> <p>18 So we do understand, and that's why we set it up as a</p> <p>19 non-profit, in order to really try to get the taxes to be</p> <p>20 exempt. And then we also apply for tax abatements on</p> <p>21 improvements and we're also working through that.</p> <p>22 MS. LOPEZ KRISS: I'm not an employee of the OPA, but</p> <p>23 I am not sure that that use would qualify for a non-profit</p> <p>24 exemption.</p>

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<p style="text-align: right;">Page 43</p> <p>1 CHAIR FADULLON: I think it depends if the non-profit</p> <p>2 is -- I think the lease payment may be the trigger there.</p> <p>3 MS. LOPEZ KRISS: Yeah, that --</p> <p>4 CHAIR FADULLON: I think the non-profit could get tax</p> <p>5 exemption if they weren't earning any money off of the land.</p> <p>6 So it's just something to look into the details about that.</p> <p>7 MS. LOPEZ KRISS: Yeah, there's not a guarantee that</p> <p>8 you'll get that exemption, is my point.</p> <p>9 MR. TAPIA: Yeah, no. And again, as a non-profit -- I</p> <p>10 mean, HACE, we've been here for 40 years. We're going to be</p> <p>11 here for the next hundred years. We'll continue to</p> <p>12 fundraise to make sure that this does not burden homeowners.</p> <p>13 That is not our intent. We really want homeowners to enjoy</p> <p>14 our neighborhood as we continue to rebuild around them.</p> <p>15 Knowing that, you know, again, out of pocket, this is</p> <p>16 going to cost us about \$200,000, so we are investing into</p> <p>17 this Good Lands Trust model. We do not want to burden</p> <p>18 homeowners and we will fundraise.</p> <p>19 If the tax on the land becomes burdensome, we will</p> <p>20 continue to fundraise and continue to write applications to</p> <p>21 make sure that, you know, we're here to, you know, promote</p> <p>22 wealth building but also promote the long-term affordability</p> <p>23 and displacement of our neighborhood.</p> <p>24 MR. GOODMAN: I guess keeping with this for a little</p>	<p style="text-align: right;">Page 45</p> <p>1 There is a provision, if for some reason it needs to</p> <p>2 dissolve, let's say we tried it, it didn't work, God forbid,</p> <p>3 then the land automatically goes to the homeowner.</p> <p>4 So if we need to dissolve it, it will, but it does</p> <p>5 have a working Board that we will be able to pivot if, for</p> <p>6 some reason, let's say like, hey, the improvement formula</p> <p>7 isn't working, right, it's not really providing equitable</p> <p>8 equity and improvements that need to be made, that we need</p> <p>9 to update the formula. Then the Board has that option to</p> <p>10 say, yes, we need to change it to be 75 percent rather than</p> <p>11 50 percent of the improvements. So you do have a working</p> <p>12 Board, and as a homeowner you do have stake in the Board.</p> <p>13 You will have a seat on the Board.</p> <p>14 CHAIR FADULLON: Go ahead, Rick.</p> <p>15 MR. SAUER: Yeah, just as a follow-up to Andrew's</p> <p>16 question, I maybe took his question a little bit</p> <p>17 differently, but there's some issues it seems like, back to</p> <p>18 the chart that Andrea walked through, where there's</p> <p>19 different goals or policies suggested by what the Good Lands</p> <p>20 Trust is trying to accomplish and what the Land Bank current</p> <p>21 documents require.</p> <p>22 And so I took Andrew's question more, is there an</p> <p>23 openness or willingness to go back and have conversations</p> <p>24 with the Land Bank to look at like the recourse issue. What</p>
<p style="text-align: right;">Page 44</p> <p>1 bit, so I guess, staff's analysis kind of separated into two</p> <p>2 different categories, I guess. One category is the merit of</p> <p>3 permanent affordability versus wealth creation, right, and</p> <p>4 that's, you know, that's a big discussion and obviously the</p> <p>5 Land Bank, the disposition policy has routes for any of</p> <p>6 those, and put that to the side for now.</p> <p>7 We're looking at the second category, which is more</p> <p>8 structural, I guess, and some of the disagreements or issues</p> <p>9 about some of the terms and restrictions, so I guess I put</p> <p>10 it back to you, Harry. Is the trust model and structure as</p> <p>11 it relates to taxes, maintenance responsibilities, that</p> <p>12 level of thing, is that set in stone or could time help, you</p> <p>13 know, figure out a compromise on some of these things as it</p> <p>14 relates to these properties?</p> <p>15 (No response.)</p> <p>16 CHAIR FADULLON: Go ahead, Harry.</p> <p>17 MR. TAPIA: Can you hear me? Oh, perfect.</p> <p>18 CHAIR FADULLON: Yeah.</p> <p>19 MR. TAPIA: Yeah. So there is a Board, right, that</p> <p>20 will be part of HACE homeowners and stakeholders with the</p> <p>21 Good Lands Trust, that we will continue to meet. There's</p> <p>22 bylaws. So if there's any adjustments that need to be made</p> <p>23 in the future, homeowners are part of the Board. They have</p> <p>24 a say in, you know, any changes that need to be made.</p>	<p style="text-align: right;">Page 46</p> <p>1 would happen if the Good Lands Trust were no longer around,</p> <p>2 you know. Could the Land Bank still have recourse to the</p> <p>3 land portion of that situation, or things like that.</p> <p>4 So I guess the question is, is there an opportunity</p> <p>5 here, given the fact that we need to, as a Land Bank entity,</p> <p>6 be able to dispose of land to community land trusts, because</p> <p>7 it's not the only land trust property that's going to be</p> <p>8 coming forth, is there an opportunity to figure out, how do</p> <p>9 we address some of these apparent conflicts up front now,</p> <p>10 not five, ten years down the road.</p> <p>11 CHAIR FADULLON: Harry, I think that's a question to</p> <p>12 you.</p> <p>13 MR. TAPIA: Sorry, I was on mute.</p> <p>14 CHAIR FADULLON: That's okay.</p> <p>15 MR. TAPIA: Yes. We're definitely willing. We take</p> <p>16 the restrictions that we had under the Land Bank as a</p> <p>17 minimum, right, or minimum requirements. We're definitely</p> <p>18 open to exploring what happens if, God forbid, ten years</p> <p>19 from now, yes, the Land Bank, you know, sort of goes out of</p> <p>20 business and, you know, do we still have, you know, the</p> <p>21 requirement to the Philadelphia Land Bank that we need to</p> <p>22 revert the land back. So we're definitely open to that, you</p> <p>23 know. We'll definitely, you know, work it out between us</p> <p>24 and the Land Bank, definitely.</p>

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<p style="text-align: right;">Page 47</p> <p>1 CHAIR FADULLON: Are there any other questions or</p> <p>2 comments from the Board?</p> <p>3 (No response.)</p> <p>4 CHAIR FADULLON: Okay. So before -- I'm sorry, I</p> <p>5 can't call the question yet. Are there any other members of</p> <p>6 the public that wish to speak to this item?</p> <p>7 (No response.)</p> <p>8 CHAIR FADULLON: Seeing none, before I call the</p> <p>9 question, just a couple of things, right. I think this has</p> <p>10 been pointed out a couple times, but the Land Trust model</p> <p>11 definitely has a little more emphasis on long-term</p> <p>12 affordability, a little bit less emphasis on wealth</p> <p>13 creation. However, it precludes neither, right. You can</p> <p>14 still have a little bit of wealth creation, longer</p> <p>15 affordability term. The typical Land Bank model has a</p> <p>16 little bit more emphasis on wealth creation and a little bit</p> <p>17 less emphasis on affordability, but again, it still has a</p> <p>18 balance between both. They're just a little bit skewed.</p> <p>19 Looking through that table, it looks to me like</p> <p>20 there's some sort of minor differences and then there's some</p> <p>21 bigger things, and it seemed like if there was an ability to</p> <p>22 negotiate, particularly on the recourse piece with what</p> <p>23 happens, again, if the homeowner forecloses or if the Land</p> <p>24 Trust goes out of business or fails to be around for</p>	<p style="text-align: right;">Page 49</p> <p>1 CHAIR FADULLON: There are different types of motions</p> <p>2 that can be made, right. There could be just a yes. There</p> <p>3 could be just a no. There could be a yes with provisions.</p> <p>4 There could be a table with provisions, right. So there's a</p> <p>5 yes, there's a no, there's a yes with caveats, and there's a</p> <p>6 table with caveats. So there's four potential types.</p> <p>7 So with that, how about a motion?</p> <p>8 MR. SAUER: I --</p> <p>9 CHAIR FADULLON: I'm sorry, hold on. I have my</p> <p>10 attorney, Andrea, saying wait a minute.</p> <p>11 MS. SAAH: For the benefit of the Land Bank staff, I</p> <p>12 would appreciate any motion other than a straight up or down</p> <p>13 motion to provide clear direction to the staff on how the</p> <p>14 Board would like the staff to proceed.</p> <p>15 MR. SAUER: So I'll make a motion to approve the</p> <p>16 residential as proposed with the caveat that the Land Bank</p> <p>17 staff and HACE go back to negotiate any differences to</p> <p>18 resolve this moving forward in an appropriate manner.</p> <p>19 MR. DeMARCO: I'll second --</p> <p>20 CHAIR FADULLON: There's a motion on the table --</p> <p>21 MR. GOODMAN: Just a --</p> <p>22 CHAIR FADULLON: -- that has been made and properly</p> <p>23 seconded --</p> <p>24 MR. GOODMAN: Sorry, just to -- okay. Sorry. Never</p>
<p style="text-align: right;">Page 48</p> <p>1 whatever reason, that we just work on that. And then</p> <p>2 there's the question about the taxation.</p> <p>3 So if those things are willing to continue to be</p> <p>4 worked on, I think that's, you know, a different response</p> <p>5 than potentially a direct up or down vote. And I do think</p> <p>6 that we are likely, as a Board, to see more of this Land</p> <p>7 Trust model going forward.</p> <p>8 With that, I am going to call the question and ask for</p> <p>9 a motion on this item.</p> <p>10 MR. SAUER: I'm a little confused, Anne. Are we</p> <p>11 calling a motion on the item as currently worded? Are we</p> <p>12 suggesting that there be further discussion or negotiation</p> <p>13 to address some of the issues we just raised?</p> <p>14 CHAIR FADULLON: So I think what I'm saying is, the</p> <p>15 Board has the ability to make whatever motion they want to</p> <p>16 make on this item, that it's not restricted to just yes or</p> <p>17 no. You could make a modified motion if you so desire. As</p> <p>18 Chair, I can't make a motion, so I turn it over to the rest</p> <p>19 of the Board.</p> <p>20 MS. LOPEZ KRISS: I'd make a motion that we -- I don't</p> <p>21 know if "table" is the right word, but that we work with</p> <p>22 HACE to negotiate terms that we are happier with.</p> <p>23 CHAIR FADULLON: Okay. Let me clarify, right.</p> <p>24 MS. LOPEZ KRISS: Do you need me to --</p>	<p style="text-align: right;">Page 50</p> <p>1 mind.</p> <p>2 CHAIR FADULLON: Go ahead, Andrew.</p> <p>3 MR. GOODMAN: No, no, I got it. I answered my own</p> <p>4 question in my head. Thank you. Sorry about that.</p> <p>5 CHAIR FADULLON: All right. Okay. Any discussion on</p> <p>6 the motion?</p> <p>7 MS. LOPEZ KRISS: So that being said, if we approve it</p> <p>8 even with caveats and we don't get to where we want to get</p> <p>9 to with negotiation, then where are we at? Because we've</p> <p>10 approved it. What happens?</p> <p>11 MR. GOODMAN: Does it come back?</p> <p>12 MR. RODRIGUEZ: I think it depends on --</p> <p>13 CHAIR FADULLON: I believe you could probably add that</p> <p>14 to the motion.</p> <p>15 MR. GOODMAN: But did it already get seconded?</p> <p>16 MS. LOPEZ KRISS: You seconded it.</p> <p>17 MR. RODRIGUEZ: No, it was Richard. Richard DeMarco</p> <p>18 seconded it.</p> <p>19 CHAIR FADULLON: It did, but I mean, we can have -- I</p> <p>20 don't have Robert's Rules of Order right in front of me,</p> <p>21 right, but I believe we can probably say, "What I meant to</p> <p>22 say was."</p> <p>23 MR. RODRIGUEZ: If I might make a suggestion, Madam</p> <p>24 Chair, is just, looking at the Board's reticence to all jump</p>

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<p style="text-align: right;">Page 51</p> <p>1 in, would the Board feel more comfortable with -- and I'll</p> <p>2 just throw this out and you can reject it, but I mean, there</p> <p>3 is a motion on the table that has been properly seconded.</p> <p>4 That would have to be withdrawn, but would the Board feel</p> <p>5 much more comfortable with tabling the item, asking us in a</p> <p>6 specific time frame to negotiate, right, because I think we</p> <p>7 need to be cognizant of the stressors on HACE which they've</p> <p>8 articulated very clearly, that we come to, you know, a</p> <p>9 negotiated resolution and then bring it right back to the</p> <p>10 Board.</p> <p>11 CHAIR FADULLON: Yes. I hear that, and I would say,</p> <p>12 let me just add something else, is that if there was a</p> <p>13 resolution that was achievable, it would be great to just</p> <p>14 say, "Okay, you guys figured this out, go ahead," without</p> <p>15 necessarily having to come back, but --</p> <p>16 (Pause.)</p> <p>17 MS. LOPEZ KRISS: So the next step is, we have to</p> <p>18 decide whether or not we're going to vote on the motion</p> <p>19 that's before us or if we're going to withdraw the motion.</p> <p>20 Is that correct?</p> <p>21 CHAIR FADULLON: Correct. And just to reiterate, the</p> <p>22 motion is -- go ahead, Andrea, sorry.</p> <p>23 MS. SAAH: I just wanted to clarify that the</p> <p>24 resolution to approve it is based on the Land Trust's</p>	<p style="text-align: right;">Page 53</p> <p>1 and HACE's attorney. Really, the instrument in question is</p> <p>2 the long-term lease. That's what has these terms.</p> <p>3 MS. LOPEZ KRISS: I guess I make a motion to table</p> <p>4 this resolution until the Land Bank and HACE have had a</p> <p>5 chance to negotiate and bring it back next month.</p> <p>6 MR. SAUER: I think that last part is really the</p> <p>7 important part of the motion, to be honest. I think we</p> <p>8 need, we can't let this linger out several months.</p> <p>9 MR. RODRIGUEZ: I agree. I think --</p> <p>10 MR. SAUER: This has been long enough as it is.</p> <p>11 MR. RODRIGUEZ: -- it should be back immediately to</p> <p>12 the next, and that we schedule within this time period</p> <p>13 before posting of the next -- like I would assume this is</p> <p>14 going to be an agenda item for April, and that we would be</p> <p>15 prepping this and we have a drop-dead date that we have to</p> <p>16 come to to negotiate that. I think we've been very specific</p> <p>17 as to what the terms are, that we have concerns about, and I</p> <p>18 think there, also, to Rick's larger issue about the policy</p> <p>19 and how we address the Land Trust, it would also give us</p> <p>20 time to reach out to Revenue and to --</p> <p>21 MS. LOPEZ KRISS: OPA.</p> <p>22 MR. RODRIGUEZ: OPA, in terms of how taxes are</p> <p>23 addressed. I think that's something that kind of shifts how</p> <p>24 we can get to an amicable agreement on this.</p>
<p style="text-align: right;">Page 52</p> <p>1 provisions as currently structured, so --</p> <p>2 CHAIR FADULLON: Right, but we added the caveat</p> <p>3 saying, it would be only under the circumstance where</p> <p>4 discrepancies were negotiated.</p> <p>5 MS. SAAH: So my question then is, who makes the</p> <p>6 decision about whether they're adequately --</p> <p>7 CHAIR FADULLON: Right, and that's to Rebecca's point,</p> <p>8 like, does then it have to come back to the Board.</p> <p>9 MS. LOPEZ KRISS: I'm not comfortable approving the</p> <p>10 resolution as written with the caveat that we'll negotiate</p> <p>11 it later. I think I'd rather submit a separate motion.</p> <p>12 CHAIR FADULLON: All right. Well, we have a motion</p> <p>13 that's been on the floor that's been seconded. The person</p> <p>14 who made the motion, do you wish to amend your motion at</p> <p>15 all?</p> <p>16 MR. SAUER: I will withdraw my motion to allow another</p> <p>17 motion to be made.</p> <p>18 CHAIR FADULLON: Okay. So can I get an alternative</p> <p>19 motion?</p> <p>20 MS. LOPEZ KRISS: Angel, what's a reasonable amount of</p> <p>21 time to negotiate this, to not imperil HACE?</p> <p>22 MR. RODRIGUEZ: You know, I think it's -- I think</p> <p>23 we're willing to meet in the next couple of weeks to get</p> <p>24 this resolved, I mean, just so we get in a room with HACE</p>	<p style="text-align: right;">Page 54</p> <p>1 CHAIR FADULLON: All right. So I just want to make</p> <p>2 sure I have a correct understanding of the motion. The</p> <p>3 motion is on the table to -- on the floor to table this for</p> <p>4 the next 30 days or whatever is the number of days that is</p> <p>5 the April Land Bank Board meeting. Is that accurate?</p> <p>6 MR. SAUER: Correct.</p> <p>7 CHAIR FADULLON: Okay. And has that motion been</p> <p>8 seconded?</p> <p>9 (No response.)</p> <p>10 CHAIR FADULLON: Okay. So motion is on the table to</p> <p>11 -- I'm sorry, motion is on the floor to table this item</p> <p>12 until the April Land Bank Board meeting and the expectation</p> <p>13 of the Board is, at that time there would be a negotiated</p> <p>14 agreement between the Land Bank and the Land Trust. Can I</p> <p>15 get a second on that motion?</p> <p>16 MR. GOODMAN: Second.</p> <p>17 CHAIR FADULLON: I have another question about order</p> <p>18 here. So the Board has been discussing the motion. We have</p> <p>19 a motion on the floor and seconded. I do have Mr. Tapia's</p> <p>20 hand raised. Is it appropriate that we take comments on a</p> <p>21 motion from the Board? Does anybody know?</p> <p>22 MR. DeMARCO: I'd like to hear him, for what it's</p> <p>23 worth.</p> <p>24 CHAIR FADULLON: Okay. All right. Let's recognize --</p>

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<p>Page 55</p> <p>1 MS. SAAH: I think if it pertains to the motion and it</p> <p>2 is --</p> <p>3 CHAIR FADULLON: All right. Let's recognize Harry.</p> <p>4 Just checking here. Go ahead, Harry.</p> <p>5 MR. TAPIA: Perfect. Thank you. I just want to</p> <p>6 reemphasize the urgency, right. We built these and we've</p> <p>7 been carrying so much cost on security because of the</p> <p>8 neighborhood that we're building in, and you know, the</p> <p>9 security and break-ins that we've been having.</p> <p>10 I mean, we've been at this for the past five months</p> <p>11 already, you know, and really, you know, going back to last</p> <p>12 summer. So I really, really emphasize, you know, for us to</p> <p>13 come to a resolution as soon as possible, especially since</p> <p>14 I've had one buyer that's been with us since November. He's</p> <p>15 been account surfing because he's been waiting to get into</p> <p>16 this Land Trust model.</p> <p>17 So you know, that's my one urgency, is that, you know,</p> <p>18 if we can please come to a solution as soon as possible in</p> <p>19 order to, you know, be able to give these to homeowners that</p> <p>20 have been waiting a long time.</p> <p>21 MS. SAAH: May I ask a clarifying question of Harry?</p> <p>22 CHAIR FADULLON: Go ahead, Andrea.</p> <p>23 MS. SAAH: Harry, is this a buyer for 3024 North</p> <p>24 American Street? Because my understanding was that was just</p>	<p>Page 57</p> <p>1 CHAIR FADULLON: Okay. Great. Thank you all.</p> <p>2 All right. This moves us on to the next section of</p> <p>3 our agenda, which is property disposition. We have one</p> <p>4 item, which is for affordable housing.</p> <p>5 MR. LAWRENCE: Thank you, Madam Chair. The first</p> <p>6 development item on the agenda regards V.A.1. Today we're</p> <p>7 asking the Board to authorize the disposition of properties</p> <p>8 in the city's North Central Area to Civetta Property Group,</p> <p>9 specifically for the development of an affordable</p> <p>10 homeownership project in the city's Fifth Council District.</p> <p>11 The proposal calls for 70 single-family homeownership</p> <p>12 units, all affordable, all of which are three stories</p> <p>13 without basements, ranging between 1300 and 1400 square</p> <p>14 feet, containing three bedrooms and two bathrooms, and also</p> <p>15 to households with incomes at or below 100 percent of AMI.</p> <p>16 Maximum sales price for these units are specified by</p> <p>17 the RFP as capped at \$280,000 per unit. Applications were</p> <p>18 solicited via a request for proposals for the properties and</p> <p>19 the applicant was the most qualified bidder for the</p> <p>20 properties.</p> <p>21 The property list is extensive, and it includes the</p> <p>22 following: 621, 623, 625, 637 and 917 Diamond Street; 924,</p> <p>23 927, 928 and 936 Edgley Street; 926 and 928 French Street;</p> <p>24 2106, 2112, 2140, 2141, 2142, 2143, 2151, 2166, 2170, 2172,</p>
<p>Page 56</p> <p>1 going to be sold under the usual, under the model as it</p> <p>2 currently --</p> <p>3 MR. TAPIA: Correct, yes.</p> <p>4 MS. SAAH: So as soon as --</p> <p>5 CHAIR FADULLON: So that person can go ahead and</p> <p>6 purchase the property, right?</p> <p>7 MS. SAAH: They're not in the Land Trust model,</p> <p>8 correct?</p> <p>9 MR. TAPIA: Correct, yes, yeah. But again, the other</p> <p>10 seven units, we have the other seven units that --</p> <p>11 CHAIR FADULLON: Okay. And we get it. I think the</p> <p>12 Board understands, like this all needs to be resolved ASAP.</p> <p>13 All right. So just to clarify, motion on the floor is, we</p> <p>14 table this item until the April Land Bank meeting with the</p> <p>15 understanding that the Land Bank staff and the Land Trust</p> <p>16 get in the room together and negotiate this until it works.</p> <p>17 All right? All in favor?</p> <p>18 MR. KOONCE: The other motion needs to be withdrawn.</p> <p>19 MR. SAUER: I did that.</p> <p>20 CHAIR FADULLON: The other motion was withdrawn. All</p> <p>21 right. So, all in favor?</p> <p>22 (Chorus of ayes.)</p> <p>23 CHAIR FADULLON: Any opposed?</p> <p>24 (No response.)</p>	<p>Page 58</p> <p>1 2215, 2217 and 2219 N. Franklin Street; on North Marshall</p> <p>2 Street, we have 2112, 2130, 2144 and 2214; also including</p> <p>3 2105, 2107, 2109, 2110, 2111, 2112, 2113, 2119, 2121, 2133,</p> <p>4 2140, 2143, 2146 and 2150 North Percy Street; next set of</p> <p>5 addresses we have is 904, 910 and 912 West Susquehanna</p> <p>6 Avenue; we also have 2102, 2109, 2114, 2126, 2128, 2130,</p> <p>7 2131, 2134, 2135, 2136, 2150 and 2210 North 7th Street;</p> <p>8 2101, 2113, 2121, 2155, 2167 through 69, and also 2201 North</p> <p>9 8th Street; 2124, 2126, 2132, 2150 and 2165 North 9th</p> <p>10 Street; and finally, 2121 North 10th Street.</p> <p>11 The developer will purchase these properties at its</p> <p>12 bid price of \$7,000. Evidence of project financing has been</p> <p>13 provided. The applicant remains in compliance and good</p> <p>14 standing with the City of Philadelphia.</p> <p>15 The project will be subject to an economic opportunity</p> <p>16 plan. The project will be subject to an irrevocable power</p> <p>17 of attorney and right of reentry/reverter. And again, the</p> <p>18 sale of all units will include a Declaration of Restrictive</p> <p>19 Covenants and the units will be subject to use restrictions</p> <p>20 and income verification as well. Thank you.</p> <p>21 CHAIR FADULLON: Thank you, Jessie. Any questions or</p> <p>22 comments from the Board on this item?</p> <p>23 MR. GOODMAN: Yeah. So the packet said, what was the</p> <p>24 word, that it was the most qualified applicant. That</p>

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<p style="text-align: right;">Page 59</p> <p>1 implies there were others, so what information can you 2 provide around, you know, if there were other qualified 3 applicants, and if so, were they applying for the same whole 4 disposition versus the sub-areas as in the original RFP?</p> <p>5 MR. LAWRENCE: So all the responses that we did 6 receive, Andrew, were for the entire project as presented, 7 all the sub-areas.</p> <p>8 CHAIR FADULLON: Any other questions or comments on 9 this item from the Board?</p> <p>10 (No response.)</p> <p>11 CHAIR FADULLON: Andrea, did we receive any comments 12 from members of the public prior to the meeting on this 13 item?</p> <p>14 (No response.)</p> <p>15 CHAIR FADULLON: Andrea, you're muted.</p> <p>16 MS. SAAH: Apologies. This is the Hartranft 17 disposition, correct? So we received a letter from North 18 Central East RCO which was one of the registered community 19 organizations that was notified of the disposition and had 20 participated in the required meeting, community outreach 21 meeting by the developer.</p> <p>22 And they stated the concerns that came out of that 23 meeting. They wanted to make sure that the project was for 24 single-family homeownership and wouldn't convert to multi</p>	<p style="text-align: right;">Page 61</p> <p>1 community, and that they wanted to have these meetings, 2 these informational meetings held before the RFP was 3 released and that they also wanted a city representative, I 4 assume a Land Bank representative, to meet with them about 5 the process and the program. And this is signed by Shirley 6 Kitchen, who's president of the RCO.</p> <p>7 There was another email from Mr. Charles Dyches, 8 asking about this community meeting and what the purpose of 9 it was and whether the RCO's presence meant anything with 10 respect to approval or not of the property.</p> <p>11 And then a third email from Global Consulting Group, 12 which basically proposed reorganizing the RFP differently 13 and reissuing it. And all of those will be attached to the 14 minutes and were forwarded to the Board.</p> <p>15 CHAIR FADULLON: Thank you, Andrea. And I see we have 16 some members of the public with their hand up, so we're 17 going to start with a call-in number we have which is 267 18 and it ends in 434. Go ahead, caller. You should be able 19 to un-mute yourself.</p> <p>20 MS. BELLINGER: Hi, yes. Hi, my question pertains --</p> <p>21 CHAIR FADULLON: Can you state your name for the 22 record? Excuse me. Can you state your name for the record, 23 please?</p> <p>24 MS. BELLINGER: Sure. Sabina Bellinger.</p>
<p style="text-align: right;">Page 60</p> <p>1 family units or Airbnb rentals.</p> <p>2 They were concerned about the impact on existing homes 3 during construction and whether the developer would be 4 responsible to fix the damage. They would want Civetta, 5 LLC's assurance that they would fix that damage in writing.</p> <p>6 They felt that the hours of construction from 7 a.m. 7 to 7 p.m. would be disruptive to their quality of life.</p> <p>8 They stated that several of the parcels, that residences 9 have claimed that several of the parcels are secured in an 10 agreement with PHS and the City of Philadelphia for gardens 11 or side yards, and that they have not been able to acquire 12 those or preserve those gardens and side yards, and they did 13 list the properties.</p> <p>14 They were surprised that residents would not be able 15 to purchase these homes until after the first group of 16 eligible for Turn the Key second mortgages would be 17 considered, which is city employees.</p> <p>18 And they also felt that even with that second soft 19 mortgage, the price was out of reach of many of the 20 residents, local residents. They say the project is too 21 dense and it eliminates many spaces that should be 22 maintained as open spaces.</p> <p>23 They felt that there was not enough information on the 24 Turn the Key program and whether it would benefit the</p>	<p style="text-align: right;">Page 62</p> <p>1 CHAIR FADULLON: Okay. Go ahead, please.</p> <p>2 MS. BELLINGER: I just have a general question. Did 3 you want me to wait?</p> <p>4 CHAIR FADULLON: No, go ahead.</p> <p>5 MS. BELLINGER: Oh, okay. Thanks for allowing the 6 public to participate. I'm a homeowner and a resident of 7 Philadelphia. My question is, are Land Bank opportunities 8 only available for developers?</p> <p>9 And I have a comment. I heard one developer stating 10 that he doesn't have enough contractors. I know a number of 11 insured minority contractors. How can a contractor get in 12 touch with the developers of these, for these opportunities? 13 So I have some questions.</p> <p>14 MR. RODRIGUEZ: So I put in the chat two links to our 15 web site. So the first one --</p> <p>16 MS. BELLINGER: I'm on the -- I see that information.</p> <p>17 MR. RODRIGUEZ: Okay. So if we can, I guess if you -- 18 you could go --</p> <p>19 CHAIR FADULLON: Can you read the information that you 20 put in the chat, please?</p> <p>21 MR. RODRIGUEZ: So if you go to 22 phdcphila.org/land/buyland, you can see that there are 23 multiple opportunities for the public to acquire properties 24 from the Land Bank, whether it's a side or rear yard, a</p>

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<p style="text-align: right;">Page 63</p> <p>1 community garden, affordable housing project, business 2 expansion, etcetera.</p> <p>3 Through those portals, you can actually identify a 4 parcel and you can submit an application. If you have any 5 questions, you are also able to reach us, either via Andrea 6 Saah's email, I'll put my email in there which is angel, 7 A-N-G-E-L, B, Rodriguez which is R-O-D-R-I-G-U-E-Z, at PHDC 8 dot Phila dot gov, and we will be more than happy to sit 9 down and meet with you to walk you through the process and 10 to discuss with you about opportunities that PHDC has for 11 contractors.</p> <p>12 MS. BELLINGER: Thank you.</p> <p>13 CHAIR FADULLON: Thank you, caller. And next we have 14 Shirley Kitchen. Go ahead, please. You should be able to 15 un-mute yourself. There you go.</p> <p>16 (Pause.)</p> <p>17 CHAIR FADULLON: We can hear you, if you go ahead with 18 your comment.</p> <p>19 MS. KITCHEN: Good morning.</p> <p>20 CHAIR FADULLON: Good morning.</p> <p>21 MS. KITCHEN: The concerns that was expressed in the 22 meetings, and this seemed to be a big problem, and that is 23 the way that the project was presented.</p> <p>24 Most people feel as though the meeting should be held</p>	<p style="text-align: right;">Page 65</p> <p>1 some people thought that it belonged to them. Some people 2 maybe had an agreement with Philly More Beautiful. It 3 seemed to be several to no agreement at all, and these 4 people, not only did they maintain the lots, but it seemed 5 to be emotional ties here too.</p> <p>6 We should be concerned about how we can get along with 7 the city, how the city can serve people. And to just walk 8 up now and say, "Hey, I'm taking this back," when we didn't 9 even look to the fact that they couldn't possibly have 10 enough barbecues or use to stay as equitable to the lots 11 because that part of the city, which I live a couple blocks 12 from, is not included, hasn't been included in the city 13 sweeps which is usually maybe four times a year, they do a 14 big sweep.</p> <p>15 The sweep usually stopped at Susquehanna Avenue. It 16 did not go to Mastry (phonetic) Street because it was always 17 stated that it was not enough trash. The area was kept 18 clean for people, and I'm using the word "was" because now 19 it is dirt everywhere.</p> <p>20 But from those years mentioned in the letter, they 21 were kept clean by residents with no assistance from the 22 city. And I think that you should set aside a meeting, look 23 into it, and honestly see what policy can come of, what can 24 be done here for these owners -- I mean, I'm sorry, to the</p>
<p style="text-align: right;">Page 64</p> <p>1 before the RFP is issued where their comments would mean 2 something, even if it meant the way that the houses would be 3 constructed.</p> <p>4 This way, it's already done. Most people were very 5 disgusted. They said they thought it was a done deal. And 6 also, the project, the density of the project, it was a 7 concern for several people.</p> <p>8 And they looked at numbers like this. If it's 71 9 units, then we're talk about at least two adults per house, 10 perhaps two or three children with two or three bedrooms, so 11 we're talking about close to 300 people being moved on nine 12 blocks which has been vacant for years.</p> <p>13 And I took a look at it. I did not see any green. I 14 think that that should be a big consideration. And also, 15 the way the homes was marketed, people felt as though they 16 were left out and that they should have been considered 17 along with the other possible homebuyers.</p> <p>18 And other issues were already mentioned. But I am 19 going to mention about the lots, the vacant lots here. I 20 think that it should be addressed. I don't know what the 21 policy is. I mean, I've been involved in it years ago, I 22 mean, and I was never a city official but it should be 23 looked at.</p> <p>24 What happens to those lots that were maintained and</p>	<p style="text-align: right;">Page 66</p> <p>1 people that use the lots and kept them clean.</p> <p>2 The use, as I said, could possibly match up to some 3 kind of equity. But this should be given some attention. 4 It seemed to me an up-to-date policy should be developed. 5 Thank you.</p> <p>6 CHAIR FADULLON: Thank you. Next we have Jihad Ali.</p> <p>7 MR. ALI: Hello, Madam Chairperson, members of the 8 Board. Thank you for allowing me to speak. I have a couple 9 questions. I'd really like to start -- my name is Jihad 10 Ali. I'd like to -- may I proceed, Chairperson?</p> <p>11 CHAIR FADULLON: Yes, you can. Go ahead.</p> <p>12 MR. ALI: I'd like to follow up on the question that 13 Andrew Goodman asked, because I didn't really hear Jessie 14 answer the question as I thought it was asked. How many 15 other qualified developers were there?</p> <p>16 MR. LAWRENCE: I believe there were two other 17 qualifications that came out. I can confirm that for you in 18 a second. In addition to the awardee, there were two other 19 bidders here, and --</p> <p>20 MR. ALI: Not bidders, but qualified.</p> <p>21 MR. LAWRENCE: Well, two other qualified bidders. 22 That information is posted on our web site, on the 23 development RFPs section of the page that actually refers 24 you to previous opportunities. We post award notification</p>

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<p>Page 67</p> <p>1 information if and when we secure some sort of approval at 2 this point.</p> <p>3 MR. ALI: And what was the official name of the 4 project?</p> <p>5 MR. LAWRENCE: It is the Hartranft Ninth and Diamond 6 RFP, I believe it is.</p> <p>7 MR. ALI: And what is the total market value of the 8 parcels?</p> <p>9 MR. LAWRENCE: As specified in the fact sheet, the 10 appraised value was \$6.69 million for everything 11 aggregately.</p> <p>12 MR. ALI: \$6.69 million. Let me ask you something 13 else. How many other projects -- strike that. When is the 14 EOP plan required to be submitted for this project?</p> <p>15 MR. LAWRENCE: It will be finalized, we tend to 16 finalize, we finalize it prior to our Board presentation of 17 the project, so we will have final numbers prior to 18 settlement. There's a period where the developers can check 19 back in to finalize that plan before we kick off the 20 settlement and close on the property.</p> <p>21 MR. ALI: And what about the marketing plan? When is 22 that required to be submitted?</p> <p>23 MR. LAWRENCE: That is prior to the completion of 24 construction. We will welcome that plan and we will</p>	<p>Page 69</p> <p>1 MR. ALI: I guess I'm confused --</p> <p>2 MR. RODRIGUEZ: If I could finish, just to clarify 3 what Jessie was saying, in this situation with these RFPs, 4 we, for the first 30 days, once they're at a certain stage 5 of construction, we refer to the developer qualified 6 homebuyers that we've already identified.</p> <p>7 First 30 days are city employees, and then the second 8 30 days are qualified homebuyers, income qualified 9 homebuyers that have expressed interest.</p> <p>10 After that point, should no one, none of those 11 referrals -- and we're really stacking the deck here so that 12 they are qualified and they can get senior debt and they 13 will come out with, you know, an award letter for Turn the 14 Key as a soft second mortgage, if by any chance, you know, 15 there are houses after that 60 days, then the proposed 16 marketing plan that the developer submits would go into 17 effect. And in that situation, that's where we then would 18 qualify any prospective homebuyer.</p> <p>19 MR. ALI: You know, I can't be the only one that's 20 confused, because, you know, if a developer, then you get to 21 the timeline where the developer has a marketing plan that 22 has to occur within 30 days of him submitting that plan to 23 those pre -- to the preferred list, it's just confusing.</p> <p>24 I don't want to waste too much more time, but that's</p>
<p>Page 68</p> <p>1 evaluate it and it is not to be -- it's not to commence 2 until we approve it.</p> <p>3 MR. ALI: On the marketing plan, are the properties 4 marketed to the fire department, the police department, and 5 the School Board? When will that happen?</p> <p>6 MR. LAWRENCE: That is part of the process. I believe 7 this is a case where we do exclusively do the 30 day period 8 to PHA until we follow up with the respective city agencies. 9 Do I have that correctly?</p> <p>10 MR. RODRIGUEZ: If I could, all right, so this is 11 qualified for Turn the Key. We have been doing outreach to 12 all, to city employees. We do have a designated person who 13 has been working with DC33, 47, the other unions in the city 14 and with city employees.</p> <p>15 Currently we have about, verified about 2,000 people 16 in Turn the Key data base, and we are qualifying them and 17 filtering them out as to which applicants or people who have 18 expressed interest are interested in this area, and then 19 we're taking them through housing counseling. So that is 20 underway, and we do have somebody that clearly like is 21 targeting and working with the local unions and city 22 employees to inform them of the opportunity and to get them 23 to apply, and we also have housing counseling agencies that 24 are working with them. So just --</p>	<p>Page 70</p> <p>1 something that the Board really needs to get some clarity 2 on, because --</p> <p>3 CHAIR FADULLON: Yeah, and Mr. Ali, maybe you can 4 reach to the staff after the meeting and try to have that 5 conversation. But yes, we will work also to make sure that 6 there's more clear information that's provided to the public 7 in general so it's clear.</p> <p>8 MR. ALI: I just want to finish my other question. So 9 on this developer, this is one of the developers that I 10 heard his name numerous times. I don't even know what his 11 total amount of award has been, but what has his 12 deliverables been to date? How many projects has he 13 completed? Because I've seen some projects that he was 14 awarded before.</p> <p>15 So I guess my question is, how many outstanding 16 permits does he have that he was on the last award I think 17 in August of '22? How many of those are outstanding?</p> <p>18 And then my final question is, do you require him to 19 have a performance deposit? And if not, why not?</p> <p>20 MR. RODRIGUEZ: So if you look at the report that was 21 included in the Board package, it does talk about where the 22 status is of RFPs. I will say, for this developer, they've 23 had I believe two or three other RFPs awarded to them and 24 they are complete.</p>

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<p style="text-align: right;">Page 71</p> <p>1 And with the one which was just settled, which is in 2 South Philadelphia on Wharton Street, they already have, I 3 believe the latest report, they have six properties where 4 foundations are already set and they're already out of the 5 ground, and that was for 26 affordable units at 80 percent 6 of AMI, with an ultimate sales price of 250. 7 And that was approved last year. It took a second to 8 get the settlement because of deed transfers, but that 9 settled I believe last November or December, Andrea? 10 (Pause.) 11 MR. RODRIGUEZ: You're muted. 12 MS. SAAH: Are you talking about -- 13 MR. RODRIGUEZ: Wharton Street -- 14 MS. SAAH: -- (inaudible) -- Street RFP? I think that 15 settled, because of the transfer issues, in January, late 16 December or January. 17 MR. RODRIGUEZ: Okay. 18 MS. SAAH: I have to look it up. Sorry. There's so 19 many. 20 MR. RODRIGUEZ: I don't have -- I mean, the developer 21 is also on this call, so -- 22 MR. ALI: And one other thing, Angel. You know, on 23 the EOP plan, this developer, to me, from my investigation, 24 for all his projects, for his last 25 or 30 units that he's</p>	<p style="text-align: right;">Page 73</p> <p>1 to be more proactive in that so that in the future there 2 will be easily accessible, readily accessible, transparent 3 information available to the public. 4 So we are working on that. Mr. Ali, I know that's 5 something that is near and dear to your heart. You comment 6 on it on a regular basis, and you are right, and we are 7 listening to you. I'm sorry that we don't have it done, but 8 that is job number one for the new staff that we've hired to 9 do the compliance piece. 10 I am willing to move on to the next commenter, because 11 we're almost at noon and I've got to make sure I've got a 12 quorum to vote these different items out, and we've got a 13 lot of hands up. 14 So I am going to recognize Mr. Tomasetti to respond to 15 some of the questions because he is the developer. 16 MS. TOMASETTI: Hi. Brennan Tomasetti here. 17 CHAIR FADULLON: Hi. Sorry, Ms. Tomasetti. 18 MS. TOMASETTI: Thank you. Just a few quick comments 19 to address some of the questions. On our latest Cross 20 Street project RFP which we recently completed, our EOP 21 numbers were 23 percent MBE and 19 percent WBE for a total 22 of 42 percent, which we're super-excited about. I know that 23 the target is 35, but we're happy to exceed that. 24 And on two one-off projects that we currently have</p>
<p style="text-align: right;">Page 72</p> <p>1 built, he's used the same plumber, the same sprinkler guy, 2 the same electrician. 3 So I'm really wondering, how is he achieving what he 4 says and abilities that he achieves, you know, a high 5 percentage of MBEs? Where's the proof? When do we get to 6 see the documents on what he's able to achieve in terms of 7 participation? 8 MR. RODRIGUEZ: Madam Chair, I think we should 9 recognize Brennan Tomasetti or Michael Tomasetti, which are 10 on the call. They have their hands raised and I think they 11 can address how they identify subcontractors. 12 CHAIR FADULLON: Okay. So I think there's a couple 13 things here. So, Mr. Ali, thank you for your question. I 14 think one of them is about the reporting and how to make 15 that accessible. That piece of work does not lie with the 16 Land Bank. That being said, it should definitely be 17 available, so that is something that another division of the 18 city is working very hard to get that, so that that will be 19 much more accessible, readily available and accessible to 20 the public. That is a work in progress, but we are pushing 21 very hard to get the past reports that need to be updated 22 done. Unfortunately, we lost all of the staff that did that 23 to another agency, so we have now staffed back up and we're 24 churning to get that information out, but we're also trying</p>	<p style="text-align: right;">Page 74</p> <p>1 underway, we're trending over 50 percent for our EOP goals, 2 so we're really pleased with that. We're constantly looking 3 for new partnerships in the community and we're all ears if 4 folks have recommendations there. 5 And then there was another comment about -- oh, just 6 the program on Wharton Street. I too would have to check on 7 the settlement date, the exact settlement date, but we have 8 broken ground there to the tune of, we have 16 foundations 9 completed and seven of those homes are now being framed. 10 CHAIR FADULLON: Great. Thank you, appreciate that. 11 Next we have Christopher Miano. 12 MR. MIANO: Hello. My name is Christopher Miano. I 13 live in the area this development is happening. I just had 14 first just one comment. Shirley Kitchen from the RCO made 15 several statements on feedback from the community, and I 16 didn't hear any response from the Board. Does the community 17 feedback through the RCO not take any effect in this meeting 18 or, like, how is that usually responded to? 19 CHAIR FADULLON: We hear the feedback and the Board 20 takes it into consideration when it makes its motion and 21 votes on the item. 22 MR. MIANO: And then I guess just to sum up, my 23 comment question for myself is, many of the units that are 24 listed for this, there are many neighbors who live adjacent</p>

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<p>Page 75</p> <p>1 to these lots who have, over the last several years, made</p> <p>2 requests for the lots to be side yards or to do their own</p> <p>3 type of development kind of thing.</p> <p>4 They've either been blocked or told that they can't</p> <p>5 have them or feel like they haven't had an opportunity to be</p> <p>6 able to put in their own kind of bid for these things. You</p> <p>7 know, I really wish that in some way the Land Bank could</p> <p>8 take that into consideration.</p> <p>9 This is a lot of lots to be given to one developer for</p> <p>10 a very low price. I think right now it's almost \$7,000 for</p> <p>11 each lot that is being given to the developer, and I think</p> <p>12 that there are several people in the community that could</p> <p>13 come up with that same dollar value amount for a lot that</p> <p>14 would be adjacent to a property that they own.</p> <p>15 Has there been any consideration to try and give folks</p> <p>16 who live next door to these lots first bid for this kind of</p> <p>17 thing?</p> <p>18 MR. RODRIGUEZ: Madam Chair, would you like me to</p> <p>19 answer that?</p> <p>20 CHAIR FADULLON: Yes, please.</p> <p>21 MR. RODRIGUEZ: All right. So in different areas, we</p> <p>22 work closely with Council office to identify land strategy</p> <p>23 and what priorities are in this area. Affordable</p> <p>24 homeownership development was to have priority, which is why</p>	<p>Page 77</p> <p>1 live on. I'm a homeowner here, and in the last few years</p> <p>2 the population of the street has risen a lot, even since</p> <p>3 2020, and that building and filling in all of the lots might</p> <p>4 not always be in the best interests of these neighborhoods,</p> <p>5 especially in the way that they currently are, and I think</p> <p>6 that there's a lot of feedback from the neighbors here who</p> <p>7 thought that, you know, making those comments through the</p> <p>8 RCO might be heard that way, but that also, you know, if</p> <p>9 they should be coming and make those comments directly in</p> <p>10 these meetings, maybe it should be done that way. I'm not</p> <p>11 sure.</p> <p>12 MR. RODRIGUEZ: So I just want to point out, all of</p> <p>13 the RFPs that've issued are for single-family housing, not</p> <p>14 for multi-family. The second issue is that when we issue an</p> <p>15 RFP, and we'll put this in the chat, we do have a mailing</p> <p>16 list so whenever we post an RFP, we do have an opportunity</p> <p>17 for questions and answers for an RFP that have been put out.</p> <p>18 Anyone is welcome to attend and can raise these</p> <p>19 questions. There have been instances where very pertinent</p> <p>20 questions have been asked while we had an RFP during the</p> <p>21 solicitation period has been done and we have made</p> <p>22 amendments to those, so that would be the appropriate time</p> <p>23 to do that.</p> <p>24 Again, I'll go back to, it's a very delicate balance</p>
<p>Page 76</p> <p>1 side yards and garden applications were not accepted, in</p> <p>2 which case we would be packaging and issuing an RFP and</p> <p>3 therefore anyone would be able to apply for that.</p> <p>4 I think affordable housing, and we've worked closely</p> <p>5 with the Council office and we've done that with other</p> <p>6 Council offices to really set priorities and make sure that</p> <p>7 we are able to work in tandem with Council to issue an</p> <p>8 opportunity so that we can start tackling the affordable</p> <p>9 housing issue across the city. So that's the reason why</p> <p>10 those properties would not be available for side yards or</p> <p>11 gardens or one-off developments.</p> <p>12 MR. MIANO: For those kinds of decisions --</p> <p>13 CHAIR FADULLON: Thank you --</p> <p>14 MR. MIANO: -- was any consideration given for like</p> <p>15 development that has already happened in even just like the</p> <p>16 last two to three years? There's several multi-unit</p> <p>17 buildings that have been put on these exact blocks that,</p> <p>18 multi-unit, multi-room units that I think really increase</p> <p>19 the population of a block to the point where like there's</p> <p>20 traffic issues or people being able to park or drive through</p> <p>21 the neighborhood, and trying to keep that balance of, you</p> <p>22 know, how dense the population is going to be of a</p> <p>23 neighborhood, of a street.</p> <p>24 Specifically I'm talking about Franklin Street which I</p>	<p>Page 78</p> <p>1 that we work with the Council office to look at what are</p> <p>2 developable opportunities for affordable housing, and we</p> <p>3 recognize it's a limited resource and that, you know,</p> <p>4 overall quality of life and opportunity to develop more</p> <p>5 affordable housing is a priority, and it's a difficult</p> <p>6 balancing act, and we do that as a team issue.</p> <p>7 But I would say at this point in time, for RFPs, we do</p> <p>8 have a Q and A position and you can actually submit your</p> <p>9 questions in writing. We do respond to all questions and we</p> <p>10 post all of those answers.</p> <p>11 CHAIR FADULLON: Thank you, Mr. Miano. I have to move</p> <p>12 on to the next commenter in the interest of time. I still</p> <p>13 have several hands up on this item, and we are coming on,</p> <p>14 this meeting has already lasted a long time and I want to</p> <p>15 make sure that we have a quorum in order to vote.</p> <p>16 So for ongoing public comment here, I'm going to limit</p> <p>17 everybody to three minutes, and if you've already provided</p> <p>18 comment, I'm not going to call on you again because we</p> <p>19 really need to be able to move through the agenda.</p> <p>20 So the next hand up we have is Kevin Brockenbrough.</p> <p>21 MR. BROCKENBROUGH: Hello. Can you hear me?</p> <p>22 CHAIR FADULLON: Hello there. Yes, we can. Go ahead,</p> <p>23 please.</p> <p>24 MR. BROCKENBROUGH: Yes. I'm the block captain of</p>

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<p>Page 79</p> <p>1 2100 block of North Eighth Street. And one of the</p> <p>2 properties on the list, 2113, I maintained 2111 and 2113 for</p> <p>3 over 29 years, just to be blindsided and have a developer</p> <p>4 come to me last year and say he bought one-half of the</p> <p>5 garden.</p> <p>6 We use the, we took these gardens over 29 years ago</p> <p>7 and provided green space. We maintained these things. And</p> <p>8 it's like we're being blindsided, and all of our efforts,</p> <p>9 all of our maintenance and all of our efforts to maintain</p> <p>10 these things was not taken into account.</p> <p>11 We should have been given first priority to any of</p> <p>12 these gardens. If you want to sell my garden from under me</p> <p>13 for \$7,000, I should have been given first crack at it, not</p> <p>14 blindsided.</p> <p>15 And then who's reimbursing me for all these years of</p> <p>16 maintenance, all this materials that I bought, all these</p> <p>17 tools and sweat equity I have invested? We haven't had a</p> <p>18 block party on my block in over ten years, but we used our</p> <p>19 green space because we couldn't have block parties.</p> <p>20 Our gardens are important to us because we utilize our</p> <p>21 gardens. Our gardens aren't just there. That's why we</p> <p>22 maintain them. We have cookouts. We have parties where we</p> <p>23 can't have them in our homes because our homes aren't big</p> <p>24 enough for them.</p>	<p>Page 81</p> <p>1 CHAIR FADULLON: Thank you, Mr. Brockenbrough. We</p> <p>2 appreciate the comments and I need to move on to the next</p> <p>3 commenter.</p> <p>4 The next one we have is Andrew Zeygel.</p> <p>5 MR. ZEYSEL: Hi, hello. Can you hear me?</p> <p>6 CHAIR FADULLON: Yes. Go ahead, please.</p> <p>7 MR. ZEYSEL: Yes. Hi. So we were actually the GC</p> <p>8 Group that submitted the letter to the Board prior to this</p> <p>9 meeting, and so couple of things. We're absolutely in</p> <p>10 support of any affordable housing program that's happening</p> <p>11 in the community, any redevelopment, Turn the Key or any</p> <p>12 other program that's there that can make the neighborhoods</p> <p>13 better, safer, cleaner. They can provide housing for the</p> <p>14 municipal workers, obviously police department, teachers,</p> <p>15 doctors, anyone that works for the city.</p> <p>16 But then at the same time, we kind of lost in</p> <p>17 transactions here, because if you look at the sub-areas, the</p> <p>18 size of the lots are completely different and they're very</p> <p>19 different.</p> <p>20 For example, if you look in the sub-area number one,</p> <p>21 and I'll just give one example, on Percy Street, the size of</p> <p>22 the lots are 14 by 44. If you look in the sub-area, let's</p> <p>23 say number three, which is the Marshall Street, you have</p> <p>24 lots at a size of 17 by 75. That's a much larger piece of</p>
<p>Page 80</p> <p>1 They provided safety because our gardens were fenced</p> <p>2 in until this developer tore my fence down. And nobody's</p> <p>3 looking out for us. City Council darn sure isn't looking</p> <p>4 out for us, and apparently it seems like all decisions are</p> <p>5 being made without us being taken into consideration.</p> <p>6 My block has been overcome with all these monstrous</p> <p>7 houses which block out the sun, all the dirt and trash. I</p> <p>8 signed up with Philadelphia Beautiful and do the citywide</p> <p>9 cleanups. I do regular cleanups on my block, but I haven't</p> <p>10 been able to do none of this since these developers came in</p> <p>11 here.</p> <p>12 I track dirt in and out of my house. I don't know</p> <p>13 what's in this stuff. I'm constantly cleaning up</p> <p>14 construction materials that are all in front of my door and</p> <p>15 tracking this crap into my house. I don't know what's in</p> <p>16 none of this crap.</p> <p>17 There's no restitutions for the damages that are being</p> <p>18 done to my house every time these vehicles come up and down</p> <p>19 the street. And it's not fair to us residents. We need</p> <p>20 some green space. We have no parks.</p> <p>21 And only thing you're all looking at is finance here,</p> <p>22 finance there, but these developments are not conducive to</p> <p>23 our living conditions. Only thing you're doing is</p> <p>24 warehousing people and packing these people in on top of us.</p>	<p>Page 82</p> <p>1 land. The question is, how can this be an equality for a</p> <p>2 homeowner who's going to have a single-family house on a 14</p> <p>3 by 44 size lot and the same homeowner who's going to have</p> <p>4 the same single-family on a 17 by 75?</p> <p>5 That's another issue that we wanted to bring to your</p> <p>6 attention. Now, obviously, we would like to support</p> <p>7 Civetta, but we want to support them only in partial to this</p> <p>8 RFP. We think that the RFP should be reviewed and as was</p> <p>9 mentioned originally, the developer doesn't have to take all</p> <p>10 the sub-areas. They can take particular sub-areas.</p> <p>11 So what we're suggesting in our letter that maybe the</p> <p>12 sub-area one and the sub-area five, which are more smaller</p> <p>13 sizes, more appropriate for single-family dwellings, those</p> <p>14 should be given to the developer. Those are almost 26</p> <p>15 single-family homes. They're not spread out to all the</p> <p>16 blocks. They actually spread out between actually two</p> <p>17 blocks, because Ingley (phonetic) and Percy are right next</p> <p>18 to each other and so is the Susquehanna 900 block.</p> <p>19 So that being said, the other sub-areas we believe</p> <p>20 should be given back to the other developers and the</p> <p>21 opportunity to develop maybe duplexes, because you can build</p> <p>22 duplexes, and as we understand after consulting with the</p> <p>23 Philadelphia Land Bank, duplexes are considered to be as</p> <p>24 part of the affordable housing units, as condos. Again,</p>

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<p style="text-align: right;">Page 83</p> <p>1 this is information that has been provided to us from the</p> <p>2 city.</p> <p>3 And one final note that we wanted to make on this is</p> <p>4 that we are for redevelopment of this neighborhood. We have</p> <p>5 invested a lot of money, a lot of time. We also have a lot</p> <p>6 of projects that are happening in that area. The last thing</p> <p>7 we want is for that neighborhood to stay dirty. The last</p> <p>8 thing we want, for that neighborhood to stay high in crime.</p> <p>9 The last thing we want for that neighborhood, to stay, you</p> <p>10 know, in the past. We want the neighborhood to move</p> <p>11 forward, but in order --</p> <p>12 CHAIR FADULLON: Thank you, Mr. Zeygel. I need you to</p> <p>13 wrap up your comments, please.</p> <p>14 MR. ZEYDEL: That's it. Thank you to the Board. We</p> <p>15 hope you can understand our concern, that again, like we</p> <p>16 said, you know, we would like to support Civetta but not an</p> <p>17 entire package, only on the particular lots that are</p> <p>18 appropriate for single-family dwellings.</p> <p>19 CHAIR FADULLON: Okay. Thank you. Next we have</p> <p>20 PrrellJerae.</p> <p>21 MS. SIMMONS: Yes. Good afternoon. I just wanted to</p> <p>22 speak to the Board first about the neighborhood being</p> <p>23 surveyed with the intention to own property. First and</p> <p>24 foremost, no one contacted anyone from this neighborhood to</p>	<p style="text-align: right;">Page 85</p> <p>1 underneath us that we've been taking care of for 30-plus</p> <p>2 years, and who's going to pay us for our work and our tools</p> <p>3 and everything else?</p> <p>4 CHAIR FADULLON: Thank you, Mr. Dyches.</p> <p>5 And next we have Adam Butler.</p> <p>6 MR. BUTLER: Hi. Thank you for taking my comment.</p> <p>7 I'll try to be really quick. What I see in that package is</p> <p>8 a ton of properties that have been used for a long time, and</p> <p>9 it's a familiar thing for me to look at a Board package and</p> <p>10 see a bunch of properties that have occupied side yards</p> <p>11 being set up in an RFP for development, and no one has</p> <p>12 obviously consulted with the people who are using those</p> <p>13 properties. And the Board shouldn't approve this package</p> <p>14 until everyone has been engaged with. Thank you.</p> <p>15 CHAIR FADULLON: Thank you, Mr. Butler.</p> <p>16 All right. That concludes public comment on this</p> <p>17 item. If there's no other comments or questions from the</p> <p>18 Board, I would entertain a motion. Go ahead, Mr. Sauer.</p> <p>19 MR. SAUER: Yeah, just one question. Given the</p> <p>20 extensive comment from the community, I'd be curious to hear</p> <p>21 from the developer whether the proposed project has been</p> <p>22 modified in any way to respond to the community's concerns.</p> <p>23 CHAIR FADULLON: Can we un-mute Ms. Tomasetti, please?</p> <p>24 MS. TOMASETTI: Hi. Brennan Tomasetti. Sorry,</p>
<p style="text-align: right;">Page 84</p> <p>1 give us any warning or make us aware that this project was</p> <p>2 taking place.</p> <p>3 But to remove a lot of the gates before this list was</p> <p>4 created, that's a big confusion that we're all having that's</p> <p>5 from the neighborhood in the first place.</p> <p>6 And I have a question for Mr. Angel Rodriguez. Which</p> <p>7 elected Council members are helping you make these</p> <p>8 decisions? Because we're trying to figure out who's helping</p> <p>9 make these decisions.</p> <p>10 MR. RODRIGUEZ: Well, this development is in the Fifth</p> <p>11 District so we work with that Council office. The other</p> <p>12 developments that have been presented to the Board have been</p> <p>13 in the Second, First, I believe we've done the Fourth, and</p> <p>14 we've always been in contact with Council office prior to</p> <p>15 issuance of a request for proposal.</p> <p>16 CHAIR FADULLON: Thank you, Ms. Simmons. Next we have</p> <p>17 Charles Dyches.</p> <p>18 MR. DYCHES: Good afternoon. My question is for you,</p> <p>19 Mr. Rodriguez. Darrell Clarke hasn't been in this</p> <p>20 neighborhood unless it's election time. He don't know what</p> <p>21 the hell is going on down here, who owned what, who took</p> <p>22 care of what, who cleaned what. But for him to make</p> <p>23 decisions without talking to us is, it's not right.</p> <p>24 It's not right for you all to just sell things</p>	<p style="text-align: right;">Page 86</p> <p>1 question one more time, Rick? Have we made any</p> <p>2 modifications to the project?</p> <p>3 MR. SAUER: Yeah. Based on the feedback from the</p> <p>4 community, whether it's from the RCO meetings or all the</p> <p>5 other comments we've heard from the community, how has the</p> <p>6 project been modified to respond to those concerns?</p> <p>7 MS. TOMASETTI: So a few of the things I heard with</p> <p>8 regard to side gardens, etcetera, all I can say is that we</p> <p>9 have green space planned, right, we have outdoor space</p> <p>10 planned for each of these homes.</p> <p>11 We are working with the Philadelphia Horticultural</p> <p>12 Society to implement trees to help with the greenery in the</p> <p>13 neighborhood. We've modified each of the sites. There were</p> <p>14 some questions brought up about the lot size. Yes, we</p> <p>15 understand many of the lot sizes vary.</p> <p>16 We adjust the homes accordingly, and for the site and</p> <p>17 for the landscape on the street, so if it's a two-story, you</p> <p>18 know, friendly block, we go with two-story. If it's a</p> <p>19 three-story friendly block, we fit the cityscape, and so we</p> <p>20 make adjustments in that way to conform to the neighborhood</p> <p>21 design.</p> <p>22 We believe strongly in the need for affordable housing</p> <p>23 in the City of Philadelphia and we're grateful for the</p> <p>24 opportunity to help bring it.</p>

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<p>Page 87</p> <p>1 CHAIR FADULLON: Thank you. Rick, do you have any 2 other question before I go to Maria? 3 (No response.) 4 CHAIR FADULLON: Okay. Maria? 5 MS. GONZALEZ: Thank you. I just wanted to ask a 6 question related to the marketing of the units that are 7 developed for land that has been donated by the Land Bank 8 and sold at a minimum amount. 9 I think it's great that we're giving preference to 10 city employees to be able to buy the units first, but I 11 think that places other groups at a disadvantage, lower 12 income households that are in competition for limited 13 housing stock in the city. 14 So I think that's something that perhaps we can take 15 up later on and for the Board to discuss, because I think 16 that there can be a better way to be able to provide a 17 fairer process for marketing and also providing pathways for 18 lower income households to be able to buy the limited 19 housing stock that is available. 20 CHAIR FADULLON: I would just say to that that 21 preference has been legislated by City Council, so that is 22 not something that can be changed by the Land Bank Board or 23 the policy committee. It would actually have to be changed 24 in City Council.</p>	<p>Page 89</p> <p>1 MR. LAWRENCE: That is posted once we award it. 2 You'll see that goes hand in hand upon receiving the award. 3 If we don't -- not the award, but Board approval. Should 4 this be approved, that will go up. 5 MR. GOODMAN: Okay. So there's no further detail 6 provided on the number of qualified applicants until after 7 the Board meeting? 8 MR. LAWRENCE: That's correct. 9 MR. GOODMAN: And that's after an item is approved at 10 the Board level? 11 MR. LAWRENCE: Right. 12 MR. GOODMAN: Okay. That's why talking about it at 13 these Board meetings is so important. And also, in the 14 packet, purchase price is listed as \$7,000, but I've heard 15 it described a couple different ways. I read it as \$7,000 16 for the whole disposition, not per parcels, so I just want 17 to clarify that, because I heard, you know, some of the 18 public commenters said it a couple different ways, so I just 19 want to, you know, make sure that that's accurate into the 20 record because, for the whole disposition versus per parcel 21 is obviously a very different proposition. I just wanted to 22 put that out there. 23 And then as it relates to transparency, I just want 24 to, you know, kind of hit on a couple things. I do want to,</p>
<p>Page 88</p> <p>1 Go ahead, Angel. 2 MR. RODRIGUEZ: I just want, for the Board's 3 edification, just to give you an idea of what we're talking 4 about, DC33 who we've been marketing heavily, if you look at 5 their salary range, they go from \$29,000 to \$59,000 on the 6 union rate at the high end. 7 So they are definitely like 80 percent and below, and 8 this is who we're working with, trying to get them in 9 houses. And also, again, when you think about DC33, we're 10 talking Trash, you know, Streets, everybody that's 11 responsible for the infrastructure in the city. 12 So I don't want it to be like this thing where, oh, 13 everybody's got like these large salaries. We're not 14 talking about that. We're talking about 80 percent and 15 below in many of these unions that we're working with. 16 CHAIR FADULLON: Thank you. Andrew Goodman? 17 MR. GOODMAN: Thanks. I just want to add voice to a 18 couple things that have come up along the way, because 19 there's been a lot of discussion. 20 So, one, on information, informationally, Jessie, I 21 don't think it's -- I don't think, there isn't an aggregated 22 kind of summary sheet related to this RFP on the web site, 23 which is why I asked the question. There are for other RFPs 24 but not for others. Maybe there is and I just missed it.</p>	<p>Page 90</p> <p>1 you know, express gratitude to the staff because there 2 didn't used to be RCO meeting requirements for these sorts 3 of dispositions, right, and so this is a good thing, 4 because, yeah, there used to not be this sort of thing, 5 notification requirements in place for these types of 6 dispositions. 7 And I do think a lot of the questions that came up in 8 the letter as well as in the public comment call up the need 9 for even more, because the interconnectedness between the 10 RFPs and the Turn the Key program and just the details of 11 Turn the Key and what it entails and doesn't entail, these 12 are all incredibly complicated and incredibly important. 13 And I so I just want to note that we are, you know, 14 making progress but still having kind of relevant folks from 15 PHDC being, you know, more present and available to answer 16 some of these questions could go a long way even before they 17 get to the Board meetings. So I just want to hit on that. 18 Thank you. 19 CHAIR FADULLON: Any other questions or comments from 20 the Board? 21 (No response.) 22 CHAIR FADULLON: Okay. Hearing none, I'll entertain a 23 motion. 24 (Pause.)</p>

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<p style="text-align: right;">Page 91</p> <p>1 CHAIR FADULLON: Okay, Board. You're on the Board for</p> <p>2 a reason. You've got to make a motion. I know that this</p> <p>3 is, we've heard a lot. There's a lot to consider on this</p> <p>4 one, but I do need a motion.</p> <p>5 MS. LOPEZ KRISS: I make a motion to approve the</p> <p>6 disposition.</p> <p>7 MR. DeMARCO: I'll second.</p> <p>8 CHAIR FADULLON: Motion has been made and properly</p> <p>9 seconded to approve the disposition of these properties for</p> <p>10 the development of affordable housing. All in favor?</p> <p>11 (Chorus of ayes.)</p> <p>12 CHAIR FADULLON: Any opposed?</p> <p>13 MR. GOODMAN: Nay.</p> <p>14 MR. SAUER: Nay.</p> <p>15 MS. GONZALEZ: Nay.</p> <p>16 CHAIR FADULLON: Okay. We've got three nays. Hold</p> <p>17 on. I've got to do a count now. Okay. With three nays,</p> <p>18 that means there's only five years, so this item gets tabled</p> <p>19 until -- because per the enabling legislation, there needs</p> <p>20 to be six Board members that would vote in approval to</p> <p>21 dispose of any properties that are valued at over \$50,000.</p> <p>22 I would make a request as Chair to have the Board, to</p> <p>23 have staff maybe work again with the Council office and take</p> <p>24 a look at, should any of these properties remain as</p>	<p style="text-align: right;">Page 93</p> <p>1 specifically those west of Broad, to Sanctuary Farm, a non-</p> <p>2 profit, for stabilization of a community garden at 1901</p> <p>3 North Ringgold Street and 1910 North 24th Street.</p> <p>4 The non-profit maintains the adjacent lots and wants</p> <p>5 to continue to use the lots and these as requested as a</p> <p>6 community garden. The properties will be fenced. Garden</p> <p>7 beds, a shed, a honey house and beehives will be installed</p> <p>8 at 1910 North 24th Street. Vegetables grown on the lot will</p> <p>9 be for the neighborhood itself, and fruit trees will also be</p> <p>10 planted on 1901 North Ringgold Street.</p> <p>11 Sanctuary Farm is purchasing the property for nominal</p> <p>12 subject to a 30-year mortgage and note. The applicant is</p> <p>13 compliant and in good standing with the City of</p> <p>14 Philadelphia, will not be subject to an economic opportunity</p> <p>15 plan and also the property will be subject, again, to use</p> <p>16 restrictions as a community garden.</p> <p>17 CHAIR FADULLON: Thank you, Jessie. Any questions or</p> <p>18 comments from the Board on this item?</p> <p>19 MS. LOPEZ KRISS: Angel --</p> <p>20 (Pause.)</p> <p>21 CHAIR FADULLON: Go ahead.</p> <p>22 MS. LOPEZ KRISS: -- (inaudible) -- previous meetings</p> <p>23 that we've got, at least two of these side yards are in</p> <p>24 desirable neighborhoods that would benefit from affordable</p>
<p style="text-align: right;">Page 92</p> <p>1 community gardens or not. I know it's different from what</p> <p>2 was in the RFP, and I know that there's already been</p> <p>3 conversations, but based on what we've heard, it sounds like</p> <p>4 maybe another conversation along that lines would make</p> <p>5 sense. Go ahead, Angel.</p> <p>6 MR. RODRIGUEZ: Could I ask, I mean, yeah, we will</p> <p>7 talk with Council office, but is that the reason why the</p> <p>8 Board members are saying nay? So if we have that</p> <p>9 conversation and we bring it back up, are we still going to</p> <p>10 get a nay? That's the question I have.</p> <p>11 CHAIR FADULLON: I would say, I mean, the Board</p> <p>12 members who said nay can provide that if they want to.</p> <p>13 They're not required to say why they said nay, I don't</p> <p>14 think, but if they want to provide more information about</p> <p>15 why they said nay, they are certainly able to do that.</p> <p>16 MR. RODRIGUEZ: Okay.</p> <p>17 CHAIR FADULLON: Okay. So just to clarify, the item</p> <p>18 is tabled and it will come back at a future agenda item,</p> <p>19 future agenda.</p> <p>20 All right. That brings us to Item V.B, which is</p> <p>21 another development disposition for or open space.</p> <p>22 MR. LAWRENCE: Thank you again, Madam Chair. Item</p> <p>23 V.B.1, today we're asking the Board to authorize the</p> <p>24 disposition of properties in North Philadelphia,</p>	<p style="text-align: right;">Page 94</p> <p>1 housing and have lots that are very expensive being marketed</p> <p>2 near them.</p> <p>3 CHAIR FADULLON: This is Item --</p> <p>4 MR. LAWRENCE: This is the gardens for Item V.B.1.</p> <p>5 CHAIR FADULLON: -- V.B, the garden open space.</p> <p>6 MS. LOPEZ KRISS: Oh, I'm sorry.</p> <p>7 CHAIR FADULLON: We're not on side yards yet. Is that</p> <p>8 okay? I just wanted to make sure that I was --</p> <p>9 MS. LOPEZ KRISS: I just really, really want to make</p> <p>10 this point. I apologize.</p> <p>11 CHAIR FADULLON: Okay. We'll let you make it again in</p> <p>12 a couple minutes. All right.</p> <p>13 So just to clarify, this is about a garden at 1901</p> <p>14 North Ringgold Street and 1910 North 24th Street for a</p> <p>15 community garden, Sanctuary Farm Philadelphia.</p> <p>16 Any other questions or comments from the Board? Go</p> <p>17 ahead, Andrea.</p> <p>18 MS. SAAH: I just wanted to also add to this that the</p> <p>19 Board had approved the disposition of 2106 North 24th Street</p> <p>20 to this same garden, so this is just an expansion of the</p> <p>21 garden. The other thing is, I did not receive any public</p> <p>22 comment with respect to this particular disposition.</p> <p>23 MR. LAWRENCE: Andrea, I think you might have said</p> <p>24 2100 block, but it's the 1900 block.</p>

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<p>1 MS. SAAH: I'm sorry, 1900, yes. Thank you for that 2 correction. 3 MR. LAWRENCE: No problem. 4 CHAIR FADULLON: Any other questions, comments from 5 the Board? 6 (No response.) 7 CHAIR FADULLON: Do we have any members of the public 8 that wish to speak to this item? I see one hand up, Ruth 9 Birchett. 10 (Pause.) 11 CHAIR FADULLON: Go ahead, Ms. Birchett. You should 12 be able to un-mute and speak to the Board. There you go. 13 MS. BIRCHETT: If Andrea could mention again the 14 address that's already been approved? Because I am aware 15 that there is a Sanctuary Farm active garden directly across 16 the street from this location, and also on two corners of 17 22nd and Cecil B. Moore Avenue. 18 MS. SAAH: Yes. So we conveyed 1906 North 24th Street 19 to Sanctuary Farm Phila. That was back in, I'm not sure, 20 maybe, yeah, middle of last year, May of last year. They 21 already own 1908 North 24th Street, and now they're 22 requesting 1910 North 24th Street and 1901 North Ringgold 23 Street which is a corner property of North Ringgold and West 24 Berks and close to the existing garden.</p>	<p>Page 95 1 application, but there are some prohibitions. I'll let 2 Angel speak to that. 3 MR. RODRIGUEZ: Yeah. It really does depend. Revenue 4 has a limit as to when you have to, like if you're a 5 business, you have to register as a business, and also how 6 you apply. So if a group wants to apply as an urban farm 7 and an ongoing business, that's part of what they'll talk 8 about, how they're going to use the property. 9 Typically garden groups, really it's about a community 10 benefiting use and, you know, in terms of that. I believe 11 Andrea wanted to -- 12 CHAIR FADULLON: Right. I think we have a member of 13 Sanctuary Farms on. Can we un-mute Andrea Vittori who can 14 maybe respond to some of these questions? Thank you. 15 MS. VITTORI: Hi. Thanks. Yeah, this is Andrea 16 Vittori. I'm the executive director. So we give away 17 everything that we grow on all of our lots for free. We do 18 that through directly at a produce stand that we run twice a 19 week, and then we give food away through different programs 20 that we run as well. We've never sold anything. So all of 21 the food has been free since day one, and will continue to 22 be free. 23 CHAIR FADULLON: Thank you, Ms. Vittori. 24 MS. BIRCHETT: So what I would like the Land Bank to</p> <p>Page 97</p>
<p>1 MS. BIRCHETT: And I am a homeowner in the 1900 block 2 of Arias (phonetic) Street, and so my question is, is the 3 Land Bank or do you even ask any questions about how the 4 entities dispense of the food that is prepared on these 5 locations, whether it's for sale, whether it's for free to 6 the community? 7 MS. SAAH: I'll let Jessie or Angel -- 8 MR. LAWRENCE: I'm sorry, could she repeat the 9 question? She went in and out, but what I understood was, 10 if in fact there is a component of our evaluation that asks 11 if in fact the community would be brought in at any aspect 12 of it. Did I hear that right? 13 MS. BIRCHETT: Well, no. That's not my question. My 14 question is, early on, I participated as a volunteer on the 15 one at 24th and Berks Street, for example, and I do recall 16 that there was a -- the community wasn't happy about the 17 prospect of having to purchase, you know, some of the food. 18 So my question is, is, with so many, with this entity 19 acquiring so many vast open spaces in the community and 20 obviously they have the financial wherewithal to not only 21 acquire the land but also develop it into these food spaces, 22 is -- do you have any sense of whether they are providing 23 this food for free or for sale? 24 MR. LAWRENCE: That type of thing is disclosed in the</p> <p>Page 96</p>	<p>1 do, and I am aware as I stated, already stated, and I know 2 you're pressed for time, but I already stated the issue 3 around sales, so perhaps that was resolved, and I'm happy to 4 hear that. 5 My point to the Land Bank is, if an entity has a plan 6 for multiple locations and to acquire multiple locations, 7 then that should be something that the community, the 8 homeowners should have an opportunity to weigh in on, that 9 this is intentional. 10 As a homeowner, I am only aware of this because your, 11 I'm attending your meeting and I'm grateful for the public 12 comment opportunity. And also as the founder of a 33-year 13 old community development corporation, I also understand the 14 obligations of entities coming into the community and making 15 plans, whether that be for open spaces, whether that be for 16 affordable housing or whether that be to help address the 17 issue of food insecurity. 18 It still is an obligation of that, or should be, 19 rather, the culture of that organization to have a community 20 planning process through which we can weigh in on it. And 21 I'll rest my comments. 22 CHAIR FADULLON: Thank you, Ms. Birchett. All right. 23 I don't see any other hands raised from the public, so I'm 24 going to call the question on this item, which is again,</p> <p>Page 98</p>

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<p style="text-align: right;">Page 99</p> <p>1 disposition for a garden open space at 1901 North Ringgold</p> <p>2 Street and 1910 North 24th Street. Can I get a motion from</p> <p>3 the Board?</p> <p>4 MS. GONZALEZ: I make a motion for approval.</p> <p>5 MR. KOONCE: Motion seconded.</p> <p>6 MR. DeMARCO: Second.</p> <p>7 CHAIR FADULLON: Motion has been made and properly</p> <p>8 seconded to approve disposition of 1901 North Ringgold</p> <p>9 Street and 1910 North 24th Street for use as a community</p> <p>10 garden. All in favor?</p> <p>11 (Chorus of ayes.)</p> <p>12 CHAIR FADULLON: Any opposed?</p> <p>13 (No response.)</p> <p>14 CHAIR FADULLON: All right. That motion carries, and</p> <p>15 we are on to Item C.1, which are disposition of side yards.</p> <p>16 And I know that one of our Board members has a general</p> <p>17 comment about side yards, but Jessie, why don't you read all</p> <p>18 three of them together and then we will consider them</p> <p>19 separately.</p> <p>20 MR. LAWRENCE: Sure thing. Item V.C, collectively</p> <p>21 regarding the side yards. Today we're asking the Board to</p> <p>22 authorize the disposition of the following properties as</p> <p>23 sideyards. Item V.C.1 is in regard to 1217 Pennock Street.</p> <p>24 It's in the Fifth District, specifically for Jonathan D'Alba</p>	<p style="text-align: right;">Page 101</p> <p>1 the City Code that grants the authority for any adjacent</p> <p>2 property owner to get access to make repairs to their home.</p> <p>3 Is that accurate?</p> <p>4 MS. SAAH: I believe that is accurate. This has come</p> <p>5 up before and that's what we've found. The homeowner would</p> <p>6 have to enforce -- if the actual lot owner refused to give</p> <p>7 access, the other homeowner would have to seek legal</p> <p>8 enforcement.</p> <p>9 CHAIR FADULLON: Okay. Thank you. It looks like we</p> <p>10 do have one hand raised on this, so can we un-mute</p> <p>11 Jacqueline Wiggins? Go ahead, Ms. Wiggins. You should be</p> <p>12 able to un-mute yourself.</p> <p>13 (No response.)</p> <p>14 CHAIR FADULLON: Ms. Wiggins, can you un-mute</p> <p>15 yourself?</p> <p>16 (No response.)</p> <p>17 CHAIR FADULLON: Ms. Wiggins? Unfortunately --</p> <p>18 MS. WIGGINS: Hello?</p> <p>19 CHAIR FADULLON: There we go. Okay, great.</p> <p>20 MS. WIGGINS: I'm sorry, I got up for a moment.</p> <p>21 CHAIR FADULLON: That's okay. No problem.</p> <p>22 MS. WIGGINS: But I may be going back in time because</p> <p>23 I'm coming in as I'm coming in, but with respect to Land</p> <p>24 Bank policies, I really have some real concerns about</p>
<p style="text-align: right;">Page 100</p> <p>1 and Leanne Earley. Item V.C.2 is in the Seventh District,</p> <p>2 2032 East Boston Street, to Charles J. Keller and Colleen</p> <p>3 Foster. And Item V.C.3 is a pair of properties at 2410 and</p> <p>4 2412 North Orianna Street in the Seventh District. The</p> <p>5 applicant in that particular case is collectively Daniel</p> <p>6 McShane and Victoria Noll.</p> <p>7 All the applicants are compliant and in good standing</p> <p>8 with the City of Philadelphia. These properties will not be</p> <p>9 subject to an economic opportunity plan. Each of the</p> <p>10 properties will be subject to a 30-year mortgage and use</p> <p>11 restrictions for sideyard use only. Thank you.</p> <p>12 CHAIR FADULLON: Thank you. Are there any questions</p> <p>13 or comments about these sideyards as a body from the Board?</p> <p>14 (No response.)</p> <p>15 CHAIR FADULLON: Are there questions or comments</p> <p>16 related to 1217 Pennock Street? Go ahead, Andrea.</p> <p>17 MS. SAAH: Yes. We did receive a comment regarding</p> <p>18 1217 Pennock Street, and that was from the owner, from one</p> <p>19 of the adjacent -- the owner on the other side of the lot</p> <p>20 who requested assurances that she would be able to get</p> <p>21 access to the side of her home for maintenance purposes,</p> <p>22 maintenance and repair purposes.</p> <p>23 CHAIR FADULLON: Right. And it's my understanding</p> <p>24 that there's already a Code provision on the books within</p>	<p style="text-align: right;">Page 102</p> <p>1 policies and how they become reality when it comes to those</p> <p>2 leases and when it comes to the gardens, because the gardens</p> <p>3 and farms are being used to feed the people.</p> <p>4 Food is medicine, as we know. So those policies, you</p> <p>5 know, matter with respect to the concerns of the people, and</p> <p>6 they just cannot be ignored. So as I listen, and this is</p> <p>7 maybe my first or second time with the Land Bank, is there a</p> <p>8 booklet that you have that would let the people know what</p> <p>9 you do and what we need to know?</p> <p>10 And I know our City Council people are part of this as</p> <p>11 well, because they let us down when they don't inform us.</p> <p>12 So I just want to make that clear. Thank you.</p> <p>13 CHAIR FADULLON: Yeah. Ms. Wiggins, there is, if you</p> <p>14 go to the web site, the PHDC web site and Land, all the</p> <p>15 policies and everything are on the web site.</p> <p>16 MS. WIGGINS: Okay. Thank you.</p> <p>17 CHAIR FADULLON: Sure. Sure.</p> <p>18 Okay. Are there any other questions or comments from</p> <p>19 the Board on any of these side yards?</p> <p>20 (No response.)</p> <p>21 CHAIR FADULLON: Andrea, I'm assuming the only one we</p> <p>22 received a comment on was the 1217 Pennock Street which</p> <p>23 we've already addressed. Are there any members of the</p> <p>24 public that wish to comment on any of these sideyards?</p>

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<p>Page 103</p> <p>1 (No response.)</p> <p>2 CHAIR FADULLON: Seeing none, can I get a motion from</p> <p>3 the Board?</p> <p>4 MR. SAUER: I'll make a motion to dispose of the three</p> <p>5 sideyards to the adjacent property owners.</p> <p>6 MS. GONZALEZ: I second.</p> <p>7 CHAIR FADULLON: Motion has been made and properly</p> <p>8 seconded to approve the disposition of the sideyards as</p> <p>9 stated in the agenda. All in favor?</p> <p>10 (Chorus of ayes.)</p> <p>11 CHAIR FADULLON: Any opposed?</p> <p>12 (No response.)</p> <p>13 CHAIR FADULLON: All right. Motion carries.</p> <p>14 We would now normally go to any new business or old</p> <p>15 business, and I know that we have a number of folks that</p> <p>16 provided comment about Land Bank policy around mortgages on</p> <p>17 community gardens. I'll just say we are two and a half</p> <p>18 hours into this, and I've already missed a couple meetings</p> <p>19 that I'm supposed to be at, and I think we're probably about</p> <p>20 to lose a bunch of our members because this meeting has gone</p> <p>21 on so long.</p> <p>22 I don't want to ignore that issue, so I'm going to</p> <p>23 request that the folks that are concerned about that issue</p> <p>24 reach out to staff, and staff, if you could maybe schedule a</p>	<p>Page 105</p> <p>1 disposition policy is that, you know, we do have</p> <p>2 jurisdiction because it's not legislated by the Code. So I</p> <p>3 would suggest that we, you know, skip the steps and try to</p> <p>4 speed it up.</p> <p>5 MR. RODRIGUEZ: If I could clarify, the financial</p> <p>6 piece was on long-term leases, I mean garden leases which we</p> <p>7 did address. I think also there was the issue of the impact</p> <p>8 on what a self-amortizing mortgage would have on a non-</p> <p>9 profit. But I also would state that it's not just the</p> <p>10 ordinance or disposition but also the executive order that</p> <p>11 we have to comply with.</p> <p>12 CHAIR FADULLON: So I'm happy to have this as an</p> <p>13 agenda item if people feel like that's where we're at. I</p> <p>14 want to recognize a couple Board members and then I will</p> <p>15 take some comment from the public on this item. Go ahead,</p> <p>16 Rick.</p> <p>17 MR. SAUER: I would certainly support bringing this</p> <p>18 before the Board for discussion and decision. I do know, I</p> <p>19 think there's some dispositions or issues pending right now</p> <p>20 that have a time constraint.</p> <p>21 I think, at least in reading some of the comment</p> <p>22 letters, I thought there was a March 31st deadline, so if</p> <p>23 we're deferring this to the April Board meeting, I don't</p> <p>24 know if there's a way to move back that deadline so that it</p>
<p>Page 104</p> <p>1 meeting with the Land Bank policy committee to have</p> <p>2 representatives of the gardeners attend a policy committee</p> <p>3 meeting and maybe present their issues, and then have</p> <p>4 another meeting where the policy committee considers, and</p> <p>5 then maybe brings back some recommendations around that to</p> <p>6 the Board based on the concerns that we heard regarding that</p> <p>7 issue.</p> <p>8 MR. GOODMAN: Madam Chair, I mean, this is not new,</p> <p>9 right. I think it was first raised by the Neighborhood</p> <p>10 Gardens Trust quite some time ago. We've discussed it at</p> <p>11 the policy committee kind of in broad strokes going back</p> <p>12 maybe even a year now, I think.</p> <p>13 At that point, the staff said that they would be kind</p> <p>14 of seeking an independent, I think, financial analysis or</p> <p>15 assessment, might be the wrong word here. I don't know if</p> <p>16 that has been completed, but either way, I think that it's</p> <p>17 probably enough to actually make this a Board agenda item.</p> <p>18 I would ask maybe we just skip the policy committee</p> <p>19 step and go straight to April Board agenda item, because</p> <p>20 it's been out there for a while, and coming from many</p> <p>21 organizations that are otherwise, you know, frequent and</p> <p>22 prolific collaborators with the Land Bank and the city. So</p> <p>23 in the interest of not belaboring it any longer, I would</p> <p>24 suggest there be some -- and my understanding that the</p>	<p>Page 106</p> <p>1 won't negatively impact dispositions currently under</p> <p>2 consideration.</p> <p>3 MR. RODRIGUEZ: So the Board should understand that</p> <p>4 those issues are related to the PRA, and it is the PRA's</p> <p>5 Board that has to address that issue. So what was raised</p> <p>6 were PRA dispositions, not Land Bank dispositions.</p> <p>7 And also, if the Land Bank Board is going to do</p> <p>8 something different, doesn't necessarily mean it would have</p> <p>9 to be presented to the PRA Board.</p> <p>10 MR. GOODMAN: So did this come up at the most recent</p> <p>11 PRA Board meeting then, on the same topic?</p> <p>12 MR. RODRIGUEZ: This is an ongoing disposition, over a</p> <p>13 year, that has been going on, negotiations between PRA and</p> <p>14 Neighborhood Gardens Trust.</p> <p>15 CHAIR FADULLON: So it sounds like there's a specific</p> <p>16 issue, disposition that's PRA Board, but something that the</p> <p>17 Land Bank Board needs to consider is this item probably as</p> <p>18 well. Go ahead, Maria.</p> <p>19 MS. GONZALEZ: Yes. I'm okay with moving the item to</p> <p>20 a future agenda. I just want, you know, because I'm part of</p> <p>21 the policy committee, but I haven't been allowed to attend</p> <p>22 meetings I would say for the last seven months, so if</p> <p>23 there's a summary, just to reeducate, I think, all of us on</p> <p>24 what the issues are, then I think we will be better</p>

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<p>1 prepared. The meeting can go smoother.</p> <p>2 CHAIR FADULLON: We're going to need that for the</p> <p>3 Board anyway, for the Board to understand the different</p> <p>4 issues around this item.</p> <p>5 MR. GOODMAN: That will be part of the package. But I</p> <p>6 know we've been at this for more than three hours. There</p> <p>7 are kind of dozens and dozens of people that are here. Is</p> <p>8 there any way they can do some abridged comment?</p> <p>9 CHAIR FADULLON: Yes. I said I was going to take some</p> <p>10 public comment.</p> <p>11 MR. GOODMAN: Thank you.</p> <p>12 CHAIR FADULLON: So we have a hand up by Elizabeth</p> <p>13 Waring. Go ahead, Ms. Waring.</p> <p>14 MS. WARING: Good afternoon. My name is Elizabeth</p> <p>15 Waring and I am a member of West Powellton and West Powellton</p> <p>16 Saunders Park Registered Community Organization as well as</p> <p>17 the overseer of the Holly Street Neighbors Community Garden,</p> <p>18 and also a board member of the NGT.</p> <p>19 So I just want some clarity, because I don't</p> <p>20 understand the need or the purpose for the 30 year</p> <p>21 amortization for the garden and green space. And also, in</p> <p>22 the long run, I don't know what will happen in the 30 years,</p> <p>23 but who will benefit from this?</p> <p>24 CHAIR FADULLON: So staff, can you provide a quick</p>	<p>Page 107</p> <p>1 as well, please.</p> <p>2 MR. RODRIGUEZ: Certainly. It would be a 30-year</p> <p>3 amortizing mortgage, so therefore it would just basically</p> <p>4 sunset. There wouldn't be a mortgage after 30 years. And</p> <p>5 also, the amount due just goes down every year on an annual</p> <p>6 basis.</p> <p>7 So think of it this way. The value of the land is</p> <p>8 going to go up. The amount of the mortgage is going to go</p> <p>9 down. So the non-profit ends up with more equity in the</p> <p>10 land.</p> <p>11 CHAIR FADULLON: Right. But at the end of that 30</p> <p>12 years, it's, the garden owns it free and clear.</p> <p>13 MR. RODRIGUEZ: Free and clear.</p> <p>14 MS. WARING: Okay.</p> <p>15 CHAIR FADULLON: All right. Thank you, Ms. Waring.</p> <p>16 And next we have Mimi McKenzie.</p> <p>17 MS. MCKENZIE: I was going to say good morning,</p> <p>18 everyone, but I guess it's good afternoon. I'm Mimi</p> <p>19 McKenzie. I'm the legal director at the Public Interest Law</p> <p>20 Center. Thank you for the opportunity to speak. I'll keep</p> <p>21 it very brief.</p> <p>22 I hope this Board is aware that prior to this Board</p> <p>23 meeting, the Law Center along with 29 gardens, non-profits,</p> <p>24 and allies submitted a letter to the Board asking that the</p>
<p>1 response to that, please?</p> <p>2 MR. RODRIGUEZ: The 30 year self-amortizing mortgage</p> <p>3 is a tool to keep the property from being flipped. In the</p> <p>4 past, prior to the change in disposition policies, there had</p> <p>5 been a number of situations where properties have been</p> <p>6 leveraged and lost or have been sold several times. This is</p> <p>7 partly due to the fact that title companies do not recognize</p> <p>8 or not noticing, as they should, with our Declarations of</p> <p>9 Restrictive Covenants and also with our deed restrictions.</p> <p>10 So the mortgage actually shows up and they actually know</p> <p>11 they can't convey without a mortgage, so that was the first</p> <p>12 issue. It's to prevent flipping, and also to provide</p> <p>13 recourse should, you know, the item not or the property is</p> <p>14 not being maintained in good order moving forward.</p> <p>15 MS. WARING: I don't think the maintenance of the</p> <p>16 properties are a problem, but the flipping, who would be</p> <p>17 doing the flipping? I just need --</p> <p>18 MR. RODRIGUEZ: (Inaudible) --</p> <p>19 MS. WARING: -- to understand --</p> <p>20 MR. RODRIGUEZ: -- (inaudible) -- organization.</p> <p>21 MS. WARING: Okay. Well, I agree with --</p> <p>22 CHAIR FADULLON: And there was -- I'm sorry, Ms.</p> <p>23 Waring, but I know you also had a question of, what happens</p> <p>24 after the 30 years, so if we can have staff respond to that</p>	<p>Page 108</p> <p>1 Board discontinue the 30-year mortgage and note on gardens</p> <p>2 and open space.</p> <p>3 I appreciate the Board agreeing to make it an agenda</p> <p>4 item going forward. I can't urge you enough to please make</p> <p>5 that happen at the April Board meeting. Frankly, I think</p> <p>6 there are a couple dozen people on this Board meeting who</p> <p>7 sat through multiple hours waiting to speak, so you know, we</p> <p>8 are disappointed, but you know, at least I can say for the</p> <p>9 Law Center, we will be back in April and we really hope that</p> <p>10 the Board will take seriously the fact that this 30-year</p> <p>11 mortgage and note is a barrier for many of the organizations</p> <p>12 best suited to preserve community gardens from being able to</p> <p>13 do that. And we will certainly be back in force in April.</p> <p>14 CHAIR FADULLON: Okay. And we'll make sure you're</p> <p>15 early on the agenda, too, so that we can get the focus that</p> <p>16 we need. Go ahead, Ms. Saah.</p> <p>17 MS. SAAH: Yes. I just wanted to point out that the</p> <p>18 Board would not have been able to reach a decision or take a</p> <p>19 vote on this policy request at this meeting anyhow because</p> <p>20 we are subject to the Sunshine Act, and that requires that</p> <p>21 we post any agenda items or decisions ten days prior, at</p> <p>22 least ten days prior to the meeting and included in the</p> <p>23 Board package.</p> <p>24 CHAIR FADULLON: Right, which is why it's important</p>
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<p style="text-align: right;">Page 111</p> <p>1 that this be on the actual agenda so that we can have the</p> <p>2 conversation that needs to be had with all the public</p> <p>3 participation and hear all sides of the story. And as Board</p> <p>4 member Goodman referred to, this has been going on for a</p> <p>5 long time, so hopefully we can finally get some resolution</p> <p>6 on this. Next we have Joshua Warner.</p> <p>7 MR. WARNER: Good afternoon, everyone. Can you hear</p> <p>8 me?</p> <p>9 CHAIR FADULLON: Yes, we can. Go ahead, please.</p> <p>10 MR. WARNER: Good afternoon. My name is Joshua</p> <p>11 Warner. I am co-executive director of Urban Creators. We</p> <p>12 run Life to Grow Farm on North 11th Street. We are about</p> <p>13 two blocks from Civetta property, the matter that was tabled</p> <p>14 today.</p> <p>15 Just very succinctly, I'm encouraged by the Board's</p> <p>16 decision to hold a public meeting. I feel, we feel, and the</p> <p>17 gardens and farms of Philadelphia, that this 30-year</p> <p>18 mortgage practice is not necessary. We look forward to</p> <p>19 talking about that in our earliest convenience.</p> <p>20 To Andrew Goodman's point earlier and also to back up</p> <p>21 Mr. Kevin Brockenbrough of North Eighth Street, also a</p> <p>22 neighbor of ours, I feel, we feel that the Land Bank, PHDC</p> <p>23 needs to create a dedicated staff position that can be an</p> <p>24 actual liaison for us open spaces and our gardens.</p>	<p style="text-align: right;">Page 113</p> <p>1 CHAIR FADULLON: Thank you, Mr. Warner. And next we</p> <p>2 have Jenny Greenberg.</p> <p>3 (Pause.)</p> <p>4 CHAIR FADULLON: Ms. Greenberg, you should be able to</p> <p>5 un-mute yourself.</p> <p>6 MS. GREENBERG: Hi. Thanks. Sorry. Good afternoon.</p> <p>7 I'm Jenny Greenberg, executive director of Neighborhood</p> <p>8 Gardens Trust, Philadelphia's land trust for the protection</p> <p>9 of community gardens and green spaces.</p> <p>10 And I'm really pleased to hear that we'll be delving</p> <p>11 further into this issue of the 30-year mortgage at the April</p> <p>12 meeting. This has become quite time sensitive for NGT, so I</p> <p>13 am going to share some of our concerns right now.</p> <p>14 Since 1986, we've been able to preserve 51 gardens,</p> <p>15 many in partnership with the city, and are working to secure</p> <p>16 an additional 25 gardens that have been secure land tenured.</p> <p>17 And between 2015 and '19, we acquired 44 parcels and 15</p> <p>18 gardens through a nominal fee disposition with the city.</p> <p>19 They were deed restricted for open space. There was a</p> <p>20 restrictive covenant. The land would revert to the city if</p> <p>21 the garden became inactive, and those restrictions make</p> <p>22 sense to us.</p> <p>23 But since 2020, our work on city land has been at a</p> <p>24 standstill. We have ten ending garden acquisitions. We're</p>
<p style="text-align: right;">Page 112</p> <p>1 Furthermore, the Board of Directors for the Land Bank</p> <p>2 should also consider, strongly consider exploring a</p> <p>3 subcommittee that is dedicated only to gardens and open</p> <p>4 spaces. I notice that Mr. Rodriguez's executive report at</p> <p>5 the top of this meeting had wonderful things to say about</p> <p>6 affordable housing starts, RFPs completed, nothing to day</p> <p>7 about gardens and open spaces except for the two that we saw</p> <p>8 today on the agenda.</p> <p>9 I'd like to know how the Land Bank is doing in terms</p> <p>10 of its strategic plan goals for open spaces and gardens, and</p> <p>11 perhaps if this, as we are all saying, if this 30-year</p> <p>12 mortgage is a true barrier and impediment.</p> <p>13 I feel that this as a tool to prevent flipping is</p> <p>14 frankly kind of a tired excuse. There are other nominal</p> <p>15 disposition means in the Land Bank's tool box, and the fact</p> <p>16 that, you know, quote, the value of our gardens and open</p> <p>17 space goes up while the mortgage goes down, that I feel is</p> <p>18 false. If we're attaching perpetual open space like deed</p> <p>19 restrictions on this land, no, the value of the land doesn't</p> <p>20 go up, yet we carry the debt at the market price for the</p> <p>21 land across 30 years. That is patently unfair.</p> <p>22 Thank you for your time. Thank you all for your</p> <p>23 dedication. This is not an easy job. I look forward to</p> <p>24 speaking to you in April.</p>	<p style="text-align: right;">Page 114</p> <p>1 eager to go to settlement but we can't move forward because</p> <p>2 of the terms of the mortgage that the Land Bank and</p> <p>3 Redevelopment Authority are requiring, although they're not</p> <p>4 required by the disposition policy.</p> <p>5 So despite our best efforts to engage PHDC on the</p> <p>6 substantive issues, on February 17th we were told we must</p> <p>7 either accept the mortgage terms or forgo acquiring three</p> <p>8 large fruit producing gardens that will add more than \$5</p> <p>9 million in liabilities to our books, and we have until March</p> <p>10 31st to decide.</p> <p>11 In addition to the onerous financial and accounting</p> <p>12 implications, from the perspective of our Land Trust, a</p> <p>13 green space with a mortgage that allows the city to</p> <p>14 foreclose is not truly protected.</p> <p>15 I don't know how I can tell gardeners who care for a</p> <p>16 property for 40 years that if a city inspector decides it's</p> <p>17 not clean and free of debris, that they can take it back.</p> <p>18 Gardens receive large soil deliveries. They spread salt</p> <p>19 hay. They grow tall, stalky pollenators, and they lay</p> <p>20 dormant in the winter. Clean and free of debris is not an</p> <p>21 acceptable threshold.</p> <p>22 The premise of the mortgage is discounting decades of</p> <p>23 hard work invested by thousands of residents to maintain</p> <p>24 lots when the city failed to do so, and it overlooks</p>

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<p style="text-align: right;">Page 115</p> <p>1 millions of dollars invested by community, government and 2 philanthropy, and it conveys distrust and disrespect, which 3 is unwarranted.</p> <p>4 So we really look forward to working with you to 5 figure out how to achieve the Land Bank's goals without 6 harming the groups that are doing this critical work to make 7 our city safer, healthier and more just.</p> <p>8 CHAIR FADULLON: Thank you, Ms. Greenberg. 9 Next we have Madeline Ahola.</p> <p>10 MS. AHOLA: Hi, everyone. My name is Madeline Ahola, 11 and I am speaking on behalf of The People's Kitchen, which 12 is a free restaurant located in South Philly that began in 13 the midst of the pandemic in 2021.</p> <p>14 Since then, we have provided over 250,000 free meals 15 to the community and we continue to do so every single day 16 outside as a kitchen. Our organization has also converted 17 25 vacant lots in Southwest Philadelphia into free community 18 gardens that provide fresh produce to both the neighbors and 19 to our kitchen to provide these free meals.</p> <p>20 These gardens have proven to be extremely valuable in 21 fostering social cohesion, in engaging neighbors in 22 sustainable gardening and harvesting skills, and in 23 increasing direct access to fresh food.</p> <p>24 In order to continue the valuable work of these</p>	<p style="text-align: right;">Page 117</p> <p>1 Rodriguez, that the disposition policy comes from the PRA. 2 Is that true?</p> <p>3 MR. RODRIGUEZ: No. It's an ordinance that was passed 4 by the City Council in 2020, and then also enforced by the 5 administration. So that it's not -- they are two separate 6 agencies that were in question. So Arcadia Commons has 7 received land from PRA in the past, and now you have an 8 application to receive land from the Land Bank. So there 9 are two separate agencies. They do follow the disposition 10 policy. PRA has urban renewal law issues they have to 11 contend with, but you've received land from PRA and you're 12 also about to receive land from the Land Bank.</p> <p>13 MR. CARPENTER: Thanks for clearing that up for me. I 14 look forward to next meeting.</p> <p>15 CHAIR FADULLON: Great. Thank you, Mr. Carpenter. 16 And we have Amy Gottsegen.</p> <p>17 MS. GOTTSEGAN: Hi. Can you hear me all right? 18 CHAIR FADULLON: Yes, we can. Go ahead, please.</p> <p>19 MS. GOTTSEGAN: Thank you. My name is Amy Gottsegen. 20 I'm a volunteer with the Iglesias Gardens, so I appreciate 21 everyone's time today. I am also taking off of work to be 22 present. The Iglesias Gardens has been working for many 23 years to gain land security for our community space in North 24 Philly. Our application to take ownership of our parcel</p>
<p style="text-align: right;">Page 116</p> <p>1 gardens, we do need access to the land in a way that is fair 2 and stable with full transparency in legal land tenure, with 3 more clearly defined restrictive terms, and through ending 4 the 30-year mortgage.</p> <p>5 Throughout the harvesting season, our gardens are full 6 of fruits and vegetables and many other forms of reuse and 7 compost of produce such as winterizing corn stalks which 8 could be considered debris, given the ambiguous language of 9 the policy.</p> <p>10 We firmly believe that our neighbors deserve equal 11 access to fresh, nutritious produce, and these community 12 gardens are really a dependable way to ensure that this 13 access is easy and sustainable. I appreciate you taking the 14 time to hear us out.</p> <p>15 CHAIR FADULLON: Thank you, Ms. Ahola. And next we 16 have Jeff Carpenter.</p> <p>17 (Pause.)</p> <p>18 CHAIR FADULLON: Mr. Carpenter, you should be able to 19 un-mute yourself.</p> <p>20 MR. CARPENTER: Sorry.</p> <p>21 CHAIR FADULLON: That's okay.</p> <p>22 MR. CARPENTER: I just wanted to ask -- I'm the 23 president of Arcadia Commons. We have three green spaces in 24 East Kensington. I heard, I'm not sure if it was from Angel</p>	<p style="text-align: right;">Page 118</p> <p>1 through Land Bank was approved by the Board and City Council 2 two years ago.</p> <p>3 Now, after a very long wait with almost no engagement 4 about the process, we were given disposition documents 5 recently that contain many onerous conditions, most 6 importantly the 30-year mortgage.</p> <p>7 This mortgage we see as a punitive policy, designed to 8 uniquely put community spaces at risk. NGT and PILC have 9 already outlined in great detail the many concerns that we 10 share with this new policy. Provisions that allow the city 11 to claw back land through broad and vague restrictive 12 covenants will give the city unique leverage to penalize 13 gardens in the future.</p> <p>14 These restrictions are being put in place to address 15 numerous abuses of the system. We understand that. But the 16 most obvious abuses of the Land Bank policies have been by 17 developers and politicians, not by community gardens or 18 neighborhood organizations.</p> <p>19 The input that we have received from our legal counsel 20 is that these provisions will put us at substantial future 21 risk and may impact our ability to fundraise and continue 22 our work organizing in the community.</p> <p>23 We're asking for the Board to reverse this decision 24 and to ask the Land Bank management to properly engage with</p>

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<p>Page 119</p> <p>1 community stakeholders to fix the problem. Thank you.</p> <p>2 CHAIR FADULLON: Thank you, Ms. Gottsegen. And next</p> <p>3 we have Sonia.</p> <p>4 SONIA: Good afternoon. Thank you for going beyond</p> <p>5 the time to hear from us. I'm here on behalf of Soil</p> <p>6 Generation. We are a black and brown collective of</p> <p>7 grassroots farmers and organizers in Philadelphia. We were</p> <p>8 also co-authors of the first urban agriculture strategic</p> <p>9 plan co-authored with Interfaith Studios, commissioned by</p> <p>10 the Department of Parks and Rec.</p> <p>11 And I'd like to urge the Board to really take a look</p> <p>12 at all of the amazing data that came from that project, as</p> <p>13 well as policy recommendations, a process that the Land Bank</p> <p>14 along with 17 other city agencies were a part of co-</p> <p>15 creating.</p> <p>16 And so I think there's a lot of really great data</p> <p>17 that's in that plan that really backs up all of the</p> <p>18 narratives that our communities have been saying for a long</p> <p>19 time, including urban agriculture being more than a hobby.</p> <p>20 I think our biggest challenge around political</p> <p>21 advocacy has been narrative shift. And so the plan is not</p> <p>22 just about gardeners. It's a comprehensive local food</p> <p>23 system reimagination and understanding why supporting urban</p> <p>24 agriculture, not just as a community resource but as a</p>	<p>Page 121</p> <p>1 of the terms of this 30-year mortgage lease as being just</p> <p>2 too onerous for communities to take on, and urge you to</p> <p>3 consider better terms to help preserve the green space.</p> <p>4 Thank you.</p> <p>5 CHAIR FADULLON: Thank you, Ms. Way. I don't see any</p> <p>6 other hands up, but I do -- oh, Alexander Miller.</p> <p>7 MR. MILLER: Hi. Am I on mute? No. I'll go really</p> <p>8 fast because I'm not going to say anything too novel. I'm</p> <p>9 speaking for a small community garden called the Farm on</p> <p>10 Florence. Like everyone else, we grow fruits, vegetables,</p> <p>11 flowers, trees, and it's a place for community bonding.</p> <p>12 It's a place for the kids. It makes the area pretty. We do</p> <p>13 charitable donations of produce to local community,</p> <p>14 propagate flora, all that stuff.</p> <p>15 Yeah, I just want to be one more voice emphasizing</p> <p>16 that, like the Farm on Florence is a life-sized feature for</p> <p>17 many of our gardeners. This is like where they socialize</p> <p>18 with other humans. This is where they get exercise. This</p> <p>19 is where they go out. Like, it's not just a garden.</p> <p>20 And we need, we exist because of the Land Bank,</p> <p>21 because of NGT and our partners in the community, and we are</p> <p>22 completely vulnerable to you, and it is -- it's not all</p> <p>23 track -- like, the happiness and good that these places</p> <p>24 produce, there's no real number you can point to. It's not</p>
<p>Page 120</p> <p>1 source of being able to build economic wealth and stability</p> <p>2 in communities is so important.</p> <p>3 And so please take a look at that. It's dense with a</p> <p>4 lot of richness and a lot of hard work that our gardeners</p> <p>5 participated in developing while their land is</p> <p>6 simultaneously secure.</p> <p>7 We were engaging with our community to build this</p> <p>8 plan, and it's heartbreaking that simultaneously those same</p> <p>9 gardeners are getting news about their land being</p> <p>10 potentially sold and developed. So thank you for your time,</p> <p>11 and please take a look at that. Thanks.</p> <p>12 CHAIR FADULLON: Thank you. And next we have</p> <p>13 Elizabeth Way.</p> <p>14 MS. WAY: Yes. Hi. Good afternoon. I'm Elizabeth</p> <p>15 Way. I represent the Hawthorn Community Garden. We've been</p> <p>16 a garden for the last seven years, took over a construction</p> <p>17 dump and really over the years and hard work have converted</p> <p>18 it to 23 raised boxes with many families of our immediate</p> <p>19 neighborhood taking advantage of it.</p> <p>20 We have been working with NGT for the last three, four</p> <p>21 years to have the land be protected as a garden, and my</p> <p>22 garden is actually one of the ones that is under this March</p> <p>23 31st deadline.</p> <p>24 And I just would like to urge you to reconsider some</p>	<p>Page 122</p> <p>1 a quantitative kind of thing.</p> <p>2 So, yeah, please -- yeah, we're very wary of the</p> <p>3 possibility of a garden being yanked at someone's</p> <p>4 discretion. And yeah, I'll stop, because it's been three</p> <p>5 hours. Thank you very much, everybody.</p> <p>6 CHAIR FADULLON: Thank you, Mr. Miller. And we have</p> <p>7 Mel Oliver. Go ahead, Mr. Oliver.</p> <p>8 (Pause.)</p> <p>9 CHAIR FADULLON: You're un-muted. You should be able</p> <p>10 to speak and we should be able to hear you.</p> <p>11 MR. OLIVER: Hello?</p> <p>12 CHAIR FADULLON: Mr. Oliver? There we go. Hello?</p> <p>13 MR. OLIVER: Hello.</p> <p>14 CHAIR FADULLON: Yes, we can hear you.</p> <p>15 MR. OLIVER: Oh, okay.</p> <p>16 (Pause.)</p> <p>17 CHAIR FADULLON: Mr. Oliver?</p> <p>18 (No response.)</p> <p>19 CHAIR FADULLON: All right. Let's go to Jovian</p> <p>20 Patterson, and hopefully Mr. Oliver can rectify his tech</p> <p>21 issues. Mr. Patterson, or Ms. Patterson, excuse me? I'm</p> <p>22 sorry.</p> <p>23 MR. PATTERSON: Yes, that's fine. It's Jovian, from</p> <p>24 Original American Foundation, a small non-profit in</p>

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<p>Page 123</p> <p>1 Southwest Philadelphia. We were fortunate enough to get a 2 few land plots from you guys a couple of months ago. 3 Just second the motions on the other community 4 gardens, just putting in the word to please re-think the 30- 5 year mortgage. We're a small non-profit. We get most of 6 our funds from grants and things like that, and as far as 7 exemptions is concerned, I think we have to be like flat-out 8 owners to get some of the tax exemptions for the land to my 9 knowledge, so that would be a really great thing to 10 concentrate on, using our funds for purposes to grow the 11 garden for the people. 12 And we do a lot of teaching and stuff like that, so it 13 definitely would be a good thing to have that looked at and 14 to get the 30-year mortgage re-thought. So I yield there. 15 Thank you. 16 CHAIR FADULLON: Thank you, Mr. Patterson. All right. 17 I don't see any other hands up, but we will be considering 18 this as an agenda item -- oh, no, we do. Jeff Carpineta. 19 MR. CARPINETA: Yeah, hello. Can you hear me okay? 20 CHAIR FADULLON: Yes, we can. Go ahead, please. 21 MR. CARPINETA: Thank you to all for going the extra 22 mile to try to give a chance for everybody to speak today 23 and for placing this on the agenda next month. I am 24 involved in the Arcadia Common project -- (inaudible) --</p>	<p>Page 125</p> <p>1 heart, so much integrity. That's what I wish someone was 2 saying here, is that this 30-year mortgage is so out of 3 synch with what the truth is on the record, of how these 4 folks have handled themselves in communities and the 5 investment that they make. 6 You know, the idea that there's going to be a flip and 7 the mortgage is going to be the way that -- there's like so 8 -- it seems far-fetched to me at like three different 9 junctures. And I ask you to consider that like, it's 10 theoretically possible, but for you to address that in this 11 sort of hyper-vigilant way about what these gardeners might 12 do, specifically NGT, is really putting a weight on 13 everybody through history and through the decades. 14 It's just not reasonable, just not fair, and doesn't 15 seem to properly show regard for what's been invested. But 16 anyway, I thank you for your work and look forward to 17 talking about it more. And in my view the most, where the 18 carefulness needs to be is in an earnest review of the 19 people that come before you looking for these opportunities. 20 And though no monthly payment required, to have these 21 things on the books, you know, with these kinds of land 22 values is really sort of crushing. 23 Final footnote. A lot of the gardeners have been upon 24 the land long before it was of value, and they have been</p>
<p>Page 124</p> <p>1 project, but also was the original author of the green space 2 protection plan in East Kensington next to Fishtown, so I'm 3 a board member of the East Kensington Neighbors Association 4 and I've been involved in many different spaces. 5 And I think the heart of this conversation comes down 6 to what Mr. Rodriguez expressed, was this deep concern that 7 people would betray the trust and the intention of the 8 conveyance and then, you know, flip these properties for 9 gain. And theoretically, that's a possibility. 10 But what I would ask everybody at this table to do 11 would be to really do an honest check on, what is the 12 history? Where were the abuses? 13 And when you live in Philadelphia long enough, you 14 accumulate this sort of archive of bad things that have 15 happened around the city. It's just part of what we know as 16 Philadelphians. There's been different disasters. There's 17 been different abuses. There's been different corruptions 18 in City Hall. 19 And to my knowledge, and I haven't studied it, but 20 there's been a lot of abuse in funny handoffs to developers, 21 some abusing of the sideyard situation in terms of the 22 flipping and where greed came into play. 23 But if you look at the history of NGT and this long 24 list of gardeners, there's been so much investment, so much</p>	<p>Page 126</p> <p>1 putting their time in and their dollars and their commitment 2 for, you know, their deep values. And now that the land -- 3 you know, these administrative processes that the city has 4 have been taking decades, right, but it was never about that 5 really for most of us. But anyway, thank you for your work, 6 and look forward to a conversation. 7 CHAIR FADULLON: Thank you, Mr. Carpineta. Next we 8 have Oranica Fields. Go ahead, please. You should be able 9 to un-mute yourself. 10 (No response.) 11 CHAIR FADULLON: Oranica Fields, you should be able to 12 un-mute yourself. 13 MS. FIELDS: Hi. Good afternoon. Sorry for taking up 14 your time. I would like to say that the More To Love Garden 15 doesn't have the capital to be able to be in a 30-year 16 mortgage. We would love to own the ground, but right now we 17 don't have the capital to, and it's like unfeasible. 18 CHAIR FADULLON: Thank you, Ms. Fields. 19 Next we have Elizabeth Waring. 20 MS. WARING: I'm sorry. I put my hand up by mistake. 21 I think everyone has covered what I wanted to say pretty 22 much. It would only be redundant. 23 CHAIR FADULLON: Okay. No problem. Thank you. 24 Okay. I think we've heard from folks, and I think</p>

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<p style="text-align: right;">Page 127</p> <p>1 we're good. And just again, we'll be looking at this as an 2 actual agenda item on the April agenda, and we look forward 3 to continued robust discussion on that item.</p> <p>4 With that, I'm going to ask for a motion to adjourn.</p> <p>5 MR. SAUER: I will gladly make a motion to adjourn.</p> <p>6 MR. KOONCE: Second --</p> <p>7 MS. GONZALEZ: I second that.</p> <p>8 CHAIR FADULLON: All right. All in favor?</p> <p>9 (Chorus of ayes.)</p> <p>10 CHAIR FADULLON: Any opposed?</p> <p>11 (No response.)</p> <p>12 CHAIR FADULLON: All right. I know this has been a 13 long meeting, but I do appreciate the members of the public 14 who hung in here and waited to testify, and I didn't mean by 15 saying that this was a long meeting to cut people off and 16 that we wouldn't take testimony, so I apologize for that. 17 We are always interested, but I do want to be respectful of 18 everybody's time as well. So we look forward to continuing 19 the conversation next month. I'm sure we'll have another 20 robust discussion. Take care. Be well, everybody. Thank 21 you.</p> <p>22 (Whereupon, at 1:10 p.m., the proceedings were 23 concluded.)</p>	
<p style="text-align: right;">Page 128</p> <p>1 C E R T I F I C A T I O N</p> <p>2 I hereby certify that the foregoing proceedings, the 3 Philadelphia Land Bank Board of Directors Meeting, were 4 reported by me on March 14, 2023, and that I, John A. Kelly, 5 read this transcript and attest that this transcript is a 6 true and accurate record of the proceedings.</p> <p>7 By:</p> <p>8 John A. Kelly</p> <p>9 Court Reporter</p>	

Exhibit B



March 13, 2023

Via Certified Mail and Email

Anne Fadullon
Board Chair
Philadelphia Land Bank
1234 Market Street, 16th Floor
Philadelphia, PA 19107

Angel Rodriguez
Executive Director
Philadelphia Land Bank
1234 Market Street, 16th Floor
Philadelphia, PA 19107

General Counsel
City of Philadelphia Board of Ethics
One Parkway Building
of Records
1515 Arch Street, 18th Floor
Philadelphia, PA 19102-1504

James Leonard, Esquire
Commissioner
City of Philadelphia Department
Room 111, City Hall
Philadelphia, PA 19107

Re: Conflict Disclosure Letter

Ladies/Gentlemen:

In accordance with the Land Bank's Public Disclosure and Disqualification Procedure for Conflict Issues, I write to disclose my interest in and association with the HACE Affordable Housing Corporation, of which I am the President.

The Land Bank Board will discuss three resolutions pertaining to HACE's homeownership development project at 19, 21, 23, 25 and 27 E. Somerset Street and 3022, 3024, 3026, and 3028 N. American Street (agenda items IV.A, IV.B and IV.C) at the Board meeting to be held on March 14, 2023. In my position as the President of HACE Affordable Housing Corporation, I am responsible for the organization's actions with respect to this project and for ensuring that the project is completed in accordance with the agreements governing the project.

Due to this conflict of interest, I must disqualify myself and abstain from using the authority of my membership on the Land Bank Board to participate in Board discussions or official Board action related to agenda items IV.A, IV.B, and IV.C at the March 14, 2023 Board meeting. I must remove myself from the opportunity to influence in any manner the Land Bank's actions related to these matters, including leaving the meeting while the Executive Director consults with Land Bank Board members and while the Land Bank Board otherwise considers and votes on the matters. For the record, I have not attended any of the Board's Policy Committee or Executive Committee meetings at which these matters were discussed.

This letter will also confirm that I will abide by the Land Bank's Public Disclosure and Disqualification Procedure for Conflict Issues and will not take official action in any future Land Bank committee meetings, Board deliberations or official action involving this project while the above-described conflict exists. Please contact me if you require further clarification.

Sincerely,

Maria N. Gonzalez, President

hacemgmtco.org

167 W. Allegheny Ave. • Suite 200 • Philadelphia, PA 19146

F 215 423-3070 • T 215 423-6137

A Non-Profit 501 (c) (3) Community Economic Development Corporation

Equal Housing Opportunity



Exhibit C



Memorandum

Land Bank Board
1234 Market St
Philadelphia, PA 19103

RE: HACE Agenda Items

Meeting: 3.14.2023

A. Termination of Declaration of Restrictive Covenant

STAFF RECOMMENDATION: Given that the Land Bank does not wish to penalize the Buyer as a result of the Developer's and GLT's actions, and given that the imposition of the financial penalty would present a hardship for the Developer, the staff recommends that the Board approve the termination of the DORC with respect to the Premises, and that the Board agree to not impose the penalties for the default provided in the PDA.

HACE is in agreement with the staff recommendation. The economic hardship to HACE, is further reason for the board to also approve our request to item C of the agenda.

B. Issuance of Consent to Sell Letters

STAFF RECOMMENDATION: The staff recommends that the Board approve this resolution to permit the issuance of Consent to Sell letters for the homes constructed on 3022, 3024 and 3026 N. American Street and on 19, 21, 23, 25 and 27 E. Somerset Street and the issuance of a Certificate of Completion for the Project, subject to the Developer's full compliance with the terms of the Agreement.

HACE is in agreement with the recommendation from the staff and look forward to selling the units to low income families. These units were completed during a very challenging time at the height of the pandemic and were developed as modular housing which limited the amount of MBE and WBE opportunity. Per the agreement, HACE made best faith efforts to get MBE and WBE participation and was able to achieve 6% MBE and 25% WBE.

Exhibit C

In addition to the 6% participation, HACE hired Special Protection Security, a minority owned Security Company. We are currently partnering with the Enterprise Center in order to assist them in obtaining their MBE certification.

C. Amendment, Assignment and Assumption of Developer Obligation under Purchase and Development Agreement, and Amendment of Declaration of Restrictive Covenants:

STAFF RECOMMENDS: that the Board reject this request and maintain this project as originally approved, requiring the homes to be sold at a maximum price of \$195,000 to purchasers at or below 80% of AMI, with the recorded Declaration of Restrictive Covenants governing the sale and resale of the homes and the affordability period

It is imperative for the board of directors to approve HACE's request to the Amendment, Assignment and Assumption of Developer Obligation under Purchase and Development Agreement, and Amendment of Declaration of Restrictive Covenants. Rejection of HACE's request will cause an economic hardship. In order to develop the donated parcels of land, HACE was awarded funding from the Philadelphia Foundation, the Federal Home Loan Bank, and state PHARE funding. The respective awards were \$750,000 from the Federal Home Loan Bank, and \$300,000 from PHARE. Funds awarded were designated for a Land Trust homeownership model. HACE adopted this model as it aims to assure home ownership units serve low income families into perpetuity. The funding received challenged HACE to find an innovative way to fight displacement and gentrification. Unit Development cost exceeds \$300,000. The funding allowed HACE to offer these units for under \$185,000. All home owners will be below the required 80% of AMI. If the board proceeds to honor Land Banks recommendation, HACE will forfeit the \$1million in funding, which does not include other carrying costs covered by the organization.

The very limited amount of Funding that is available to develop home ownership projects is competitive. Not only would forfeiting these funds have an impact on HACE, this economic hardship would then be extended to the communities of St. Hugh and Fairhill. The last home ownership project in our neighborhoods was almost 15 years ago. The rejection of this amendment will have future implications on HACE's ability to apply for additional funding to home ownership projects. We are respectfully requesting that Land Bank Board make a recommendation for approval of this amendment to the PDA to allow for the land to be transferred to the Good Lands Trust upon sale of each parcel listed herein.

HACE has received the support from Councilwoman Quetcy Lozada to allow community land trusts in her district for the creation and preservation for long-term affordable homeownership housing as a tool to prevent displacement of low income families in her district.

Exhibit D

RESOLUTION NO. 2023 - 5

RESOLUTION AUTHORIZING THE NON-IMPOSITION OF PENALTIES FOR AN INCURABLE DEFAULT UNDER THE PURCHASE AND DEVELOPMENT AGREEMENT AND THE DECLARATION OF RESTRICTIVE COVENANTS GOVERNING 3028 N. AMERICAN STREET AND THE TERMINATION OF THE DECLARATION OF RESTRICTIVE COVENANTS WITH RESPECT TO 3028 N. AMERICAN STREET

WHEREAS, the Philadelphia Land Bank Board of Directors (the “Board”) approved the disposition of 3028 N. American Street (the “Premises”) and eight (8) other properties to HACE Affordable Housing Corporation (the “Developer”) by Resolution 2021-17, adopted on April 13, 2021;

WHEREAS, the Philadelphia Land Bank (the “Land Bank”) and the Developer entered into a Purchase and Development Agreement dated July 9, 2021 (the “PDA”), requiring the development of the Premises for affordable homeownership and the sale of both the land and the improvements built thereon to an income-qualified purchaser;

WHEREAS, the Land Bank conveyed the Premises to the Developer by Deed dated June 1, 2021 and effective June 29, 2021;

WHEREAS, the Developer recorded a Declaration of Restrictive Covenants dated July 29, 2021 on November 20, 2021 in the Philadelphia Department of Records (the “DORC”), stating the requirements for the sale and resale of the Premises and the improvements erected thereon (the “Affordable Home”) and the qualifications to be met by the purchaser of said Affordable Home (“Qualified Purchaser”);

WHEREAS, the Developer violated the provisions of the PDA and the DORC by (1) conveying the Premises and the improvements erected thereon to Good Lands Trust (“GLT”), a non-profit corporation wholly owned by the Developer, without adhering to the requirements of the PDA, and (2) permitting GLT to convey a fee simple interest in the improvements erected on the Premises and a leasehold interest in the Premises to a purchaser, without adhering to the requirements of the PDA and the DORC;

WHEREAS, said violations resulted in an incurable default under the PDA and the DORC;

WHEREAS, the penalties for an unauthorized conveyance or sale of the Premises under the PDA is the payment to the Land Bank of half of the consideration received by the Developer or a related party for said conveyance or sale, without any set-offs or deductions, as well as a reversion of title to the Premises to the Land Bank (collectively, the “Penalties”);

WHEREAS, the imposition of the Penalties would present a financial hardship for the Developer and GLT and jeopardize the purchaser’s fee simple interest in the improvements and leasehold interest in the Premises;

Exhibit D

WHEREAS, the provisions of GLT's sale and lease documents conflict with the provisions of the recorded DORC, creating the possibility of future litigation regarding the purchaser's interest in the Premises and the improvements erected thereon;

WHEREAS, the Land Bank Board of Directors has determined that it is in the best interest of the Land Bank (1) to not impose the penalties under the PDA for the Developer's and GLT's incurable default under the PDA and the DORC, and (2) to terminate the DORC with respect to the Premises and the improvements erected thereon;

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that, subject to the terms and conditions of this Resolution:

1. The Land Bank hereby authorizes (1) the non-imposition of the Penalties for the Developer's and GLT's incurable default under the Purchase and Development Agreement and the Declaration of Restrictive Covenants, and (2) the termination of the Declaration of Restrictive Covenants as it pertains to the Premises and the improvements erected thereon.
2. The Executive Director and Senior Counsel are each hereby authorized, in the name of and on behalf of the Land Bank, to prepare, execute, deliver, and perform any and all agreements, deeds, and other documents, as may be necessary or desirable, to effectuate the purposes and intents of this Resolution in accordance with the terms of this Resolution (collectively, the "Transaction Documents") and, from time to time and at any time, amend, supplement, and modify the Transaction Documents, or any of them, as may be necessary or desirable. The Transaction Documents and any amendments, supplements, and modifications thereto shall contain such terms and conditions as the Executive Director and Senior Counsel shall deem necessary or appropriate, subject to the terms of this Resolution, and, when so executed and delivered by the Land Bank, shall constitute the valid and binding obligations of the Land Bank.
3. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents. The Executive Director or Senior Counsel will notify the Board of all modifications to this Resolution at the next Board meeting following the date of such modifications.
4. This Resolution shall take effect immediately upon adoption by the Board.

Adopted by Philadelphia Land Bank Board of Directors on March 14, 2023.
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Exhibit E

RESOLUTION NO. 2023 - 6

RESOLUTION AUTHORIZING ISSUANCE OF CONSENT TO SELL LETTERS AND A CERTIFICATE OF COMPLETION FOR THE HOMES LOCATED AT 19, 21, 23, 25 AND 27 E. SOMERSET STREET AND 3022, 3024 AND 3026 N. AMERICAN STREET, SUBJECT TO THE DEVELOPER'S COMPLIANCE WITH ITS OBLIGATIONS UNDER THE PURCHASE AND DEVELOPMENT AGREEMENT

WHEREAS, the Philadelphia Land Bank Board of Directors (the "Board") approved the disposition of 19, 21, 23, 25 and 27 E. Somerset Street and 3022, 3024, 3026 and 3028 N. American Street (collectively, the "Properties") to HACE Affordable Housing Corporation (the "Developer") by Resolution 2021-17, adopted on April 13, 2021, for the development of affordable homes to be sold to income-qualified purchasers (the "Affordable Homes");

WHEREAS, the Philadelphia Land Bank (the "Land Bank") and the Developer entered into a Purchase and Development Agreement dated July 9, 2021 and recorded November 20, 2021 in the Philadelphia Department of Records (the "PDA"), stating, among other obligations and requirements, the Developer's obligations thereunder pertaining to the Economic Opportunity Plan ("EOP") and the requirements for the sale of the Affordable Homes, including inspection and marketing requirements and income certification requirements for prospective purchasers, which are necessary preconditions to the Land Bank's issuance of Consent to Sell letters and a final Certificate of Completion for the project;

WHEREAS, the Land Bank conveyed the Properties to the Developer by Deed dated June 1, 2021, effective June 29, 2021, and recorded November 2021 in the Philadelphia Department of Records;

WHEREAS, the Developer is only partially compliant with its obligations under the EOP, with the project nearing completion;

WHEREAS, the Developer sold the Affordable Home at 3028 N. American Street on October 11, 2022 without complying with any of the requirements under the PDA with respect to said sale;

WHEREAS, given the Developer's partial compliance with the EOP obligations and lack of compliance with any of the PDA's requirements for the sale of 3028 N. American Street, Board approval is required for the issuance of Consent to Sell letters for the sale of the remaining Affordable Homes at 19, 21, 23, 25 and 27 E. Somerset Street and at 3022, 3024 and 3026 N. American Street and for the issuance of a Certificate of Completion following completion of the project;

WHEREAS, the Land Bank Board of Directors has determined that it is in the best interest of the Land Bank to issue Consent to Sell letters for the Affordable Homes at 19, 21, 23, 25 and 27 E. Somerset Street and at 3022, 3024 and 3026 N. American Street and to issue a Certificate of Completion upon the Developer's completion of the project, subject to the Developer's full and unconditional compliance with its obligations under the PDA as determined by the Land Bank in its sole discretion;

Exhibit E

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that, subject to the terms and conditions of this Resolution:

1. The Land Bank authorizes the issuance of Consent to Sell letters for the Affordable Homes located at 19, 21, 23, 25 and 27 E. Somerset Street and at 3022, 3024 and 3026 N. American Street and the issuance of a Certificate of Completion upon the Developer's completion of the project, subject to the Developer's full and unconditional compliance with its obligations under the Purchase and Development Agreement governing the project as determined by the Land Bank in its sole discretion.
2. The Executive Director and Senior Counsel are each hereby authorized, in the name of and on behalf of the Land Bank, to prepare, execute, deliver, and perform any and all agreements, deeds, and other documents, as may be necessary or desirable, to effectuate the purposes and intents of this Resolution in accordance with the terms of this Resolution (collectively, the "Transaction Documents") and, from time to time and at any time, amend, supplement, and modify the Transaction Documents, or any of them, as may be necessary or desirable. The Transaction Documents and any amendments, supplements, and modifications thereto shall contain such terms and conditions as the Executive Director and Senior Counsel shall deem necessary or appropriate, subject to the terms of this Resolution, and, when so executed and delivered by the Land Bank, shall constitute the valid and binding obligations of the Land Bank.
3. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents. The Executive Director or Senior Counsel will notify the Board of all modifications to this Resolution at the next Board meeting following the date of such modifications.
4. This Resolution shall take effect immediately upon adoption by the Board.

Adopted by Philadelphia Land Bank Board of Directors on March 14, 2023.
--

Exhibit F



211 North Front Street
P.O. Box 8029
Harrisburg, PA 17105-
8029
(717) 780-3800

July 12, 2021

Maria Gonzalez
HACE
167 West Allegheny Avenue
Philadelphia PA 19140

RE: Conditional Award of Funds
Pennsylvania Housing Affordability and Rehabilitation Enhancement ("PHARE") Fund

Dear Grantee:

The Pennsylvania Housing Finance Agency (the "Agency") is pleased to inform you that it is providing a conditional award in response to your application for funds available through the Pennsylvania Housing Affordability and Rehabilitation Enhancement ("PHARE") Fund authorized under the Act 10 of 2010 (the "PHARE Fund") and the Realty Transfer Tax (the "PHARE/RTT Fund"), pursuant to Act 58 of 2015 (the "Act").

The Agency has reserved an amount not to exceed **THREE HUNDRED THOUSAND DOLLARS (\$300,000)** from the PHARE/RTT Fund (the "Grant") for the following project(s)/program(s) in the following amount(s):

- **\$300,000 – Good Lands Trust Homeownership Project (the "Project")**

This award is based on your proposal to the Agency (as amended by this award where applicable), which is attached hereto and incorporated herein as Exhibit A (the "Proposal").

The Grant will at all times be subject to the availability of PHARE/RTT funds and to all of the restrictions and program requirements applicable to PHARE and the Act (as may be amended and supplemented from time to time). Repayment of the Grant will be required in the event of noncompliance with the terms and conditions of the Grant at any time throughout the Term (as defined in the Grant Agreement). Failure to abide by the Grant Agreement may affect future Grant awards under this or other programs administered by the Agency.

The Agency's commitment to provide the Grant is subject to certain conditions, some of which are described below. Reference must be made to the Grant Agreement in which the applicable PHARE Program Requirements are contained and incorporated herein by reference, the Pennsylvania Housing Finance Agency Act as set forth in 35 P.S. Section 1680.101 *et seq.*, and the Agency's PHARE Plan for a full description of the terms and conditions of the entire financing. The documents evidencing the Grant will be in the form prescribed by the Agency as outlined in the draft Closing Index attached hereto as Exhibit B and incorporated herein, by this reference (subject to change).

Exhibit F

GOOD LANDS TRUST HOMEOWNERSHIP PROJECT
2021 PHARE/RTT Commitment Letter
July 12, 2021
Page 2

1. GRANTEE

Grantee is the entity described above, and by signature to this letter, you are certifying that you are authorized and in good standing to do business in the Commonwealth of Pennsylvania, with the designated contact set forth on the attached Project Summary sheet. Grantee shall at all times remain responsible to the Agency for the performance of all matters related to the Grant. In the event Grantee enters into subcontracts and engages any third party vendors or providers in connection with the performance of the Project funded by the Grant, the Grantee shall provide a detailed report to the Agency of such contractors and service providers. The Grantee shall ensure that such contractors are qualified and financially capable of fulfilling their contracts, and shall require all such contractors to abide by all of the applicable requirements set forth in the Grant Agreement.

2. DEADLINES

Within ninety (90) calendar days of the date of this letter, Grantee must submit the executed Grant Agreement to the Agency. All presubmission documents and materials must be submitted in advance of the execution as instructed by the Agency. Failure to meet Agency deadlines may result in additional fees and/or rescission of the Grant.

3. THE GRANT: AMOUNT AND CONDITIONS

A. Amount – Subject to the terms and conditions contained herein and in the Grant Agreement, the Agency agrees to provide Grantee the Grant.

The Agency may adjust the amount of the Grant at its discretion, at any time. Funds shall be allocated to the Project set forth in this Commitment Letter.

The Agency reserves the right to withhold funding for any application seeking PHARE funding unless and until a substantial portion (at least 75%) of all prior Grant amounts have been deployed for eligible project costs.

B. Disbursement – Funds shall be disbursed to the Grantee only for deposit in a federally insured depository for the purposes of the Project.

C. Grant Recapture – The Agency may require recapture of all or a portion of the Grant if Grantee is noncompliant with the terms and conditions of the Grant at any time throughout the Term (as defined in the Grant Agreement).

4. GRANT REQUIREMENTS

A. Purpose – Grantee may only use the Grant for the following purposes allowable under PHARE: to provide safe and sanitary dwellings for sale or rent to low income and moderate income individuals; to increase the availability or quality of housing for elderly persons; to increase the availability or quality of accessible housing for persons with disabilities; to prevent or reduce homelessness; to encourage the development and rehabilitation of distressed neighborhoods; to provide mortgage or rental assistance, including housing counseling, foreclosure prevention and refinancing products; and/or to provide loans, low-interest loans or grants to low-income and moderate-income individuals or families who

Exhibit F

GOOD LANDS TRUST HOMEOWNERSHIP PROJECT

2021 PHARE/RTT Commitment Letter

July 12, 2021

Page 3

are owner-occupants for repairs and improvement to sustain or increase the conditions of the home. Grantee certifies that the Project specifically meets this PHARE eligibility criterion.

B. Applicable State and Federal Requirements - Grantee must abide by all state and federal laws including specifically without limitation, the PA Prevailing Wage Act (43 P.S. Section 165-1 *et seq.*); rehabilitation standards; construction and building codes; zoning; occupancy permits; licensing requirements; local, state and federal non-discrimination laws; fair lending, fair housing and accessibility laws and regulations; the Pennsylvania Landlord Tenant Act and all applicable state and local licensing and occupancy requirements.

C. Set Aside – As further described in the Grant Agreement and unless otherwise specified, Grantee must allocate a minimum of thirty percent (30%) of the Grant to assist households below fifty percent (50%) of the median area income (as determined by the U.S. Department of Housing and Urban Development, “HUD”) for the county in which the Project is situated. Household income shall be determined on the date assistance is provided to each household. Grantee shall ensure that records are kept and that documentation is available to the Agency regarding household income and satisfaction of this minimum set aside.

D. Maximum Allocation – Grantee will not use any portion of the Grant to benefit households whose income is greater than two hundred percent (200%) of the median area income for the county in which the Project is located (as determined by HUD).

E. Affordability Period - The Agency generally requires that rental (or lease to own) units funded through these funds be reserved for occupancy by qualified households for ten years (commencing on the date such units are placed in service) and that such restriction be evidenced by a restrictive covenant agreement enforceable by the Grantee and the Agency and recorded as a deed restriction on the real property. Projects that fund homeowners or provide direct services to customers may not have an affordability period requirement unless specifically set forth in the Exhibit A.

F. Administrative Fees – Grantee shall not take administrative fees or charge costs for program or project management in excess of 5% of the total amount of Grant provided.

G. Reporting and Recordkeeping – As further described in the Grant Agreement, Project must comply with the Agency's reporting and record keeping requirements.

H. Audit – The Grantee is subject to the audit requirements set forth in the Grant Agreement.

5. EXCULPATORY CLAUSES

No member, officer, agent or employee of the Agency shall be personally liable for any matter arising out of or connected with this Commitment or the Project.

Grantee shall ensure that each subcontractor and third party vendor engaged in the Project carries adequate insurance, bonding, and appropriate financial indemnity against any claims, charges, or actions related to the Project and that such indemnity protects the Grantee, the Agency and the Commonwealth from any potential legal suit, including mechanics lien, for damages or liability of any kind relating to the Project. The Grantee shall be responsible to ensure that adequate provision is made to ensure prompt payments of any suppliers and subcontractors, third party vendors and service providers and that the Project remains free of mechanics liens.

Exhibit F

GOOD LANDS TRUST HOMEOWNERSHIP PROJECT
2021 PHARE/RTT Commitment Letter
July 12, 2021
Page 4

6. TERMINATION, BREACH OF COMMITMENT

A. The Agency may terminate this Commitment if:

(i) Within ninety (90) days from the date of this Commitment Letter, Grantee has not executed the Grant Agreement for the Project; or

(ii) Grantee fails to comply with the terms and conditions of the Grant Agreement and this Commitment Letter; or

(iii) Grantee fails to provide reports as required by the Agency; or

(iv) Grantee materially misrepresents or fails to disclose to the Agency (or the Agency discovers that Grantee has misrepresented or failed to disclose) any facts, information or data in connection with applying for the Grant or its Proposal or in connection with Project activity, which, in the Agency's sole judgment, may adversely affect the Agency's interest in the Project; or

(v) The Agency, for any reason at any time, fails to receive PHARE/RTT funds from the Commonwealth for the Project.

B. In the event the Agency rescinds the Commitment or the Grant for any reason, Grantee does hereby release and discharge the Agency, its successors and assigns, from any and all claims, liabilities, damages or judgments in law or equity, pertaining to the Project against the Agency.

7. CERTAIN LEGAL AND REGULATORY ASSURANCES

Grantee certifies by accepting this Commitment Letter that it neither knows nor has reason to know of any legal action pending or threatened against it or its principals which in any way affect or threaten to affect the financial condition of the Grantee or the Project. Grantee, its employees, officials and members have no conflicts of interest relating to the Project.

Grantee certifies by accepting this Commitment that it neither knows nor has reason to know of any legal action pending or threatened or of any proposed changes in local, state or federal laws which may prevent or impede the Project from being commenced, completed or operated or administered as intended herein.

Grantee agrees to notify the Agency of any facts or circumstances which arise hereafter which have given rise to any legal action which may prevent or impede the Project from being commenced, completed or operated and administered as intended herein.

Grantee certifies that it will ensure compliance with all federal and state laws applicable to housing programs.

Exhibit F

GOOD LANDS TRUST HOMEOWNERSHIP PROJECT
2021 PHARE/RTT Commitment Letter
July 12, 2021
Page 5

8. AMENDMENTS

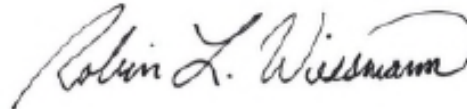
This Commitment may be amended in writing upon the mutual agreement of the Agency and Grantee. The terms and conditions of this Commitment shall survive and shall not merge upon the execution of the Grant Agreement unless specifically provided in writing.

Enclosed you will find a Fact Sheet, which will provide the Agency with updated information on the anticipated grant outcomes and the name and contact information for the representative of the Grantee who will be handling administrative matters relating to the Project.

Upon execution of this letter, please return this letter with the attached completed Fact Sheet (Exhibit A), and all required documents listed on the Index Documents form (Exhibit B) by email to PHFA to the attention of Allison Hutchings at ahutchings@phfa.org.

Please feel free to contact Clay Lambert at 717-780-3924 or clambert@phfa.org if you have any questions about PHARE/RTT, the Project(s), or the required submission deadlines and Program time frames.

Sincerely,



Robin L. Wiessmann
Executive Director & CEO

ACKNOWLEDGED AND ACCEPTED:

By: _____

Title: _____

Date: _____

Enclosures:

Exhibit A – PHARE Fact Sheet
Exhibit B – Index Documents (Required Documents List)
ACH Form

Exhibit F



Affordable Housing Program 2021 Funding Round Awards

Philadelphia, Pennsylvania

The Good Lands Trust

Member: Wilmington Svgs Fund
Society, FSB

Sponsor: Hispanic Association of
Contractors & Enterprises
(HACE)

Units: 5, including 1 unit
reserved for individuals
with special needs.

Project Type: Home Ownership

AHP Grant: \$750,000

Total Development Cost: \$1,500,000

This homeownership project will help to revitalize a community through the creation of new and rehabilitated homes for families of differing incomes ranging from below 50% AMI and up to 80% AMI. FHLBank Pittsburgh's AHP funds would be used to build five new homes comprised of two new construction and three rehabs. The properties have been donated by the Philadelphia Housing Authority. The goal of this project is to provide a creative solution to stabilize an area while preserving affordability.

Exhibit F



Affordable Housing Program Modification Request Form For 2021 Projects Only

Project Name: The Good Lands Trust

Project Number: 2021A10025

INSTRUCTIONS TO SPONSOR/MEMBER: FHLBank Pittsburgh (Bank) will request this Affordable Housing Program (AHP) Modification Request Form (Form) upon learning of any potential modifications to the proposed AHP project described above. No modifications are to be made to a project, as set forth in the approved AHP application, without the prior written approval from Bank. This Form must be completed and signed by the Lead Project Sponsor (Sponsor) or FHLBank Pittsburgh member (Member), this Form will not be accepted if completed by a Project's consultant. If all required sections of the form are not completed to the Bank's satisfaction, the form will be returned. Be prepared to submit additional documentation requested by the Bank, to substantiate the information entered on this form, and to support the modification requested.

1) Complete sections A, B and/or C depending on which apply to the Modification request:

A. Targeting Modification Request (list all units in project)

Units Description	Number of Units Approved	Number of Units Proposed
Less than or equal to 50% AMI		
Greater than 50% and less than or equal to 60% AMI		
Greater than 60% and less than or equal to 80% AMI		
Greater than 80% AMI		
Total		

B. Site Modification Request

Approved/Current Sites (list addresses for all units in Project):

533 Morse Street, Philadelphia, PA 19122

1754 N. 3rd Street Philadelphia PA 19122

1931 N. 4th Street, Philadelphia, PA 19122

2145 N. 5th Street Philadelphia, PA 19122

2844 N. Reese Street, Philadelphia, PA 19133

Proposed Sites (list addresses for all units in Project):

19 E. Somerset Street, Philadelphia, PA 19134

21 E. Somerset Street, Philadelphia, PA 19134

23 E. Somerset Street, Philadelphia, PA 19134

25 E. Somerset Street, Philadelphia, PA 19134

27 E. Somerset Street, Philadelphia, PA 19134

C. Other Modification Request [Click or tap here to enter text.](#)

Exhibit F

2) Briefly explain the Modification requested for the Project:

HACE is requesting to change the site of the homeownership units. HACE original site included addresses at 533 Morse Street, 1754 N 3rd Street, 1931 N 4th Street, 2145 N.5th Street, and 2844 N. Reese Street. The request is to change the site to 19-27 E. Somerset Street.

3) In order to explain the "good cause" for such Modification (i.e., the detailed rationale why such Modification is requested) 3a - 3d must be completed.

A. Provide a detailed rationale for the modification request, including the reason/cause for the change in AHP commitments.

Due to various covid-19 related delays, HACE has yet to finalize the ownership of the original 5 addresses proposed. HACE original plan was to work with the Philadelphia Housing Authority (PHA) to develop the 5 donated parcels. Although HACE continues to work with PHA on acquisition, the timeline is past the grant period. PHA is required to receive permission from HUD which has proven to be very time consuming. In the meantime HACE was able to acquire 5 donated parcels from the Philadelphia Land Bank. In order to meet our grant responsibilities we are requesting to change the addresses to the list provided above (19-27 E Somerset. The parcel on Somerset Street are within the same proposed geographic area and will serve the same AMI population.

B. Provide a detailed explanation for all actions taken by the Sponsor to attempt to meet the approved scoring criteria for the Project without the need for such Modification, including the time period for the attempts.

HACE continues to work with PHA to finalize acquisition. All due diligence have been completed on HACE's part. However PHA is required to receive permission from HUD to finalize the disposition of the parcels. In order to fulfill our grant obligation HACE began working with the Philadelphia Land Bank to acquire parcels. HACE was successful in the acquisition of 5 donated parcels. The site location ended up being a positive change. Because the parcels are contiguous, HACE is able to build the units via modular.

C. Is the inability to meet the project's AHP commitments beyond the control of the sponsor or owner? Explain.

As the owner HACE plans to meet the project's AHP commitments. Our modification request is only to change the site. As promised HACE will deliver five units on homeownership to the detail AMI targets. The 5 proposed site will be completed within the grant period.

D. Provide an explanation as to why such efforts to cure the noncompliance were either not successful or not attempted by the Sponsor.

HACE has not experience noncompliance for the grant. Not knowing an exact date for acquisition for the original proposed properties we ask for a modification. Changing the site would allow us to be in compliance with our grant agreement.

Exhibit F

- 4) Complete column D to confirm whether the requested Modification has affected scoring commitments for the Project. Indicate "No Change" if the score is not expected to be affected. Otherwise, provide the anticipated score change in Column D, and include comments if the Modification will affect that particular scoring category as outlined in the AHP Implementation Plan.

A	B	C	D
Scoring Category	Characteristics	Approved Score	How is Modification Affecting the Score?
Donated Property ¹	Project meets donated property definition.	5	No change to score
Sponsorship by Non-Profit	Project meets FHLB's definition of Sponsorship by Non-Profit	5	No change to score
Targeting	≤50% of AMI: 0 51-60% AMI: 3 61-80% AMI: 2 >80% AMI: 0	20	No change to score
Housing for Homeless Households	NA	0	No change to score
Promotion of Empowerment	Pre-homeownership counseling, post-homeownership counseling and homeowners association	10	No change to score
Special Needs & Military Veterans	Units reserved for special needs individuals: 1 (20%)	4	No change to score
Rural	NA	0	No change to score
Rental Housing for Extremely Low-Income Households	NA	0	No change to score
Residential Economic Diversity	NA	0	No change to score
Community Stability ²	Plan Consistency	3	No change to score
Low-Income Minority Areas (LIMA)	All five sites are located in eligible census tracts per provided FFIEC maps and the Flank list	4	No change to score
New Homeownership in Low-Income Minority Areas	Project meets LIMA and is a homeownership sponsor driven project.	6	No change to score
Projects in FHLBank Pittsburgh's District	All units are located in Pennsylvania.	5	No change to score
Sustained Affordability	Signed Sustained Affordability for Owner-Occupied Project Certification Form provided.	5	No change to score
Total Project Score		67	

¹ If a site change modification is requested, provide new site control documents.

² If a site change modification is requested, all Community Stability forms may need to be re-executed.

Exhibit F

- 5) Please indicate in the below box if the modification requested in this Form, has any impact on the Fair Housing, Threshold, or Feasibility Guidelines approved at application.

Choose an item.

6) Certification

I certify that I am an authorized representative of either the Sponsor or Member with the power to execute this form on behalf of such Sponsor or Member. The undersigned acknowledges and agrees that: (i) the statements and representations made herein are true, complete and correct; (ii) the Sponsor must provide the necessary supporting documentation to evidence the Modifications described herein requested by FHLBank Pittsburgh; and (iii) in the event that the Modifications change the Project's approved AHP scoring commitments, the AHP subsidy may be subject to recapture or cancellation, as applicable.

Hispanic Association of Contractors & Enterprises (HACE)

BY:


Signature

Maria V. Gonzalez
Name (Typed)

President
Title

mgonzalez@hacecdc.org
Email Address

10/5/2022
Date

215 426 8025
Phone Number

HACE
Sponsor Organization

Please return the completed form to the Community Investment Analyst working on this Project. If the Form is returned by the Project's Sponsor, the Project's Member must also receive a copy of this Form, as well.

Exhibit G

North Central East RCO

2142 North 12th Street
Philadelphia Pa 19122

Philadelphia Housing Development Corporation (PHDC)
Philadelphia Land Bank
1234 Market Street 17th floor
Philadelphia Pa 19107

Re: Community Meeting
HARTRANFT RFP for 71 Single Family Homes

Attention: Ms. Anne Fadullon, Board Chair

Dear Ms. Fadullon:

The North Central East RCO held community meetings on February 9th, 2023 and February 22, 2023 to meet with the Civetta Property Group to discuss the HARTRANFT home ownership project. At this meeting the developer presented the proposed home ownership project which is a 71 unit home ownership development that is utilizing the Turn the Key program. The developer described the Turn the Key Program to the attendees and in response to the developer's presentation the community posed these concerns:

- 1) That the project is for single family home ownership and will not convert to multi-family units nor Airbnb.
- 2) During construction attendees were concerned that their homes would be impacted by the construction activities and that the developer would not be responsible to fix the damage. The developer responded that he would fix any damages caused by his construction company and would put this agreement into writing for any homeowner that the Civetta group is building next too.
- 3) Residents felt that the hours of construction 7AM-7PM would be disrupted to their quality of life.
- 4) Residents claim that several of the parcels are land that they secured in an agreement with the Philadelphia Horticultural Center (PHS) and the City of Philadelphia and they have maintained these parcels for over twenty years. Several claimed that they have currently and in the past several years attempted to have the parcels transferred to them by the City however they have not received a response. Addresses are as follows; 2050 -52-54 North 7th Street; 2111-13 North 8th Street; 2146 -52 North 8th Street, 2132 N. 9th Street.

Exhibit G

- 5) Attendees were surprised that local residents would not be able to purchase these homes until after targeted City Employees had first option to purchase. They also had concern that the pricing even if subsidized was out of the reach of many of the residents locally who would be interested in purchasing a home.
- 6) Project is too dense and eliminated many spaces that should be maintained as open space for activities for all.
- 7) Community members felt that the developer themselves were not fully informed on the Turn the Key program and therefore there are still questions as to the operation and implementation of program, and whether it would benefit the community.
- 8) It was expressed that the community would be better served if the meetings were held before the RFP was released and that they would like a City representative meet with them about the process and the program.

Sincerely,



Shirley Kitchen,
President.

Exhibit G

Community Meeting

HARTRANFT RFP

9th & Diamond



Diamond St:
621,623, 625, 637, 917

Edgley St:
924, 927, 928, 936

French St:
926, 928

N. Marshall St:
2112, 2130, 2144, 2214

N. Franklin:
2106, 2112, 2140, 2141, 2142,
2143, 2151, 2166,
2170, 2172, 2215, 2217, 2219

W. Susquehanna Ave:
904, 910, 912

N. 10th St: 2121

N. Percy St:
2105, 2107, 2109, 2110,
2111, 2112,
2113, 2119, 2121,
2133, 2140, 2143, 2146, 2150

N. 7th St:
2102, 2109, 2114, 2126, 2128,
2130, 2131, 2134, 2135, 2136,
, 2150, 2210

N. 8th St:
2101, 2113, 2121, 2155, 2167-69,
2201

N. 9th St:
2124, 2126, 2132, 2150, 2165

- 71 Single Family Home
- Sale Price \$280,000
- Income at or below 100% Average Median Income (AMI)
- Tax Abatement
- Three Bedrooms
- Two full bathrooms



WHO WE ARE

Civetta Property Group is a Philadelphia based real estate developer that specializes in Workforce Housing.

COMMUNITY

It's our mission is to transform dirt into dreams. We engage with local neighborhoods and empower the community through home ownership.

WORKFORCE HOUSING

Workforce Housing is designed for people who desire to live and work in Philly. Please inquire about deed/income restrictions.

If you have any questions, please contact us



267.416.9209

SALES@CIVETTAPROPERTYGROUP.COM

Exhibit G

From: Charles Dyches <cdyches23@gmail.com>
Sent: Monday, March 13, 2023 12:55 PM
To: Andrea Saah <Andrea.Saah@phdc.phila.gov>
Subject: Questions

External Email Notice. This email comes from outside of City government. Do not click on links or open attachments unless you recognize the sender.

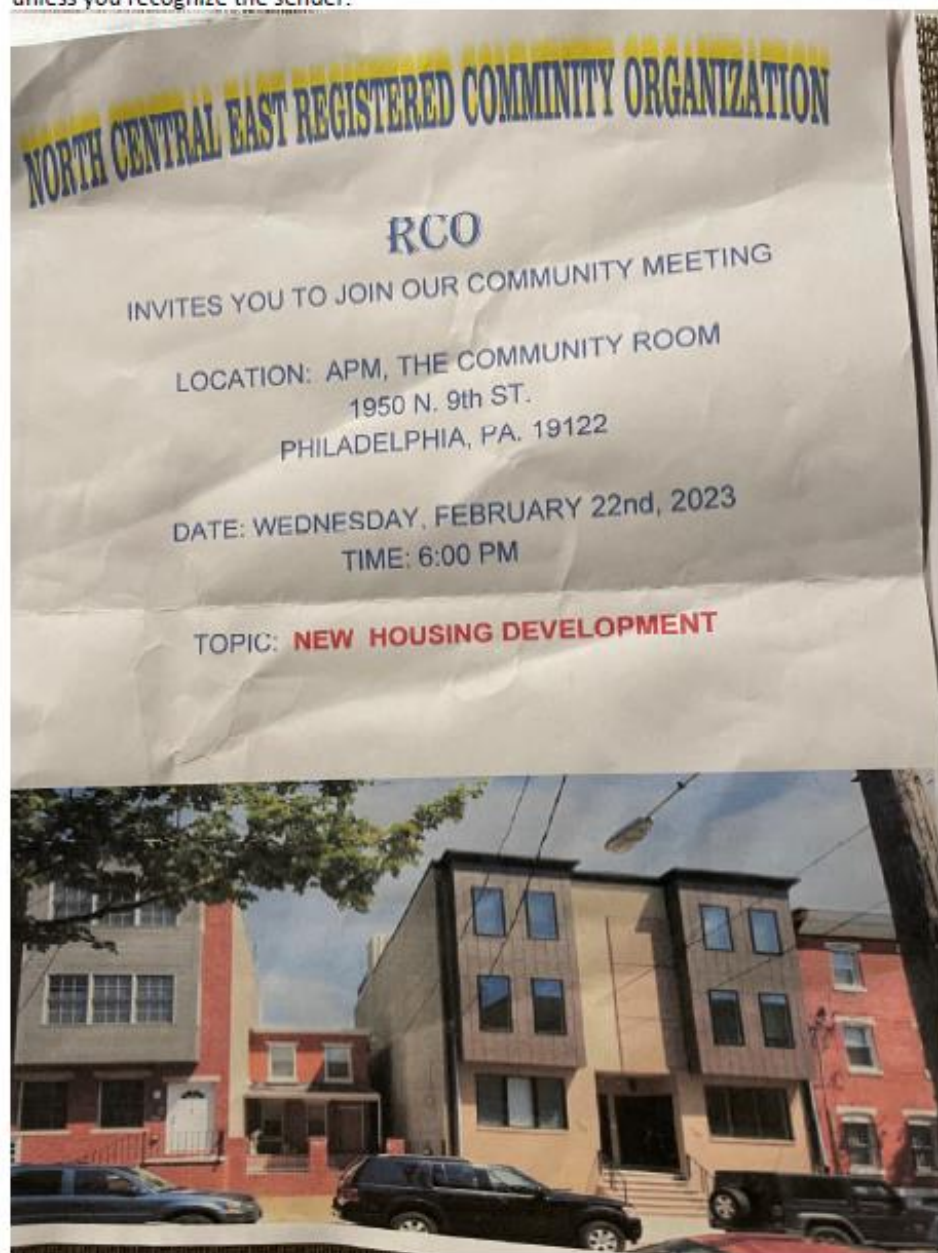


Exhibit G



We would like to know who is North Central East Registered Community Organization? Who is Hartranft RFP 9th & Diamond is as well? Shirley Kitchen stated at last meeting that she was there to see what the community thought about this project. Rose Gray was also there but did not participate in the meeting.

Sent from my iPhone

Exhibit G

From: Global Consulting <gcgofny@gmail.com>
Sent: Monday, March 13, 2023 3:24 PM
To: Andrea Saah
Cc: Jessie Lawrence
Subject: Comments on RFP "Hartranft 9th & Diamond et al 07.28.2022" scheduled for Board meeting March 14 2023 (V.A.(1))
Attachments: RFP Subzones layout adjusted (2).xlsx

External Email Notice. This email comes from outside of City government. Do not click on links or open attachments unless you recognize the sender.

To whom it may concern.

We are writing to you regarding an RFP "Hartranft 9th & Diamond et al 07.28.2022" that is currently up for consideration by the board.

According to our understanding of the Land Bank proposal, PHDC has solicited proposals from developers to acquire and develop parcels located in Philadelphia's Hartranft neighborhood for affordable homeownership. As the introduction paragraph states the proposed Project Site has been split into (5) development ("Sub-areas"). The Sub-areas are composed of vacant lot properties owned by Philadelphia Land Bank (PLB). Applicants are being asked to respond to this RFP with a proposal to develop properties listed in one or all of these sub areas.

As community members since 2017 that have deeply invested into the area over the past 6 years, we are very pleased with the request proposed for the development. As PHDC encourages we strongly support for the developers to work with City of Philadelphia, Philadelphia School District, Philadelphia Housing Authority's (PHA) Homeownership Department, Philadelphia Police Department, and Philadelphia Fire Department to provide homeownership opportunities for municipal employees and its residents in the this area where we had been invested to develop for the future benefits of the community. We feel that it will tremendously benefit the community in many ways if done right.

We have reviewed the proposal submitted by the developer – Civetta Property Group LLC. We feel that the developer has provided a great potential opportunity for affordable housing under the "Turn Key Program".

Exhibit G

However, in the RFP put forward by the PHDC, affordable homeownership was not specified as per "Turn Key Program" and after confirming units allowed per guidelines of TKP, the program only allows assistance for homeownership of single family homes. In case of RFP in the introduction (paragraph 1) it was specified as "affordable homeownership", which per confirmation from the City of Philadelphia and PLB, interprets to accommodate for condo units to be treated as affordable homeownership units as well.

Said above, brings us to the discussion of the properties chosen for the above mentioned sub-areas. As mentioned in the RFP "Scope of Development" Applicants are expected to submit competitive offer prices for a selected Sub-area and not required for all the sub areas of RFP. After reviewing developers' proposal, we are willing to support the developer in the bid to build single family homes in the sub-area #1 entirely and partially sub-area #5 (excluding larger lots zoned CMX 2, which can potentially be substituted with smaller lots from other sub areas, Ex. Sub-area #2 2215 -2219 N Franklin Street., or sub-area #3 2130 N Marshall Street, 2144 N Marshall Street). PLB has a large inventory of land across the city as well as in this particular area of the city to provide more appropriate size/zoned lots to develop affordable workforce single family homes for the Turn Key Program (Which we are in support of).

Majority of the lot's size allows for two or even more units "by right". Our view, as members of community" is such that building only single family homes across all the lots listed in RFP sub zones, zoned and sized large enough to accommodate for multifamily structures of at least two by level (3 bedroom 2 bathrooms units per parcel) would take away a large number of affordable workforce homeownership units from the area. As data clearly shows most units built in the community are multifamily projects (duplex with units breakdown of 3 bedrooms 2 bathrooms by level about 1300-1400 sq ft each with access to outdoor area). In the past few years similar units had been sold at the same price of around 280k (which is no more than max sale price allowed per paragraph 3 (scope of the development) in this RFP). Previous buyers that qualified to buy these homes at the price of no more than 280k show proof that clearly matches the required income of no more than 100% AMI as most of these units would accommodate a family of at least 4 people.

Also some of these vacant properties are zoned CMX-2 of very large size and are corner lots (which allows to cover (build) as much as 80% of the lot by right). Developing single family homes on corners in the community that is

Exhibit G

largely lacking mixed use properties that can accommodate for service businesses such as laundromats, small convenience stores, pharmacies, doctor offices etc. is a disservice to the people living in this vibrant community.

Our proposal is to reevaluate the lots chosen for the Sub-zones which would allow the developer to build single family homes under the chosen "Turn Key Program ", but only on lots that are zoned for such use as well as lots that are zoned RM-1, CMX-2 or I-2, but sized under 785 sq feet lot area. Please see attached a breakdown of the Sub Zones with lot sizes per information provided by Atlas.

All other larger lots zoned RM-1 can be packaged into separate RFP for affordable homeownership and to be developed as multi-family by right. There are great financing programs for affordable homeownership that are available for such buyers. As an example, the FHA program is one of them.

Other lots zoned CMX -2 can be put on public auction or sold at market price similar to the ones being sold currently by PHA (on the same block and streets as some of the lots from the current RFP) at market or above market prices.

We feel that such a detailed approach benefits everyone involved - the community receives affordable homeownership, city workers obtain homeownership under the "Turn Key program", and the people of Philadelphia get more funds into the city budget from the sale of the properties at current market prices.

Thank you

Andrew Zeygel

GC Group

Exhibit H

RESOLUTION NO. 2023 – 7

RESOLUTION AUTHORIZING CONVEYANCE OF 1901 NORTH RINGGOLD STREET AND 1910 NORTH 24TH STREET TO SANCTUARY FARM PHILA

WHEREAS, Section 16-707 of the Philadelphia Code authorizes the Philadelphia Land Bank (“Land Bank”) to convey, exchange, sell, transfer, lease, grant or mortgage interests in real property of the Land Bank in the form and by the method determined to be in the best interests of the Land Bank, subject to approval by resolution of Philadelphia City Council, and subject further to the terms and conditions of Chapter 16-404 of the Philadelphia Code.

WHEREAS, the Board of Directors (the “Board”) has determined that it is in the best interest of the Land Bank to convey 1901 North Ringgold Street and 1910 North 24th Street (collectively, the “Property”) to Sanctuary Farm Phila (the “Purchaser”).

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that:

1. The conveyance of the Property to the Purchaser for Two and 00/100 Dollars (\$2.00) and a thirty (30) year mortgage for Seventy-Four Thousand Nine Hundred Ninety-Eight and 00/100 U.S. Dollars (\$74,998.00) is in the best interests of the Land Bank and is hereby approved, subject to approval by resolution of Philadelphia City Council.
2. The conveyance of the Property complies with all applicable terms and conditions of Section 16-404 of the Philadelphia Code, subject to approval by resolution of Philadelphia City Council.
3. Subject to the terms of this Resolution, the Executive Director and Senior Counsel are each hereby authorized, in the name of and on behalf of the Land Bank, to prepare, execute, deliver, and perform any and all agreements, deeds, and other documents, as may be necessary or desirable, to consummate the conveyance of the Property (collectively, the “Transaction Documents”) and, from time to time and at any time, amend, supplement, and modify the Transaction Documents, or any of them, as may be necessary or desirable. The Transaction Documents and any amendments, supplements, and modifications thereto shall contain such terms and conditions as the Executive Director and Senior Counsel shall deem necessary or appropriate subject to the terms of this Resolution, and, when so executed and delivered by the Land Bank shall constitute the valid and binding obligations of the Land Bank.
4. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents. The Executive Director or Senior Counsel will notify the Board of all modifications to this Resolution at the next Board meeting following the date of such modifications.
5. This Resolution shall take effect immediately upon adoption by the Board.

Adopted by Philadelphia Land Bank Board of Directors on March 14, 2023.
--

Exhibit I

RESOLUTION NO. 2023 – 8

RESOLUTION AUTHORIZING CONVEYANCE OF 1217 PENNOCK STREET TO JONATHAN D’ALBA AND LIANNE EARLEY

WHEREAS, Section 16-707 of the Philadelphia Code authorizes the Philadelphia Land Bank (the “**Land Bank**”) to convey, exchange, sell, transfer, lease, grant or mortgage interests in real property of the Land Bank in the form and by the method determined to be in the best interests of the Land Bank, subject to approval by resolution of Philadelphia City Council, and subject further to the terms and conditions of Chapter 16-404 of the Philadelphia Code.

WHEREAS, the Board of Directors (the “**Board**”) has determined that it is in the best interests of the Land Bank to convey 1217 Pennock Street (the “**Property**”) to Jonathan D’Alba and Lianne Earley (the “**Purchasers**”).

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that:

1. The conveyance of the Property to the Purchasers for One and 00/100 U.S. Dollar (\$1.00) and a thirty (30) year mortgage for Thirty-Nine Thousand Nine Hundred Ninety-Nine and 00/100 U.S. Dollars (\$39,999.00) is in the best interests of the Land Bank and is hereby approved, subject to approval by resolution of Philadelphia City Council.
2. The conveyance of the Property complies with all applicable terms and conditions of Section 16-404 of the Philadelphia Code, subject to approval by resolution of Philadelphia City Council.
3. Subject to the terms of this Resolution, the Executive Director and Senior Counsel are each hereby authorized, in the name of and on behalf of the Land Bank, to prepare, execute, deliver, and perform any and all agreements, deeds, and other documents, as may be necessary or desirable, to consummate the conveyance of the Property (collectively, the “Transaction Documents”) and, from time to time and at any time, amend, supplement, and modify the Transaction Documents, or any of them, as may be necessary or desirable. The Transaction Documents and any amendments, supplements, and modifications thereto shall contain such terms and conditions as the Executive Director and Senior Counsel shall deem necessary or appropriate subject to the terms of this Resolution, and, when so executed and delivered by the Land Bank shall constitute the valid and binding obligations of the Land Bank.
4. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents. The Executive Director or Senior Counsel will notify the Board of all modifications to this Resolution at the next Board meeting following the date of such modifications.
5. This Resolution shall take effect immediately upon adoption by the Board.

Adopted by Philadelphia Land Bank Board of Directors on March 14, 2023.
--

Exhibit I

RESOLUTION NO. 2023 – 9

**RESOLUTION AUTHORIZING CONVEYANCE OF
2032 EAST BOSTON STREET
TO CHARLES J. KESSLER AND COLLEEN FOSTER**

WHEREAS, Section 16-707 of the Philadelphia Code authorizes the Philadelphia Land Bank (the “**Land Bank**”) to convey, exchange, sell, transfer, lease, grant or mortgage interests in real property of the Land Bank in the form and by the method determined to be in the best interests of the Land Bank, subject to approval by resolution of Philadelphia City Council, and subject further to the terms and conditions of Chapter 16-404 of the Philadelphia Code.

WHEREAS, the Board of Directors (the “**Board**”) has determined that it is in the best interests of the Land Bank to convey 2032 East Boston Street (the “**Property**”) to Charles J. Kessler and Colleen Foster (the “**Purchasers**”).

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that:

1. The conveyance of the Property to the Purchasers for One and 00/100 U.S. Dollar (\$1.00) and a thirty (30) year mortgage for Forty-Four Thousand Nine Hundred Ninety-Nine and 00/100 U.S. Dollars (\$44,999.00) is in the best interests of the Land Bank and is hereby approved, subject to approval by resolution of Philadelphia City Council.
2. The conveyance of the Property complies with all applicable terms and conditions of Section 16-404 of the Philadelphia Code, subject to approval by resolution of Philadelphia City Council.
3. Subject to the terms of this Resolution, the Executive Director and Senior Counsel are each hereby authorized, in the name of and on behalf of the Land Bank, to prepare, execute, deliver, and perform any and all agreements, deeds, and other documents, as may be necessary or desirable, to consummate the conveyance of the Property (collectively, the “Transaction Documents”) and, from time to time and at any time, amend, supplement, and modify the Transaction Documents, or any of them, as may be necessary or desirable. The Transaction Documents and any amendments, supplements, and modifications thereto shall contain such terms and conditions as the Executive Director and Senior Counsel shall deem necessary or appropriate subject to the terms of this Resolution, and, when so executed and delivered by the Land Bank shall constitute the valid and binding obligations of the Land Bank.
4. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents. The Executive Director or Senior Counsel will notify the Board of all modifications to this Resolution at the next Board meeting following the date of such modifications.
5. This Resolution shall take effect immediately upon adoption by the Board.

Adopted by Philadelphia Land Bank Board of Directors on March 14, 2023.
--

Exhibit I

RESOLUTION NO. 2023 – 10

**RESOLUTION AUTHORIZING CONVEYANCE OF
2410 AND 2412 NORTH ORIANNA STREET
TO DANIEL MCSHANE AND VICTORIA NOLL**

WHEREAS, Section 16-707 of the Philadelphia Code authorizes the Philadelphia Land Bank (the “**Land Bank**”) to convey, exchange, sell, transfer, lease, grant or mortgage interests in real property of the Land Bank in the form and by the method determined to be in the best interests of the Land Bank, subject to approval by resolution of Philadelphia City Council, and subject further to the terms and conditions of Chapter 16-404 of the Philadelphia Code.

WHEREAS, the Board of Directors (the “**Board**”) has determined that it is in the best interests of the Land Bank to convey 2410 and 2412 North Orianna Street (collectively, the “**Property**”) to Daniel McShane and Victoria Noll (the “**Purchasers**”).

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that:

1. The conveyance of the Property to the Purchasers for Two and 00/100 U.S. Dollars (\$2.00) and a thirty (30) year mortgage for Sixty-Nine Thousand Nine Hundred Ninety-Eight and 00/100 U.S. Dollars (\$69,998.00) is in the best interests of the Land Bank and is hereby approved, subject to approval by resolution of Philadelphia City Council.
2. The conveyance of the Property complies with all applicable terms and conditions of Section 16-404 of the Philadelphia Code, subject to approval by resolution of Philadelphia City Council.
3. Subject to the terms of this Resolution, the Executive Director and Senior Counsel are each hereby authorized, in the name of and on behalf of the Land Bank, to prepare, execute, deliver, and perform any and all agreements, deeds, and other documents, as may be necessary or desirable, to consummate the conveyance of the Property (collectively, the “Transaction Documents”) and, from time to time and at any time, amend, supplement, and modify the Transaction Documents, or any of them, as may be necessary or desirable. The Transaction Documents and any amendments, supplements, and modifications thereto shall contain such terms and conditions as the Executive Director and Senior Counsel shall deem necessary or appropriate subject to the terms of this Resolution, and, when so executed and delivered by the Land Bank shall constitute the valid and binding obligations of the Land Bank.
4. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents. The Executive Director or Senior Counsel will notify the Board of all modifications to this Resolution at the next Board meeting following the date of such modifications.
5. This Resolution shall take effect immediately upon adoption by the Board.

Adopted by Philadelphia Land Bank Board of Directors on March 14, 2023.
--

Exhibit J

From: Dawn Reid <bumblebliss@hotmail.com>
Sent: Friday, March 10, 2023 2:00 PM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
Flag Status: Flagged

External Email Notice. This email comes from outside of City government. Do not click on links or open attachments unless you recognize the sender.

Dear Andrea,

I do not agree with the 30 year mortgage on community garden lots. Community gardens and urban farms are critical neighborhood anchors that increase access to fresh food; foster safer, stronger, healthier communities; and contribute to climate resiliency, reducing dangerous high heat temperatures, flooding, and air pollution.

Communities deserve to protect and steward their gardens without the Land Bank's restrictive policies and overreach. The 30-year mortgage on community garden lots introduces new financial complexity and burden, and provides the Land Bank too much power to take land back from gardens based on an unclear definition (if they are not "free and clear of debris", which is not defined in the policy). The Center for Community Progress, a nationally-recognized leader working with land banks across the country, is not aware of any other municipalities that enforce the use of 30-year self-amortizing mortgages on open space, urban farms or community gardens and **do not recommend this as a best practice.**

Thank you for your consideration,
Dawn Reid
Phila, PA 19140 Logan/Nicetown

From: Kara Khan <khan.kara@gmail.com>
Sent: Friday, March 10, 2023 2:41 PM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
Flag Status: Flagged

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I'm writing to you as a Philadelphia resident to urge you to protect urban garden spaces. They are vital for the health of our entire community and to all of our neighbors, both human and otherwise. There are numerous studies that show the positive impacts of green spaces within cities and urban areas. There are also numerous studies on the detrimental impacts that pollinator deserts have on entire species which will lead to global consequences. Now is not the time to discourage gardens, urban farms, and orchards. We must do all we can to create spaces for the future health of our entire community and all of the species who share it with us. Thank you and I sincerely hope you reject the 30 year mortgage being applied to community garden lots.

Exhibit J

From: yaffa landis <yaffalendis@gmail.com>
Sent: Friday, March 10, 2023 3:03 PM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
Flag Status: Flagged

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Why? Community gardens and urban farms are critical neighborhood anchors that increase access to fresh food; foster safer, stronger, healthier communities; and contribute to climate resiliency, reducing dangerous high heat temperatures, flooding, and air pollution.

Communities deserve to protect and steward their gardens without the Land Bank's restrictive policies and overreach. The 30-year mortgage on community garden lots introduces new financial complexity and burden, and provides the Land Bank too much power to take land back from gardens based on an unclear definition (if they are not "free and clear of debris", which is not defined in the policy). The Center for Community Progress, a nationally-recognized leader working with land banks across the country, is not aware of any other municipalities that enforce the use of 30-year self-amortizing mortgages on open space, urban farms or community gardens and **do not recommend this as a best practice.**

From: Katie Parry <kparry@fabricworkshopandmuseum.org>
Sent: Friday, March 10, 2023 3:07 PM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
Flag Status: Flagged

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Good afternoon,

I am writing to express my hope that the Land Bank continues to protect the land granted to communities for urban gardens. These parcels of lands provide food, shade, respite from the stress of an urban environment, beauty, and a habitat for birds, butterflies, and bees. This is a critical moment in Philadelphia. We need to make choices that consider climate change and the lives of the young Philadelphians. These gardens create a feeling of space of hope and remind us that we are caretakers of nature and of one another.

Katie Parry
Museum Tour Manager
[The Fabric Workshop and Museum](#) (FWM)
1214 Arch Street, Philadelphia, PA

Exhibit J

From: Morgan Dean <morganrosedean@gmail.com>
Sent: Friday, March 10, 2023 3:15 PM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
Flag Status: Flagged

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Hi there,

I am submitting testimony as a gardener and lover of community green space in Cedar Park, West Philly. I am very concerned about the Land Bank's 30 Year Mortgage policy. Community gardens and urban farms are critical neighborhood anchors that increase access to fresh food; foster safer, stronger, healthier communities; and contribute to climate resiliency, reducing dangerous high heat temperatures, flooding, and air pollution.

We deserve to protect and steward our gardens without the Land Bank's restrictive policies and overreach. The 30-year mortgage on community garden lots introduces new financial complexity and burden, and provides the Land Bank too much power to take land back from gardens based on an unclear definition (if they are not "free and clear of debris", which is not defined in the policy). The Center for Community Progress, a nationally-recognized leader working with land banks across the country, is not aware of any other municipalities that enforce the use of 30-year self-amortizing mortgages on open space, urban farms or community gardens and **do not recommend this as a best practice.**

Sincerely,
Morgan Dean

From: Hannah Daly <hddaly@gmail.com>
Sent: Friday, March 10, 2023 3:34 PM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission

Follow Up Flag: Follow up
Flag Status: Flagged

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Hello Andrea,

I strongly believe that communities deserve to protect and steward their gardens without restrictive policies and overreach. The 30-year mortgage on community garden lots introduces new financial complexity and burdens.

The Center for Community Progress, a nationally-recognized leader working with land banks across the country, is not aware of any other municipalities that enforce the use of 30-year self-amortizing mortgages on open space, urban farms or community gardens and do not recommend this as a best practice.

I urge you to reconsider this sale and save this land from development.

Hannah Daly
Eight-year resident, 19143

Exhibit J

From: Rose Dillon <roseamafoo@gmail.com>
Sent: Friday, March 10, 2023 3:19 PM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
Flag Status: Flagged

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As a member of a community garden, I know how important they are to neighborhood cohesion, and how they can fill the gaps in food deserts. I meet neighbors with wildly different backgrounds to myself every day, at the garden. We swap tips and build community in a very specific and important way. I'm not exaggerating when I say that my community garden saved my life. So many of my garden comrades don't have the funds to eat the way they want to, and gardening supplements that. Gardening allows my recent immigrant neighbors to eat their ancestral foods that are unavailable in stores in the city. It's an unalloyed good. Plants clean the air in the city and provide desperately needed green space to the garden communities' children.

Communities deserve to protect and steward their gardens without the Land Bank's restrictive policies and overreach. The 30-year mortgage on community garden lots introduces new financial complexity and burden, and provides the Land Bank too much power to take land back from gardens based on an unclear definition. The Land Bank can far too easily be leveraged by developers to privatize a public good, impoverishing our Philadelphia communities both figuratively and literally. This privatization MUST END. The Center for Community Progress, a nationally-recognized leader working with land banks across the country, is not aware of any other municipalities that enforce the use of 30-year self-amortizing mortgages on open space, urban farms or community gardens and do not recommend this as a best practice. Philadelphians deserve to maintain our third spaces; we deserve to have places to congregate that don't require consumption. We deserve to keep our community gardens that we have worked so SO hard to maintain.

From: Ingrid Kallick <ikallickwork@gmail.com>
Sent: Friday, March 10, 2023 3:47 PM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
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People need fresh food. This proposed 30 year mortgage policy is almost certain to undercut fresh produce availability for people without access to good groceries and backyard gardens. It can also harm public school garden programs.

The regulations are vague enough to be used for discrimination and land-grabbing.
I do not support these proposed changes.
Ingrid
West side resident

Exhibit J

From: Mary Kate LoConte <mloconte@merzbranding.com>
Sent: Friday, March 10, 2023 4:01 PM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
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Andrea,

Community gardens and urban farms are critical neighborhood anchors that increase access to fresh food; foster safer, stronger, healthier communities; and contribute to climate resiliency, reducing dangerous high heat temperatures, flooding, and air pollution and the Land Bank's 30-Year mortgage policy on community garden lots threatens their existence.

Communities deserve to protect and steward their gardens without the Land Bank's restrictive policies and overreach. The 30-year mortgage on community garden lots introduces new financial complexity and burden, and provides the Land Bank too much power to take land back from gardens based on an unclear definition (if they are not "free and clear of debris", which is not defined in the policy). The Center for Community Progress, a nationally-recognized leader working with land banks across the country, is not aware of any other municipalities that enforce the use of 30-year self-amortizing mortgages on open space, urban farms or community gardens and **do not recommend this as a best practice.**

I respectfully ask that during the March 14th Land Bank board meeting that the decision is made not to move forward with the 30-Year mortgage policy.

Thank you,
Mary Kate Lo Conte

From: Mars Scharf <mars.r.scharf@gmail.com>
Sent: Friday, March 10, 2023 5:51 PM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
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I am writing in support of the many neighborhood gardens and community groups at risk of losing their land. The 30-year mortgage on community garden lots puts unnecessary financial burden on these groups and allows their land to be taken away based on an unclear definition. Neighborhood gardens and orchards are crucial centers of community, education, food justice, and sustainability and cannot be subjected to unfair rules that endanger their survival. As a Philadelphia resident I urge the board of the Land Bank to institute protective policies for community garden land.

--

Mars Scharf
Pronouns: They/them

Exhibit J

From: Anisa George <anisageorge@gmail.com>
Sent: Friday, March 10, 2023 4:10 PM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
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Hello, I am writing in defense of Philly's community gardens and farms. It was my local community garden in South Philly that kept me sane through the pandemic. If I had not had a space outside of my house where I could go, a space that felt like a refuge, a space where I didn't have to wear a mask, where I could be nourished, and engage with the creative act of growing food—I would have completely lost my mind.

Even now, our community garden is part of what makes living in the city possible for me. It's the space I take my kid and her friends after school to teach them everything their cement playground can't do. It's the space where I have seen creatures I see nowhere else in the neighborhood: a fox, two possum babies, a hummingbird. It's where I witness the changing of the seasons, and feel my place on Earth. We desperately need to hold on to the green spaces we have (and to build more!) to make our city a viable and healthy place to live. These spaces sequester carbon, provide an oasis of biodiversity, produce food, create a sense of community, and give so many of us something to live for. Protect them. - Anisa George

[Writer](#) and [Forest Therapy Guide](#)
[Instagram](#)
(she/her)

From: genise harris <genise.harris227@gmail.com>
Sent: Friday, March 10, 2023 6:22 PM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
Flag Status: Flagged

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The people of Philadelphia deserve a place to receive live and fresh food & Urban Creators offers that! These agriculture plots help feed and educate people while also improving the environment. These plots provide people who do not have the means or resources to garden do so. Please save this land for the people and the Earth.

Genise Harris

Exhibit J

From: Audrey <audreyjgarrett@gmail.com>
Sent: Friday, March 10, 2023 7:17 PM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up

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Please do not compromise Philadelphia's community gardens by holding them to the Land Bank's restrictive policies. The 30-year mortgage on community garden lots provides the Land Bank too much power to take back land from community gardens.

Community gardens foster safer, stronger, and healthier communities by absorbing rainwater run off, alleviating heat islands, and bringing neighbors together to learn and share. These spaces are some of our city's greatest assets and should be treated as such.

Audrey Garrett
1519 N Cadwallader Street

From: Travis Patrick <travispatrick@gmail.com>
Sent: Saturday, March 11, 2023 6:26 AM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up

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Please do not compromise Philadelphia's community gardens by holding them to the Land Bank's restrictive policies. The 30-year mortgage on community garden lots provides the Land Bank too much power to take back land from community gardens.

Community gardens foster safer, stronger, and healthier communities by absorbing rainwater run off, alleviating heat islands, and bringing neighbors together to learn and share. These spaces are some of our city's greatest assets and should be treated as such.

Sincerely,

Travis Newman

Exhibit J

From: Jenny Tomczak <jentomczak@gmail.com>
Sent: Friday, March 10, 2023 7:59 PM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
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PHDC Representative Saah,
Urban gardens and their continued protection is a requirement for the well being of our city. People thrive in these spaces, not banks. Philadelphia and its diverse population will not survive without the promise and support of green space, a place to grow food and provide a hands-on environment for teaching others how to live from the land in real-time.

This is a defining moment in my life.
Land access without restrictive policies and overreach for groups such as Urban Creators is not negotiable.
As a direct beneficiary of these vibrant spaces, I ask the members of the Land Bank Board to serve the people of Philadelphia as their highest priority.

Anne Fadullon, Alexander Balloon, Majeedah Rashid, Maria Gonzalez, Richard DeMarco, Andrew Goodman, Michael Johns, Michael Koonce, Rebecca Lopez Kriss, Rick Sauer: do we have your support to make Philadelphia better - block by block?

So much depends on it,
Jennifer Tomczak
2230 Carpenter Street

From: gerth guido <gerth.guido@gmail.com>
Sent: Saturday, March 11, 2023 1:27 PM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
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We need as much unfettered land access as possible in the coming years for residents (primarily landless) to grow their own food! Philadelphia as a whole will be happier, healthier, better fed, safer, and more resilient because of it!

Sincerely,

Jeannie Gerth
Community gardener, Land steward, POP Lead Orchard Volunteer

Exhibit J

From: Michi D <rhymeswithpeachy@gmail.com>
Sent: Saturday, March 11, 2023 12:40 PM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
Flag Status: Flagged

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Hi there!

My name is Michi (rhymes with peachy.) I am a beginner farmer with 3 years of experience before moving into Philly in 2022. Since becoming an international Philadelphian, I have been blessed with the opportunities to visit, learn from, and get my hand dirty with farms like the Life Do Grow farm that will be put at risk by the proposed mortgage policy. Food is life. To destroy farms is destroy life.

Farming is one of the jobs in the USA with the highest rates of death by suicide. Land access and land loss are some of the biggest stressors that farmers face, so to threaten the land on which these farms reside is endanger the health of our communities on multiple levels, and will cause great mental, emotional, and physical harm.

Let us support the farmers who feed their communities and ensure their livelihoods and their very lives are protected and safe

Michi

From: AT <allysontrull@gmail.com>
Sent: Saturday, March 11, 2023 9:41 AM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
Flag Status: Flagged

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Hello,

I'm a resident of Philadelphia who lives in zip code 19119. I feel that the 30-year mortgage policy needs to be rejected. We need more land for communities to come together for urban community gardens and community spaces, not less. It sounds like a number of urban farms are at risk of losing their land currently, and who knows how many more will be at risk after that? Once you sell that land to do, they will reap profits and give nothing back to our neighborhoods and communities, as we've seen time and again.

I stand with FPAC and Urban Ag Allies in saying we need to protect our urban gardens and farms as space for pollinators, local sources of food, and spaces for community to come together.

Thanks,
Allyson Trull

6407 Wayne Ave, Philadelphia, PA 19119

Exhibit J

From: Michael Drennan <michael.p.drennan@gmail.com>
Sent: Saturday, March 11, 2023 8:43 AM
To: Andrea Saah
Cc: Kim Jordan
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
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This is a matter of grave concern and should not be allowed. As a plantsman, former Board President of Philly Orchards, and current Board member of the Awbury Arboretum I can't see any benefit in allowing this action to proceed.

Urban agriculture, green initiatives, open space, etc., must be supported and reinforced in every way possible. The evidence of social and scientific benefit is overwhelming.

Sincerely yours,

MD

Michael Drennan

From: Linda Soffer <thespookygarden@gmail.com>
Sent: Saturday, March 11, 2023 4:38 PM
To: Andrea Saah
Cc: Jennifer Greenberg; Mariana Moore
Subject: Comments for Land Bank Board Meeting

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Andrea,

I would like to submit the written comment below to be admitted into testimony at the Land Bank Board Meeting, scheduled for Tuesday, March 14, 2023.

My name is Linda Soffer and I am with Spooky Garden, an NGT protected garden.

My email is thespookygarden@gmail.com and phone # (215) 908-9035

Agenda Item: Public Comment on land disposition terms

 Land Bank 3/14 Comments

Thank you,
Linda

Linda Soffer, Garden & Event Coordinator
Spooky Garden
1116 N 4th St, Phila, PA 19123

Exhibit J

Linda Soffer, Garden Coordinator
Spooky Garden, An NGT property
thespookygarden@gmail.com
215-908-9035

Spooky Garden has been in existence since 1983, when a group of neighbors joined together to clear debris from 4 adjoining parcels of land in the Northern Liberties neighborhood, and planted trees, shrubs, flowers and vegetables. The land has been maintained as a garden since then, and many of the original plants continue to thrive. Upon learning that the land was owned by the City, **a formal preservation effort began in 2005**. After considerable work by neighbors, two of the parcels were preserved by NGT with the support of Council President Darrell Clarke, and the two remaining parcels were joined into one and identified for future preservation. **In 2016, the Philadelphia City Council passed an ordinance that approved NGT's acquisition of the remaining parcel (1118 N 4th St), but the final transfer has been prevented by the 30 year mortgage requirement.**

Spooky Garden is a neighborhood treasure that is enjoyed year round by residents of Northern Liberties and the surrounding neighborhoods. **Our annual, free Halloween event has welcomed over 10,000 visitors since its inception in 2002 and has become a holiday tradition enjoyed by 2 generations of Philadelphia residents. The current membership supports 20 surrounding households and provides these families with fresh culinary herbs, fruits, vegetables and flowers that are grown and harvested in a communal manner. Several times a year we donate fresh vegetables to the local community refrigerator, and we regularly share fresh flower bouquets with the office staff of Bodine High School, one of our near neighbors.** The garden also provides open green space to nearby families, and amenities that include a cookout area with a grill, table & chairs, a community composter to recycle food scraps, a hammock for relaxing in the shade, and a multi-purpose area for gatherings and lawn games. Members have held barbecues, birthday parties, family reunions and weddings under our majestic elm tree.

The fact that half of the garden is unpreserved is a highly problematic situation that presents unsafe conditions, and has prevented the garden from realizing its full potential to serve the community. This parcel of land is badly in need of regrading, and contains trees that are in desperate need of proper maintenance to remove dangerous limbs that are a structural encroachment over an adjacent residence. The rubble from a pre-existing structure that has never been properly removed invites infestation from rats, posing a public health hazard. While neighbors have made every effort to keep this portion as safe and clean as possible, without acquisition by NGT it cannot be properly maintained. This fact has prevented the garden from being able to expand our food growing space and provide educational programs to local residents. We have also had to decline requests for service opportunities from volunteer groups as well as from faculty and students from neighboring Bodine HS due to unsafe conditions.

Both NGT and the surrounding neighbors have every intention **to preserve the land that the garden occupies as safe & permanent open green space**, as it has been maintained for the past 40 years. To imply otherwise is an insult to the Philadelphia residents who have spent countless hours caring for this land, cultivating the trees, shrubs and flowers and growing nutritious food. **The benefits of community connection that the garden provides far surpass any monetary value that can be assigned to the land. For our members and the surrounding community, it is priceless.**

Exhibit J

From: Dr. Stephanie Fields <drstephfields@gmail.com>
Sent: Saturday, March 11, 2023 9:07 AM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
Flag Status: Flagged

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This email is to urge stopping implementation of a Land Bank policy created in 2020, requiring 30-year mortgages on land made available to community groups, which will negatively impact urban gardens.

Community gardens and urban farms are critical neighborhood anchors that increase access to fresh food; foster safer, stronger, healthier communities; and contribute to climate resiliency, reducing dangerous high heat temperatures, flooding, and air pollution.

Communities deserve to protect and steward their gardens without the Land Bank's restrictive policies and overreach. The 30-year mortgage on community garden lots introduces new financial complexity and burden, and provides the Land Bank too much power to take land back from gardens based on an unclear definition (if they are not "free and clear of debris", which is not defined in the policy). The Center for Community Progress, a nationally-recognized leader working with land banks across the country, is not aware of any other municipalities that enforce the use of 30-year self-amortizing mortgages on open space, urban farms or community gardens and do not recommend this as a best practice.

There are better ways to protect community garden land from development, including the use of deed restrictions and reversion clauses.

Thank you for your consideration of this critical matter.

Stephanie Fields
Wyncote, PA

Exhibit J

From: Jethro Heiko <jethroheiko@gmail.com>
Sent: Sunday, March 12, 2023 6:03 PM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access
Attachments: Land Bank Testimony Jethro Heiko.docx

Follow Up Flag: Follow up
Flag Status: Flagged

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Thank you. My testimony for Tuesday's meeting is attached. Are there opportunities to present testimony or ask questions at the meeting? Are there bylaws, procedures that you can share so I'm clear about Land Bank procedures? I appreciate the help.

Jethro
Reparative Reforesting Fellow
reparationWorks

Good morning name is Jethro Heiko and I'm a resident of Philadelphia. I'm also a father of two Philadelphia children, ages 12 and 14. I am currently the Reparative Reforesting Fellow for reparationWorks, a Philadelphia-based organization and consultancy working to support repair and healing of our city through various reparation strategies collaboratively created with a variety of partnering organizations and institutions. In recent years I founded Oak Lane Maple, a Philadelphia based community maple syrup program which through a university partnership attracted a half million dollar USDA grant in 2021 to bring my model to South Jersey and expand the model in our city.

I'm here to offer support for community gardeners, urban farmers and the communities that these food producers and community builders support. 18 years ago, I was the founder of Neighbors Allied for the Best Riverfront, an organization that successfully helped the City of Philadelphia recognize the need for a master plan for the Delaware river front when the city was threatened by the states's imposition of casinos on the Delaware. That work has led to tens of millions of dollars, soon hundreds of millions of dollars in public projects that tie Philadelphians to the river and the critical watershed we are a part of. The importance of community gardens, urban farms, and other urban agricultural activities in the city cannot be understated. But for some reason, like 20 years ago with the Delaware Riverfront, these emerald jewels in our city are not often recognized and all too often destroyed due to shortsightedness and arcane policies and a lack of will.

These places and the communities and leadership that make them possible are critical infrastructure for our neighborhoods that deserve public protection and public resources to not only be saved but significantly expanded. The benefits of these places, communities and activities intersect with every single priority we have in this city. Institutions, for example, in our city that study and research and provide services around mental health, healthcare, and anti violence have shown the critical benefits the community programs connected to urban agricultural spaces and programs provide. These benefits pre-date the pandemic, but it is clear to most that these spaces, organizations and programs are more important than ever.

Further, in cities around the world, including those with far larger populations than our own, protection and expansion of spaces used for agricultural production is a far greater priority than we have made them. making Philadelphia less resilient and less resilient than our peers. Tokyo, Japan, for example, which has a population nearly ten times our own, provides a variety of tax benefits, funding, and other incentives in support of urban farms, and community gardens.

I've had the pleasure of partnering with, and visiting a number of urban farms and community gardens in Philadelphia, including the currently threatened Urban Creators' Life Do Grow Farm, and consider these resources critical assets in our city, as we work for food, racial and environmental justice, while preparing for increased threats that come with climate change, supply chain disruptions and increasing energy and food delivery costs.

Our urban farms and community garden sector needs significant protection and support to expand and grow in order to support the health and growth of Philadelphia. I call on the Board of the Land Bank to do everything in its power, to simplify the systems and processes and policies, in support of existing and future urban farms and community gardens in our city and to guarantee the long term protection of all existing community farms and gardens. If I can be of any support in such efforts I'd appreciate that opportunity as well. Thank you.

Jethro Heiko, 1016 70th Ave.

Exhibit J

From: Nick Olkovsky <nolkovsky@gmail.com>
Sent: Sunday, March 12, 2023 2:12 PM
To: Andrea Saah
Subject: Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up

Flag Status: Flagged

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Hello,

I am writing to express my concern about the Land Bank's plan to institute a restrictive and alarming 30-year mortgage policy on urban agriculture and community garden plots.

The requirement for land bank plots to have 30-year mortgages adds unneeded complexity and risk to the tenancy and caretaking rights of the gardeners, farmers, and community members that create and care for these invaluable gardens and farms. The community gardens and urban farms of Philadelphia are deeply important to me. They offer spaces of healthy food production, skill development, community building, exercise, and a slew of mental health benefits associated with spending time in green spaces. It is critical that these spaces be conserved in terms of legal status and land rights so that the communities and individuals that tend to this land can continue to do so and thus continue to benefit their communities and the city of Philadelphia as a whole.

I am concerned about the Land Bank's plan to institute a policy of mandatory 30-year mortgages that could threaten the prosperity of these gardens and farms. I find the requirement that land parcels be "free and clear of debris" concerning due to its vague language and its incongruence with the practical reality of garden and farm work. I am also concerned about the financial complexity and burden on caretakers that comes with a 30-year-self-amortizing mortgage.

I appreciate the work that the Land Bank does and its role in the continuing growth of Philadelphia's network of urban farms and community gardens. I hope that we can work together to create a better plan moving forward that results in land access longevity for the communities and individuals that make these gardens and farms the important and meaningful spaces they are across our city.

Thank you for your time.

Best,
Nick Olkovsky

Exhibit J

From: Danie Greenwell <danie56@gmail.com>
Sent: Sunday, March 12, 2023 1:56 PM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
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To Whom It May Concern,

While I know a number of organizations will write to you regarding the impact the proposed 30 year mortgage policy will have on their specific organization, I write as a member of the sector who works with multiple small nonprofits in a financial capacity.

Because nonprofits and small community organizations often rely on pro-bono lawyers and financial advisors, these types of policy requirements create a burden on the nonprofit. They may enter into agreements without an understanding on the affects on longer-term or governmental grants. Or, they may be scared to enter into such agreements which effectively curbs their ability to participate.

Adding any type of restriction effectively undermines the work that these neighborhood-based community organizations are doing for our city. We should be focused on empowering small nonprofits and neighborhood based organizations to increase good works. Any roadblocks you put in their way will reduce both the likelihood of survival and the engagement of community members. It also puts more burden on organizations led by people who have historically been disenfranchised, don't have access to capital, or don't have the pro-bono relationships needed to make the paperwork come together. Additionally, these requirements means that more of a donor's money goes to overhead costs rather than direct programming.

Nonprofits already have so many regulations to endure. Even tiny organizations are burdened by paperwork, restrictions, regulations, and lack of funding. Please don't add to this burden.

Danie Greenwell

From: Nicole Michaud <nicole.j.michaud@gmail.com>
Sent: Monday, March 13, 2023 8:11 AM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
Flag Status: Flagged

External Email Notice. This email comes from outside of City government. Do not click on links or open attachments unless you recognize the sender.

Dear Land Bank Board,

Please do not take gardening land away from Philadelphia communities. Working with your hands to garden and grow food in an open space is vital to reducing the negative effects of trauma in our communities. These spaces are critical for healing and for helping all generations of Philadelphians. Please conserve these spaces as a long-term investment in the mental health of the city.

Thank you,
N. Michaud

Exhibit J

From: Marian Dalke <marian.dalke@gmail.com>
Sent: Saturday, March 11, 2023 7:50 PM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Ms. Saah,

I am writing to emphatically ask that the 30-year mortgage policy be removed from the current land bank policy. In 2011 and 2012 I was a part of the broad community coalition that advocated for the land bank. I was, and continue to be, an urban farmer and had moved back to Philadelphia due to its reputation as a center for urban agriculture. I quickly tapped into the momentum that was pushing for a land bank that would improve land tenure for urban farms and increase affordable housing. I assisted in workshops and did community outreach to spread the word, that Philly's 40,000 vacants lots would now be available for productive and creative community projects - from farming to affordable housing.

It has been a great disappointment for me over the past 12 years to see that the land bank has not served this initial goal. Once again, the land bank seems to be a tool to fast-track vacant properties for development - displacing urban farmers and low-income tenants. The current policy to require a 30-year mortgage on urban farm plots will only exacerbate this issue.

As someone who has been an engaged advocate throughout the life cycle of the land bank, I implore you and other decision-makers to make a better choice. 30 years from now, in 2053, what city do you want to leave to your descendents and future Philadelphians? A city that chases greed and profit - devoid of mixed class communities and green oases in the city? Certainly not. The decision you make today could affect the future we live in tomorrow.

Please vote to overrule this policy.

Thank you for your consideration.
Sincerely,
Marian Dalke

From: REBECCA AKER <rebecca_aker@hotmail.com>
Sent: Sunday, March 12, 2023 8:39 PM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
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Please do not impede land access to urban farming a life blood of neighborhoods and community culture!! Urban farming provides food sources and contact with land and community members making stronger social networks!!
Sincerely yours,
Rebecca Aker 349 S 47th Street. 19143

Exhibit J

From: Phil Forsyth <pdforsyth@yahoo.com>
Sent: Saturday, March 11, 2023 10:23 AM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Land Bank board,

I'm writing to add my voice to call for the reversal of current Land Bank policy requiring 30 year mortgages for for community garden lots. This is an absurdly burdensome policy affecting multiple community green spaces that add incredible value to their neighborhoods across the city.

Community gardens and urban farms are critical neighborhood anchors that increase access to fresh food; foster safer, stronger, healthier communities; and contribute to climate resiliency, reducing dangerous high heat temperatures, flooding, and air pollution.

Communities deserve to protect and steward their gardens without the Land Bank's restrictive policies and overreach. The 30-year mortgage on community garden lots introduces new financial complexity and burden, and provides the Land Bank too much power to take land back from gardens based on an unclear definition (if they are not "free and clear of debris", which is not defined in the policy). The Center for Community Progress, a nationally-recognized leader working with land banks across the country, is not aware of any other municipalities that enforce the use of 30-year self-amortizing mortgages on open space, urban farms or community gardens and **do not recommend this as a best practice.**

Please reverse this policy as soon as possible and replace it with something more sensible and less burdensome on community groups caring for green space in our city.

Thanks for your consideration,

Phil Forsyth
4934 Larchwood Ave

Exhibit J

From: Nina Berryman <ninaberryman@gmail.com>
Sent: Monday, March 13, 2023 7:24 AM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
Flag Status: Flagged

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Hi,
I'm writing to express my support for urban Community gardens and urban farms, which are critical neighborhood anchors that increase access to fresh food; foster safer, stronger, healthier communities; and contribute to climate resiliency, reducing dangerous high heat temperatures, flooding, and air pollution.

Communities deserve to protect and steward their gardens without the Land Bank's restrictive policies and overreach. The 30-year mortgage on community garden lots introduces new financial complexity and burden, and provides the Land Bank too much power to take land back from gardens based on an unclear definition (if they are not "free and clear of debris", which is not defined in the policy). The Center for Community Progress, a nationally-recognized leader working with land banks across the country, is not aware of any other municipalities that enforce the use of 30-year self-amortizing mortgages on open space, urban farms or community gardens and **do not recommend this as a best practice.**

Nina Berryman

From: Ltpyatt <ltpyatt@yahoo.com>
Sent: Monday, March 13, 2023 12:28 PM
To: Andrea Saah
Subject: 15th Street Garden Testimony for Land Bank Board Meeting
Attachments: NGT Garden Testimony.pdf

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Andrea,
Below, please find the written comments from the 15th Street Garden for the land Bank Board Meeting on 3/14.
My information is:

LaTonya Pyatt
15th Street Garden
Ltpyatt@yahoo.com
Re: 30 year Self Amortizing Mortgages

Thank You,
LaTonya Pyatt
15th Street Garden

Exhibit J

From: Phyllis Hayes <prh602@aol.com>
Sent: Monday, March 13, 2023 9:08 AM
To: Andrea Saah
Subject: Re: Comments for Land Bank Board Meeting - Tuesday, March 14, 2023

Follow Up Flag: Follow up
Flag Status: Flagged

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Hello Ms. Saah,

Thank you again for responding to the comments I submitted yesterday. Kindly direct my message to the general comments section at the end of Tuesday's meeting. It is my understanding that 5852 Vine Street is a garden with a U.S. Bank lien, meaning it will be subject to Land Bank rules similar to the 30-year mortgage plan once the City of Philadelphia acquires it.

With appreciation,
Phyllis R. Hayes

-----Original Message-----

From: Andrea Saah <Andrea.Saah@phdc.phila.gov>
To: Phyllis Hayes <prh602@aol.com>
Sent: Sun, Mar 12, 2023 5:42 pm
Subject: Re: Comments for Land Bank Board Meeting - Tuesday, March 14, 2023

Dear Ms. Hayes,

There is nothing on the Philadelphia Land Bank Board's meeting agenda on March 14th pertaining to 5852 Vine Street. That property is privately owned.

Kind regards,

Andrea Imredy Saah
Senior Counsel, Philadelphia Land Bank

Sent from my phone

On Mar 12, 2023, at 5:24 PM, Phyllis Hayes <prh602@aol.com> wrote:

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To the members of the Land Bank Board,

I am Phyllis R. Hayes, resident of the 200 block of North 59th Street and long-time member of the United Neighbors Guild of the 200 Block of North 59th Street. My e-mail address is PRH602@aol.com. I submit the following message to address the 30 Year Mortgage plan with reference to the green space at 5852 Vine Street.

Exhibit J

I am a life-long resident of the 200 block of North 59th Street. During my childhood, a small apartment building occupied the space at 5852 Vine Street. For a time, a business on the first floor served as our polling place. After the building was demolished, a green space emerged which was cared for and watched over by our beloved neighbor, the late Charles E. Branch. He was known to a host of elected officials who would send him oversized city- and state-related flags which he used to decorate the perimeter of the plot. He kept the grass mowed and in his later years, solicited the assistance of others to achieve that goal.

I am also reminded of a time when many of my neighbors had hedge bushes in front of their homes. Presently one hedge bush remains, interestingly, in front of the home of Charles Branch. At one time, our block participated in Philadelphia Green activities. As a group we made annual purchases of flowers through that organization and placed them in rectangular flower boxes or large round wooden tubs in front of the homes.

At this time, we are almost completely void of green space or vegetation on our block. The positive physical and psychological effects of these areas in the inner city have been well-documented. The children who live on our block, and the ones who walk through it on their way to and from school, would benefit from the presence of our green space. I am confident that I can speak for the long-time (and not so long-time) residents of the block in my desire to preserve the plot at 5852 Vine Street and to oppose the 30-Year-Mortgage plan with regard to this and other garden lots.

If necessary, I may be reached using the contact information provided.

Sincerely,
Phyllis R. Hayes

From: Lauren Faux <lauren@smallthingsphilly.org>
Sent: Monday, March 13, 2023 10:37 AM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
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Hello,
I'm writing in support of the group of Philly urban gardens and farms that are protesting the 30-year-mortgage on community garden lots. This mortgage would harm an amazing resource to our communities and take away gardeners' control over their land. Not only will this negatively impact community members' quality of life and access to fresh foods, but also policies such as this are rooted in systemic racism and classism that keeps marginalized groups oppressed and disenfranchised. Community gardens are operated on minimal resources and volunteer efforts, and their continued existence in the face of opposition proves that they are an asset that the people in these neighborhoods want and need. We need policies that support and help protect our urban agriculture, not restrictive mortgages that do the opposite. Thank you for your time,
Lauren Faux
Programs Manager
Small Things Philly Inc.

Exhibit J

From: Amanda B. <amanda.bock@gmail.com>
Sent: Monday, March 13, 2023 10:03 AM
To: Andrea Saah
Subject: Written comment for 3.14.23 Land Bank Board meeting
Attachments: Land Bank Board letter from Brewerytown Garden.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Andrea Saah,

Please find attached written comment I have prepared on behalf of Brewerytown Garden concerning the 30-year mortgage requirement impact on community garden dispositions.

My contact information: amanda.bock@gmail.com (email), [REDACTED]

My affiliation is Brewerytown Garden, 2634-44 West Master Street, Philadelphia 19121 (mailing address), brewerytown.garden@gmail.com (email)

Thank you for including my written comment.

Best wishes,
Amanda Bock

**TO: Philadelphia Land Bank Board March 13, 2023 1234 Market Streer, 17th Floor
Philadelphia, PA 19107**

**RE: The impact of the 30-year mortgage requirement on community garden dispositions Dear Ms. Fadullon, Board Chair, and the
Land Bank Board of Directors,**

We are writing to urge the Land Bank to reconsider its relatively recent practice of placing a 30-year self-amortizing mortgage and note on nominal land dispositions for community gardens like ours. For the last decade, Brewerytown Garden has made a positive impact on our community through providing space for neighbors to grow food, establishing Brewerytown's only farmer's market, and organizing weekly no-cost community programming throughout the summer. We are a thriving and vibrant neighborhood hub, but the precarity of some of the land we steward inhibits our ability to fully serve our community.

We have invested significant funds, volunteer labor, and love into Brewerytown Garden. Our half acre garden is home to raised bed plots for over 75 Brewerytown households, a greenhouse, an open area for public events and workshops, honeybees, a compost system, and a meditation garden— along with a wait list of over 90 neighbors eager to garden once space opens up. Each summer, our gardeners manage and staff our farmer's market where neighbors can purchase local produce, including crops grown right here at our garden, at below-market cost. We offer weekly programming for children, families, and seniors that has included artmaking, nutrition and botany classes, yoga for children, senior health and wellness fairs, dance lessons, and movie nights under the stars. During the early days of Covid, we demonstrated our nimbleness to meet the moment, pivoting from our usual activities to partner with the USDA and the Common Market to operate a weekly distribution site for free produce boxes, and swiftly secured grant funds that allowed us to supplement produce with eggs and bread.

We are very proud of the work we do, the bonds we form with our neighbors, and the relationship Brewerytown Garden has built with our community. To have some of the land we steward in limbo in the Land Bank is unfortunately an impediment to our growth and ability to function. For example, two Brewerytown Garden parcels held by the Land Bank have very dilapidated sidewalks that we wish to replace in order to make our block more beautiful and accessible. The sidewalk in question sits at our garden entrance, and we have a plan and the funds to repair it – but are unable to move this project forward while the parcels remain under city ownership.

Community gardens like ours are beneficial to Philadelphians' mental and physical health and the environment, break down healthful food access barriers, and engender community care. We know that gardens and greenspaces are vital components of a thriving neighborhood, and believe strongly in the work that land trusts like Neighborhood Gardens Trust do to secure these spaces for years to come. We urge the Board members of the Land Bank to reconsider agreement terms so that land preservation of gardens and greenspace is not prohibitive.

Sincerely,

The Gardeners at Brewerytown Garden
2634–44 West Master Street | Philadelphia PA | 19121
brewerytown.garden@gmail.com

Exhibit J

From: dfazuma <dona1dazuma@gmail.com>
Sent: Monday, March 13, 2023 12:02 PM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
Flag Status: Flagged

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Sent from [Mail](#) for Windows
Dear Land Bank Board members,

I am writing out of concern for your 2020 policy requiring 30 year mortgages on land made available to community groups like the beautiful "Life Do Grow Farm & Orchard" and "Cesar Iglesias Garden". I am deeply concerned that this will add burdensome requirements for citizen growers and the City itself, and is contrary to standard practices.

I also understand that at least 20 other green spaces/community gardens are at imminent risk of being sold by the Land Bank for destruction and development.

If you are truly committed to "making Philadelphia better – block by block!" (<https://phdcphila.org>), I am disturbed by a possible Board decision that seems to contradict your mission and works directly against the hard work and vision many Philadelphia community members have invested over many years to make their neighborhoods better.

Do not proceed with what may be a hasty and ill-advised decision. At the very least, postpone this action and allow more time for full public consideration and comment from those community groups and neighborhoods that your decision will impact.

VOTE NO on imposing your 2020 policy onto community gardens and green spaces in our communities.

Thank you for the opportunity to comment remotely. The scheduled time and place for your Tuesday meeting is not conducive to public comment.

Sincerely,

Donald Azuma
Philadelphia 19146

From: Alvina Mao <amao1009@gmail.com>
Sent: Monday, March 13, 2023 2:17 PM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
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In regard for the 30 year mortgage on community garden lots, I agree that I do not think this is best practice. Please do not put a heavy burdensome on the community gardens that have been such a blessing to the surrounding communities. I myself am always searching for gardens to take my children too near us and it would be really sad if the gardens would struggle because of such a policy. Please take into consideration the conflicts that'll arise and or help me see how the policy would benefit the gardens.

Exhibit J

From: moore love <mooretolovegarden@gmail.com>
Sent: Monday, March 13, 2023 2:30 PM
To: Andrea Saah
Subject: Moore To Love Garden Testimony- 30yr Mortgage

Follow Up Flag: Follow up
Flag Status: Flagged

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To Whom It May Concern,

My name is Jettié Fields. I am a member of the Moore to Love Community Garden.

My contact information is mooretolovegarden@gmail.com 267-968-2035

The agenda items that I would like to address are as follows:

1. 30yr Mortgage Harm the Preservation of a Community Garden

Question: How would this impact community gardens or green spaces that are operated by an individual or group that is not identified as a Nonprofit? Would the individual be responsible for securing the 30yr Mortgage?

The 30yr Mortgage is harmful to land preservation because it puts under/nonfunded nonprofits or individuals in a higher position of losing the property, thus, jeopardizing their financial health if the City tried to prusue default.

2. Ambiguous terms:

An issue presented by the ambiguous terms allow for the City to aquire the property at will based on unclear and minor infractions. Furthermore, if the requirement to obtain the land is through a 30yr Mortgage and/or any form of purchase, their should not be any stipulations on what the person or organization is able to do with the property. These ambiguous terms does not create for real or true ownership of the land.

3. Henders the acquisition of threatened gardens:

For gardens and green spaces such as the Moore to Love Garden, we do not generate funds through the sell of goods. Our funding source would come from any grants awarded. Due to this clause, it would prohibit our garden from being able to aquire the land with the use of grant funding. By imposing 30yr mortgages The Department would not accept mortgaged properties as a match for grant funded acquisition, leaving gardens such as ours with no capital at risk.

In conclusion, many of the policies being presented by PHDC delibate gardens and green spaces by not allowing them to have any real or true ownership. Moreover, it restricts what can be done with the property years from now even after purchase.

Thank you for your time and consideration.

Exhibit J

From: sonia galiber <sonialgaliber@gmail.com>
Sent: Monday, March 13, 2023 2:08 PM
To: Andrea Saah
Cc: Zakia Elliott; Trina Baxter; Soil Generation
Subject: Land Bank Board Meeting Written Testimony Submission: 30 Year Mortgage Policy Negativey Impacts Urban Agriculuture Community
Attachments: Board Submission_ Land Bank Board 30 year mortgage statement (1).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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Hello,

We at Soil Generation are submitting a written testimony for the Land Bank Board in preparation for the upcoming meeting tomorrow on March 14th.

Please see the attached PDF file.

Thank you,

Sonia Galiber, Zakia Elliott, Kirtrina Baxter

Exhibit J



March 13, 2023

Land Bank Board Meeting Written Testimony Submission:

30+ Year Mortgage Policy Negatively Impacts Urban Agriculture Community

Over the past nine years, Soil Generation has advocated for a shift in policy, resources, and public narrative around urban agriculture, from being a hobby to being recognized as a legitimate form of food, land, and environmental justice, as well as a form of cultural preservation and resilience.

After years of asking the Land Bank for transparency in its processes for access to land for growing food, this year, land stewards were slapped with a very restrictive Land Bank policy of only receiving a 30+ year mortgage for land acquired through the Land Bank.

The 30+ year mortgage is not a feasible, viable, accessible, or a true pathway for community land ownership for growers of color in Philadelphia. It's also UNLAWFUL.¹

Over the years, along with racist and gendered micro *and* macro aggressions that our communities have had to endure, while at the same time advocating for reform, we have witnessed our policy demands implemented with the most critical aspects removed such as the use of community-centered stipulations and guidelines. These ensure frontline communities are not harmed with the promotion of risky and unproven false solutions such as the 30+ year mortgage.²

Our communities know all too well that not all "solutions" are inherently equitable, just, or facilitate a world in which all can thrive. We've seen institutions learn the ways that people have understood their disenfranchisement and oppression through our advocacy and calls for reform. Institutions seemingly then "address" them, by creating more complex loopholes and strategies that do not serve the people. Ultimately, there is no real change in impact.

An important example is the creation of the Land Bank. Our communities advocated for the Land Bank to serve the purpose of creating a transparent and equitable process for land stewards to acquire land, which is written into law within the Land Bank Bill 130156-A. However, the Land Bank has taken the position to create restrictions and barriers for our communities built around our feedback. The Land Bank's decision to push the 30+ year mortgage onto our communities in lieu of a real solution is just another extension of this oppressive strategy.

Exhibit J

The 30+ year mortgage is harmful and a **false solution** for the following reasons:

1. It's *paternalistic* to our communities
 - a. If stewards do not maintain the land to Land Bank standards, they may have it *repossessed*
 - b. No permanent structures are allowed on property
2. It *compounds financial barriers*
 - a. Impacts credit and ability to qualify for grants & loans
3. It *prevents* the building of community and generational *wealth*
 - a. Income generated from sale of crops grown on property is not to exceed a permitted amount of \$1000
 - b. No commercial use of land is permitted

This year our advocacy culminated, with the release of Philadelphia's first ever urban agriculture strategic plan, *Growing From the Root*, co-authored with Interface Studios and the Department of Parks and Recreation.

HOWEVER, despite the heavy lifting by of our members through the years; the mobilized efforts of our beloved community and comrades, those most impacted by food and land insecurity; and most of all, despite what appears to be shifts in narrative and political attention, Black and Brown gardens continue to be vulnerable and lost to systematic development and poor land disposition policies and practices.

After decades of erasure, disinvestment, and exclusion, extensive research and data was produced through the Urban Agriculture plan process to legitimize the truths of our communities institutionally AND to propose policy solutions. The Land Bank, along with 17 other city departments and agencies were very much involved in the urban ag plan process and exposed to this data.³

THE DATA⁴

- 1 in 3 active gardens or farms are in areas with the highest intensity of new construction
- 70% of active gardens and farms are located in high poverty areas where more than 20% of the population lives below the poverty level
- 67% are in high-poverty areas where the population of POC is greater than 50%
- 54% of respondents know a garden that is currently being threatened, and 46% know of a garden that was lost/stolen. The majority of reported lost gardens were lost to development
- 27% of respondents have personally experienced race and ethnicity impacting their ability to obtain access to land and land security

It becomes especially appalling when considering hundreds of community members spent time and energy in the creation of an Urban Agriculture Plan while simultaneously, dozens of those

Exhibit J

same growers received ongoing news about their gardens being lost or threatened by sheriff sale.

While we celebrate initiatives like Councilmember Kendra Brooks' [Restore Community Land campaign](#) and the first ever [Urban Agriculture Plan](#), the ongoing urgent reality of Black and Brown land loss has only accelerated. These initiatives, while they are in support of growers eventually having land access, are still not enough to stem the tide of real estate pressure in our city. It is outrageous that despite these and other initiatives, there is still simply not enough political will to disrupt the status quo within the vast system of institutions in place to save our gardens. We are contextualizing our stance against the 30+ year mortgage and ongoing land insecurity of gardens to illustrate the inherent contradiction in city government commitments and its impacts. The time for ignorance has long passed!

Our ecology is changing rapidly. As the people most impacted by environmental and economic injustices, Black and Brown people have already been doing the work of learning to live with the land in ways that policy does not reflect, nor does the status quo address. Policy alone will never be the litmus test for what is just. Policy reflects those who write it, enforce it and implement it. It's only meant to be accessible to these groups. Therefore, existing policies within the given system fail to ultimately carry us into a way of life that is as abundant as Nature herself.

In principled struggle,

Soil Generation

Kirtrina Baxter
Sonia Galiber
Zakia Elliott

[See our Threatened Gardens Campaign demands from 2018](#)

REFERENCES

1- [Land Bank Bill 130156-A](#)

WHEREAS, A municipal land bank would ensure clear, transparent, and efficient operations by serving as a single entity to acquire, hold, and dispose of vacant property with the participation and approval of City Council; and

WHEREAS, The consolidation of ownership of all publicly-owned surplus property in a municipal land bank is expected to increase efficiency, and allow a greater proportion of public funds to be invested directly into community revitalization; and

Exhibit J

WHEREAS, Extensive grassroots community planning over the last decade by local Community Development Corporations and advocacy groups, with the support of the private sector, has found that creation of a municipal land bank is necessary for the strategic redevelopment of Philadelphia; and

WHEREAS, A municipal land bank should prioritize long-term community and economic development, promote the economic vitality of communities and Philadelphia as a whole, and should adopt disposition policies that encourage a range of beneficial uses by permitting nominal or reduced price disposition of property for development of: affordable or mixed-income housing that is accessible or visitable; economic development that create jobs for community residents; community facilities that provide needed services and enrichment opportunities; side- and rear-yards; urban agriculture; and community open space; and

WHEREAS, A municipal land bank should ensure that communities affected by vacant land have substantial and meaningful involvement in its decisions relating to those communities, with this goal strongly informing the land bank's governance, structure, and operations; and...

2- [Climate Justice Alliance's definition of False Solutions](#)

3- List of agencies who not only read but engaged in the information gathering and editing of the [Urban Ag Strategic Plan](#).

- Philadelphia Parks & Recreation
- Philadelphia Housing Authority
- Rebuild Philadelphia
- Department of Public Health
- Office of Sustainability
- Department of Streets
- Philadelphia Water Department
- Revenue, Law & Sheriff Department
- Philadelphia School District
- Philadelphia Parks & Recreation
- **Philadelphia Land Bank**
- Planning & Development
- Department of Public Health
- Office of Sustainability
- Department of Streets
- Philadelphia Water Department
- Revenue Department
- Philadelphia School District

4-Data on Land Security from *Growing From the Root* (the [Urban Ag Strategic Plan](#)):

- 1 in 3 active gardens or farms are in areas with the highest intensity of new construction

Exhibit J

- 70% of active gardens and farms are located in high poverty areas where more than 20% of the population lives below the poverty level
 - 67% are in high-poverty areas where the population of POC is greater than 50%
 - 50% of block groups have a very low proportion of food stores that sell fresh produce (fewer than 1 in 10)
 - +140 known gardens and farms in Philadelphia have been lost since 2008
 - Our public engagement process produced the following feedback from growers: Land insecurity is the number one issue for growers and the top priority for how investments should support community-led efforts. If people don't have land security, then long-term investment in infrastructure cannot happen. More than half of participants in this plan's second public meeting (58%) said the most important action the City should take to invest in community-led agricultural efforts is to help gardeners and farmers achieve land security. 50% said the most important policy commitment the City can make is to a transparent process for selling and leasing land for agriculture.
 - Fewer than half (44%) of gardens in the Philadelphia Garden Data Collaborative database are secure, meaning that the whole garden is owned by the gardeners, farmers, or a supportive organization (e.g., Parks & Recreation, schools, or land trusts)
 - 54% of respondents know a garden that is currently being threatened, and 46% know of a garden that was lost/stolen. The majority of reported lost gardens were lost to development.
 - 27% of respondents have personally experienced race and ethnicity impacting their ability to obtain access to land and land security.
 - 40,000 plus vacant properties citywide are publicly owned (% of vacant land in the city)
 - The Philadelphia Garden Data Collaborative (PGDC) database identifies more than 400 active gardens and farms across more than 900 parcels, or pieces of land in Philadelphia
-

Exhibit J

From: Boris Kerzner <bkerzner@gmail.com>
Sent: Monday, March 13, 2023 3:45 PM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
Flag Status: Flagged

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To whom it may concern:

I wanted to write in and ask that you please stop the 30-year mortgage on Philadelphia community gardens. It will increase the risk of community gardens losing the land they've put so much heart, soul, and physical labor into. It also makes these food oases in what are sometimes food deserts more tenuous. I really think that growing food where you live should be a right, and although I understand legalities, framework, process, etc. I ask that you do all in your power to protect these fragile and deeply important gardens.

Thank you,
Boris Kerzner (zip code: 19027)

From: Cathy Mercaldi <mercaldic@verizon.net>
Sent: Monday, March 13, 2023 6:10 PM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
Flag Status: Flagged

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Hello,

I am writing to oppose mortgaging open land in Philadelphia to the Land Bank. The creation and maintenance of a community garden/green space is an investment in Philadelphia and the health and well being of its inhabitants. Too often, neighborhoods have been disrupted and valued community green spaces destroyed by developers who do not have any intention beyond making money. Green spaces and community gardens enhance neighborhoods and create sustainable community multi generational relationships which combat crime and increase property values. Please do not allow the disruption of these valuable spaces by granting the Land Bank's request.

thank you.

Cathy Mercaldi

Exhibit J

From: Celange Beck <celange.beck@momsorganicmarket.com>
Sent: Monday, March 13, 2023 2:59 PM
To: Andrea Saah
Cc: Sean Lynch
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
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Hi Andrea!

I'm Celange Beck, the Environmental Partnerships Coordinator for MOM's Organic Market. We are partnered with POP which reached out to us requesting that we send in testimony to oppose Land Bank from selling land to developers. Just in the nick of time I'm submitting written testimony. If you are unable to open the link below please let me know. I had very little time to learn about this issue, so if there's anything I need to update in the testimony, please let me know!

<https://docs.google.com/document/d/1BG5qNcsApJtKeT4eSmPAWnxpfub0rqR/edit?usp=sharing&oid=108371308089885628671&rtfpof=true&sd=true>

Kind regards,
Celange



Position: Opposed to selling urban ag land
Submitted to: Land Bank Board
Submitted by: MOM's Organic Market
March 13, 2023

Dear Land Bank Board,

MOM's Organic Market is proud to say that three of our twenty-three stores are located in the Philadelphia area, serving thousands of Philadelphia residents daily. MOM's Purpose is *to protect and restore the environment* and we believe that urban green spaces, gardens and farms are an important strategy to support this mission. Our customers demonstrate their concern for the environment by choosing local and organic produce. Additionally, our Philadelphia based employees demonstrate their concern for the environment by volunteering with the Philadelphia Orchard Project (POP) to plant or prune fruit trees.

Urban farms are an essential part of building the integrity, strength, and sustainability of communities- and these are the communities that help MOM's achieve our mission to protect the environment. **We support Philadelphia's Food Policy Advisory Council and other urban ag allies in saving their land from development.**

Sincerely,
Celange Beck

Environmental Partnerships Coordinator
MOM's Organic Market

Exhibit J

From: Kim Jordan <kim@phillyorchards.org>
Sent: Monday, March 13, 2023 2:29 PM
To: Andrea Saah
Cc: Angel B Rodriguez; Jessie Lawrence; Anne Fadullon
Subject: Re: Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access
Attachments: 3.14.23 POP Land Bank Statement.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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Thank you. We do have an additional letter on our letterhead that we'd like submitted to the record.

Thanks kindly,
Kim

--
Kim Jordan, Co-Executive Director
Philadelphia Orchard Project
www.phillyorchards.org



**PHILADELPHIA
ORCHARD PROJECT**

TO: Philadelphia Land Bank Board
1234 Market St., 17th Floor
Philadelphia, PA 19107

March 13, 2023

RE: The impact of the 30-year mortgage requirement on community garden dispositions

Dear Ms. Fadullon, Board Chair, and the Land Bank Board of Directors,

We join the growing network of community gardens, nonprofits, and other allied organizations across Philadelphia who speak up in support of those aiming to secure community-owned gardens and green spaces through the Land Bank. Since 2007, the Philadelphia Orchard Project (POP) has inspired community-driven approaches to solutions in food justice and sustainability. Our dedicated volunteers and partners plant and support community orchards across Philadelphia to develop a more sustainable, equitable, and ethical local food system. POP has planted 50 community orchards - 30 of which are on city-owned land - and currently works with 66 partners throughout the city, concentrated in the neighborhoods of Mantua, Belmont, Fairhill, Poplar, Wharton, Kingsessing, and Strawberry Mansion. Among our partners and collaborators are signatories to the letter whose land is threatened, or who have already lost access to the green spaces lovingly tended to by community members, including Urban Tree Connection, Norris Square Neighborhood Project, Urban Creators, and the One Art Community Center.

Exhibit J

Together, we aim to protect and support community gardens and urban farms as critical neighborhood anchors that increase access to fresh food; foster safer, stronger, healthier communities; and contribute to climate resiliency, reducing dangerous high heat temperatures, flooding, and air pollution. We are writing to urge the Land Bank to reconsider its relatively recent practice of placing a 30-year self-amortizing mortgage and note on nominal land dispositions for community gardens and open spaces. This new practice jeopardizes the ability of nonprofit organizations to preserve community gardens and open spaces, and has a significant adverse impact on the financial health of the nonprofit organizations best suited to acquire and preserve these properties. It further contributes to inequitable development and negatively impacts access to fresh food and green spaces in this city.

As Neighborhood Gardens Trust, the Public Interest Law Center, and others have noted, deed restrictions have long been used successfully to ensure that community gardens preserved through nominal dispositions remain as open space and cannot be developed. These, together with a reversion clause, should be the preferred methods for nominal open space, community garden, and farm dispositions.

The use of a 30-year mortgage places a financial burden on nonprofits through potentially making them ineligible to apply for some grants or funding opportunities, including those which would facilitate the securing of the land on which community gardens operate. It also places an additional administrative burden on the City. Finally, the default terms are ambiguous and leave communities vulnerable to repossession via foreclosure.

PHDC's website includes the statement that "The City of Philadelphia and PHDC have a strong commitment to community gardening and urban agriculture. Gardening is an important part in helping to transform and sustain communities." We agree, and hope that PHDC and the Land Bank will show their commitment by changing policies for those trying to sustain community gardens, orchards, and farms. These changes would remove unnecessarily burdensome policies and positively contribute to the city's recently released Tree Plan and are in alignment with Urban Agriculture plan goals. We urge you to adopt workable alternatives that address both the City's and the organizations' concerns.

Sincerely,

Kim Jordan, Co-Executive Director, Philadelphia Orchard Project
kim@phillyorchards.org

Exhibit J

From: Katherine Forsyth <ksforsyth@gmail.com>
Sent: Monday, March 13, 2023 8:25 PM
To: Andrea Saah
Subject: Land Bank Board Meeting Written Testimony Submission: 30-Year mortgage policy negatively impacts urban ag plots and impedes land access

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Land Bank Board members,

I am writing out of concern for your 2020 policy requiring 30 year mortgages on land made available to community groups like the beautiful “Life Do Grow Farm & Orchard” and “Cesar Iglesias Garden”. I am deeply concerned that this will add burdensome requirements for citizen growers and the City itself, and is contrary to standard practices.

I also understand that at least 20 other green spaces/community gardens are at imminent risk of being sold by the Land Bank for destruction and development.

If you are truly committed to “making Philadelphia better –block by block!” (<https://phdcphila.org>),

I am disturbed by a possible Board decision that seems to contradict your mission and works directly against the hard work and vision many Philadelphia community members have invested over many years to make their neighborhoods better. The Land Bank should be working to insure the preservation and proliferation of these invaluable community/City resources.

I have lived in Philadelphia for 10 years and participated in one community garden or another for 8 of those years. I can’t emphasize enough how impactful neighborhood gardens are for building community, providing access to green spaces, and directly benefiting Philadelphians lives in countless ways. Indeed, when I talk to friends in other cities they are excited and jealous about the garden opportunities in Philly. It’s hard for me to comprehend why this meeting was not broadcast more widely or at a time more accessible to most Philadelphians, and I apologize for not seeing it in time for the your self imposed 3pm deadline. I hope my comments are helpful and please reach out if I can provide any clarifications or expansions on my comments.

Please VOTE NO on imposing your 2020 policy onto community gardens and green spaces in our communities.

Sincerely,
Katherine S Forsyth, PhD
Postdoctoral Fellow
Department of Biomedical Sciences
University of Pennsylvania School of Veterinary Medicine

Exhibit J

From: Josh Warner <josh@phillyurbancreators.org>
Sent: Monday, March 13, 2023 3:02 PM
To: Andrea Saah
Subject: PHDC testimony
Attachments: Urban_Creators_PHDC_written Comments.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Ms. Saah,

Attached, please find Urban Creators written comments.

Thank you,
Josh



Urban Creators
Life Do Grow Farm
2316 N 11th St Philadelphia, PA 19133
josh@phillyurbancreators.org

Dear Chair Fadullon and Land Bank (PLB) Board of Directors,

My name is Joshua Warner; I am Co-Director of Urban Creators, the organization that has stewarded and revived 2316-50 N. 11th Street (DBA: Life Do Grow Farm) for the past 14 years. I am submitting four (4) requests for the Board to take action on – all related to the recent imposition of a 30-year mortgage on garden / open space nominal land transfers. Should Life Do Grow gain deed and title to our Farm under the PHDC mortgage provision, we would immediately be harmed in the form of a massive liability on our balance sheet – a “debt” for a property which we have loved, improved, and farmed for our community’s benefit for over a decade. It is our years of sweat equity, along with the financial and programmatic support of local and national foundations, that have turned an abandoned dump into a thriving community anchor. The work that we have put in – which has raised the land’s value – should not be capitalized and charged back to us in the form of a long-term mortgage that will drastically alter our ability to carry out our mission: to support and empower our North Philly community and neighbors.

Exhibit J

- 1) We request that the Board un-do this damaging practice of applying a 30-year, self-amortizing mortgage to all Garden / Open Space nominal dispositions conducted by PLB, PRA, and PHDC. Having the gardens take on debt to the public sector – after having done the work to improve community spaces – is a form of indentured servitude. It cannot stand.
- 2) We request that you set a meeting, no later than April 7th, 2023 to hold an in-person gathering of all gardens and open spaces with pending applications for nominal land disposition. The meeting will be for fact finding purposes; gardens will share the facts of probable damages from the 30-year mortgage to their being, while PHDC / PLB share the facts around why a 30-year mortgage vs. the previous practice of open space deed restriction and a reversionary clause.
- 3) Create a dedicated Liaison staff position in PHDC, along with a Standing Sub-Committee of the PLB Board that handles garden and open space dispositions, applications, communication and questions, in order to facilitate and expedite this process.
- 4) Return to in-person meetings for all PHDC and PLB Board meetings.

Sincerely,

Joshua Warner,

Director of Development & Capacity

Exhibit J

From: Jennifer Greenberg <jgreenberg@Pennhort.org>
Sent: Monday, March 13, 2023 2:38 PM
To: Andrea Saah
Subject: NGT public comment
Attachments: NGT Public Comment to Land Bank031423.docx

Follow Up Flag: Follow up
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Andrea,

I'm attaching public comment from Neighborhood Garden Trust to the Land Bank board for inclusion in tomorrow's meeting. These are general comments pertaining to the 30-year mortgage and note that are being placed on nominal fee garden dispositions.

My contact information is below.

Many thanks!
Jenny

Jenny Greenberg (she/her)
Executive Director
Neighborhood Gardens Trust



Public Comment to the Land Bank Board of Directors Submitted by the Neighborhood Gardens Trust March 14, 2023

Thank you for the opportunity to share public comments. I'm Jenny Greenberg, Executive Director of the Neighborhood Gardens Trust. NGT is Philadelphia's land trust for the protection of community gardens and shared open spaces. Since 1986, we've preserved 51 gardens, many in partnership with the city.

Since I joined NGT in 2014, we've worked to accelerate this work to meet the urgent need to protect gardens with insecure land tenure from being lost to development. These gardens are a crucial element of the city's infrastructure and mitigate many of our most pressing concerns including gun violence, food insecurity, and the environmental threats of urban heat, air pollution, and flooding. Well-maintained green spaces are empirically proven to enhance the mental and physical health of residents.

From 2015-2019, NGT acquired 44 parcels at 15 gardens through nominal fee dispositions. The city deed restricted them for open space and recorded a restrictive covenant that requires the land revert back if the garden becomes inactive. Those restrictions make sense to us.

We even figured out how to leverage these dispositions to bring more state resources to our city. We were able to prevent a house from being built in the middle of a Kensington garden by using the value of a Land Bank nominal fee disposition as the match for a state acquisition grant used to purchase a garden parcel that had been acquired by a developer.

Exhibit J

That project would no longer be possible today. In 2020, the Land Bank began to require a 30-year mortgage and note on nominal fee garden dispositions. While not required by the disposition policy, the Land Bank has been unwilling to reconsider this problematic mortgage and to address the specific concerns about the terms laid out in the open letter you received.

Since then, NGT's preservation work on city land has been at a standstill. We have ten pending garden acquisition applications with the city for which we are very eager to go to settlement, and even more city-held gardens that have applied for help, but we can't move forward because we can't agree to the terms of the mortgage.

After PHDC staff refused to engage in a substantive conversation this fall, out of nowhere on February 17, NGT was presented with an ultimatum— We either accept the mortgage terms or forgo acquiring the first three pending garden applications. We're being told to take it or leave on the preservation of three large food-producing gardens which will add more than \$5 million in liabilities to our books. We have until March 31 to decide.

In addition to onerous financial and accounting implications, from the perspective of a land trust, a green space with a mortgage that allows the city to foreclose is not truly protected. How do I tell community gardeners who've cared for a garden for 40 years, and anxiously await word it is finally protected, that if a city inspector decides it isn't clean and free of debris, they can take it back. Gardens receive large soil deliveries, spread salt hay, grow tall stalky pollinator plants, and lay dormant in the winter. Clean and free of debris is not an acceptable threshold.

The premise of the mortgage discounts decades of hard work invested by thousands of residents across the city to maintain open spaces when the city failed to do so. It overlooks the millions of dollars invested by community, government, and philanthropy in these gardens and it conveys distrust and disrespect, which is unwarranted.

We desperately need the Land Bank to work with us to figure out how to achieve its goals without harming the groups doing critical work to make our city safer, healthier, and more just.

Exhibit J

From: Mimi McKenzie <mmckenzie@pubintlaw.org>
Sent: Monday, March 13, 2023 2:47 PM
To: Andrea Saah
Subject: Public Comments for Philadelphia Land Bank March 14, 2023 Board Meeting attached
Attachments: 23.03.13 Land Bank Board Letter final 243 PM.pdf

Importance: High

Follow Up Flag: Follow up

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Good afternoon Andrea,

Pursuant to your March 3, 2023 memorandum (Re: Philadelphia Land Bank March 14, 2023 Board Meeting Remote Board Meeting Notice, Public Attendance, and Comment Procedures), I am submitting the attached public comments for Agenda Item Number VI Public Comment (Old & New Business) prior to tomorrow's Land Bank Board meeting. Given the complexity of the 30-year mortgage issue and the 30 community gardens, nonprofits, and allies have signed on to the attached, we would appreciate it if you would consider sharing the letter with the Land Bank Board members prior to tomorrow's meeting rather than trying to summarize it at the meeting and attaching it to the minutes.

Thank you for the opportunity to submit these comments. We look forward to tomorrow's Board meeting.

Best,
Mimi McKenzie
Mimi McKenzie
Legal Director
(she/her)



Contact: Mimi McKenzie
Legal Director
Public Interest Law Center
mmckenzie@pubintlaw.org
267-546-1319

March 13, 2023

To: Philadelphia Land Bank Board
1234 Market St., 17th Floor
Philadelphia, PA 19107

Re: The impact of the 30-year mortgage requirement on community garden dispositions

Dear Chair Fadullon and Land Bank Board of Directors:

We are community gardens, nonprofits, and other allied organizations across Philadelphia who seek to secure our community-owned gardens and green spaces through the Land Bank. We aim to protect and support community gardens and urban farms as critical neighborhood anchors that increase access to fresh food; foster safer, stronger, healthier communities; and contribute to climate resiliency, reducing dangerous high heat temperatures, flooding, and air pollution. We are writing to urge the Land Bank to reconsider its relatively recent practice of placing a 30-year self-amortizing mortgage and note on nominal land dispositions for community gardens and open spaces.

Exhibit J

The Philadelphia Land Bank's Disposition Policy, overseen by Philadelphia Housing Development Corporation (PHDC) staff, requires only that one of four restrictions be applied to nominal land dispositions for uses such as community gardens and open space. Prior to 2020, PHDC required an open space deed restriction and a reversionary clause to successfully ensure that properties acquired through nominal land dispositions for open space and community gardens could not be developed or sold for other uses. Since 2020, PHDC has been requiring a 30-year self-amortizing mortgage and note.

Self-amortizing mortgages are often used as a tool for affordable housing and homeownership, but they are not an appropriate tool for preserving land for open space and agriculture. Not only is a 30-year self-amortizing mortgage and note not required under the Land Bank nominal land Disposition Policy, but the use of a 30-year mortgage and note jeopardizes the ability of nonprofit organizations to preserve community gardens and open spaces. Indeed, the 30-year mortgage has a significant adverse impact on the financial health of the nonprofit organizations best suited to acquire and preserve these properties.

A Deed Restriction and Reversion Clause Ensure that Community Gardens and Open Spaces Are Not Later Redeveloped

Philadelphia has a long history of nonprofit organizations successfully preserving community gardens through nominal dispositions from the City with deed restrictions that ensure that the land can only be used as open space or a community garden and cannot be developed. We are not aware of any community garden disposition conveyed under these conditions that was ever "flipped" or sold for development purposes.

Where a reversion clause is also added to the deed, the land reverts to the City if it can no longer be maintained as a community garden or open space. These conditions can be featured prominently and clearly in the deed to ensure that they are immediately flagged in a title search. We propose that the City return to using these two control measures for nominal open space, community garden and farm dispositions.

The 30 Year Mortgage Harms the Preservation of Community Gardens and Open Spaces

- **IMPACT TO VALUE:** The mortgage and note amount used by PHDC is based on the market valuation of the property as a developable site. However, the presence of the open space deed restriction reduces the property's value significantly. This puts nonprofits in a difficult financial position of having their mortgage liabilities exceed the value of their underlying land collateral. Further, contrary to the recommendation of the Land Bank's auditor, the valuation is not determined by an independent appraiser. Other major cities use an independent appraiser to ensure an objective and unbiased valuation.
- **JEOPARDIZES NONPROFIT'S FINANCIAL HEALTH:** With the use restricted as open space, the value of the asset is significantly less than the liability/mortgage. This jeopardizes an organization's financial health, showing up in audits or financial statements and making an organization ineligible for grants and funding opportunities. For example, two of the Neighborhood Gardens Trust's (NGT) 10 pending dispositions have received valuations totaling \$3.3 million. Urban Creators' farm has been valued at \$1.4 million.
 - Certain garden dispositions have been subject to a Recourse Mortgage, meaning in the case of default, the City could initiate a foreclosure or take other legal action to collect the entire mortgage amount and any portion of the judgment that is not covered by the sale of the property.

Exhibit J

- The Recourse Mortgage provided to Urban Creators would place an undue financial burden. If, for example, 15 years into the loan term the Garden was found in default of the mortgage, and the value of the property had decreased or was sold at Sheriff sale for less than the mortgage value, then Urban Creators would not only lose their land, but the City could get a deficiency judgment to go after their assets to recoup the difference.
- **AMBIGUOUS TERMS JEOPARDIZE LAND PROTECTION AND COMMUNITY INVESTMENT:** The terms for default in the mortgage are not clearly defined, leaving the property vulnerable for repossession via foreclosure and depriving organizations of their interest and rights in the property. For example, a garden could be in default of the mortgage and foreclosed upon if it is not “clean and free of debris.” That ambiguity puts significant community investments at risk. Using the same two examples:
 - Urban Creators has invested \$2.2 million into the creation of Life Do Grow Farm and management of its community programs since 2011.
 - NGT’s Summer Winter Garden has a 40-year history as a community garden, with hundreds of residents spending thousands of hours transforming a rubble and debris filled lot into a beautiful flourishing garden, with over \$700,000 invested by the community, Pennsylvania Horticultural Society, and Drexel University. Today, the Garden sits in the middle of Drexel’s campus and would be subject to a \$2.8 million mortgage and could be subject to default and foreclosure if not kept “clean and free of debris.”
- **HINDERS ACQUISITION OF THE MOST THREATENED GARDENS:** The 30-year mortgage makes it more expensive and difficult to secure state land acquisition grants and prevents nonprofits from leveraging the value of nominal fee land dispositions to raise needed resources from the Commonwealth. For example, in 2019 NGT was able to secure a \$92,000 state grant from the Department of Conservation and Natural Resources to acquire land from a developer at a community garden in Kensington by matching the grant with a nominal fee disposition by the City. Today, with the new requirements and the artificially inflated value of the property, this would be impossible. The Department would not accept the mortgaged property as a match.
- **NOT A RECOGNIZED BEST PRACTICE:** The Center for Community Progress, a nationally recognized leader working with land banks across the country, is not aware of any other municipalities that enforce the use of 30-year self-amortizing mortgages on open space, urban farms or community gardens and do not recommend this as a best practice.
 - The few land banks that use mortgages on open space and community garden dispositions have significantly shorter terms (5 or 10 years) and much lower valuations (\$5,000 to \$20,000).
- **BURDENSOME PAPERWORK:** the mortgage creates administrative burdens on the City which must provide an annual statement on the outstanding mortgage amount for each property to each property owner for 30 years.

In sum, the PHDC has several options to ensure that land conveyed pursuant to the nominal disposition policy remains a community garden or open space and does not unnecessarily burden nonprofit organizations who are trying to preserve these important neighborhood spaces. We urge you to adopt one of these workable alternatives that address both the City’s and the organizations’ concerns. We also welcome the opportunity to meet with you and others at the Land Bank for further discussion. It is a high priority to work together to resolve these issues to ensure we all can deliver on our missions. We look forward to hearing from you.

Exhibit J

Sincerely,

Public Interest Law Center
Neighborhood Gardens Trust
Urban Creators
Iglesias Gardens
Urban Tree Connection
The People's Kitchen Philadelphia
Moore to Love Garden
Original American Foundation
Holly Street Neighbors Community Garden
One Art Community Center
Arcadia Commons
Neighbors of 5852 Vine St
Hunting Park Community Garden &
Orchard
Philadelphia Orchard Project
Norris Square Neighborhood Project
Brewerytown Garden
Hawthorne Garden
Pemberton Sitting Garden
Farm on Florence
15th Street Garden

Pennsylvania Horticultural Society
Spooky Garden
The Wiota Street Garden
Summer Winter Garden
East Park Revitalization Alliance
The Village of Arts and Humanities
Food Policy Advisory Council (FPAC)
Soil Generation
Merck Family Fund (allied in support)
Claneil Foundation (allied in support)