

City Council Committee on Rules Hearing
December 4, 2012
Testimony of the Public Interest Law Center of Philadelphia
Bills No. 120916 and No. 120917

I want to start by thanking Chairman Greenlee and the members of the Committee on Rules for the opportunity to testify today. I am testifying on behalf of the Public Interest Law Center of Philadelphia, where I am a staff attorney and Skadden Fellow.

For over forty years, the Law Center has been dedicated to ensuring that vulnerable populations have the vital resources all of us need to live productive, fulfilling lives: including a home and a safe and healthy neighborhood. I am here today because we at the Law Center, our clients, and the communities with which we work are concerned about the impact of the proposed zoning amendments.

We are concerned about proposed restrictions on group homes in CMX-2. A few years ago, I made a documentary on the closure of Pennhurst State School and Hospital, a facility that, for eighty years, housed children and adults with developmental and intellectual disabilities. All who lived through the Pennhurst years – former residents and their allies – still speak passionately about the transformative impact of shifting from an institutional model to community care.

Group homes, personal care homes, and single room residents are community-based, small-scale substitutes for large congregate institutions like Pennhurst. They provide housing solutions for people with disabilities, seniors, people who are homeless, and a host of other populations.

Prohibiting group homes and personal care homes in commercial mixed-use areas restricts the opportunities of their residents to live in neighborhoods near friends and family. We also believe that these restrictions create a civil rights issue.

The Law Center is also concerned about the proposed prohibition on community gardening and market or community-supported farming in CMX-2. The Skadden Fellowship Foundation has funded me to provide pro bono legal support to community gardens and urban farms in the Philadelphia region.

We, like many in this room and throughout Philadelphia, believe in the power of urban agriculture strategy to build community, foster youth leadership, support economic independence, and eradicate blight. And we understand difficulties faced by gardeners and farmers in addressing legal issues such as those related to zoning and permitting.

This summer, I worked with a number of partner organizations to map gardens and farms throughout Philadelphia. Philadelphia has *at least* 350 gardens and farms on 783 parcels. Since learning of the proposed amendments, we have researched the current zoning for at least 600 individual parcels. A full twenty percent were on CMX-2 or -2.5.

This says two things to me. One, the proposed amendments will have a negative impact on gardening and farming by jeopardizing existing, crucial community resources – many of which have been in existence for decades. Two, our current zoning code – the product of thoughtful deliberation, compromise, and public input – accurately reflects existing uses in commercial mixed-use districts. The code has made it simpler for gardeners and farmers to be in compliance, while providing standards to mitigate negative impacts. These zoning amendments build barriers back in.

The Law Center respectfully asks the Committee on Rules to oppose the proposed zoning amendments of Bills No. 120916 and No. 120917. There will be ample opportunity review the zoning code after a full year of implementation. Now is not the time to make such extensive changes.

Many thanks for the opportunity to speak today. I am happy to answer any questions.