



MATTIONI

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Newsletter

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Happy Holidays!

Wishing you good health, comfort and best wishes

for a happy and prosperous New Year



[Airbnb is Now Legal In Philadelphia](#)

*By: Michael Mattioni, Esquire, Anna M. Haslinsky, Esquire
and Matt Klahre*

Just a few months before thousands of visitors arrived in Philadelphia for Pope Francis' visit, the City of Philadelphia approved an amendment that now allows homeowners to rent out rooms or entire residences to short-term visitors through

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[Airbnb is Now Legal In Philadelphia](#)

websites like Airbnb. These changes to the zoning and hotel tax codes legalizes short-term renting, but also imposes the hotel tax for each rental transaction.

Founded in 2008 in San Francisco, California, and now with rental listings in over 34,000 cities, Airbnb is an online marketplace that allows homeowners to monetize the extra space in their homes by connecting them with travelers seeking short-term lodging. Airbnb allows homeowners to decide how much they will charge for the rental and create free listings to promote their space with descriptions, photographs, and a list of available amenities, like wireless internet and television. Once a listing is created, it is visible to travelers searching for accommodations on Airbnb's website or smartphone application. Travelers book and pay for reservations directly through Airbnb.

Until now, Airbnb and other similar rental platforms were largely unregulated in Philadelphia and technically part of the City's black market. In a statement to reporters when introducing the bill, councilman-at-large Bill Greenlee said before the arrival of the Pope, "[N]ow, with the Pope coming and the DNC and other things happening in Philadelphia, a lot of these rentals are generating a lot of income . . . it just seems fair that the city would get its fair share of the money that's coming in." By this recent amendment that went into effect on July 1, 2015, Philadelphia became the largest city in the country to legislatively approve Airbnb-type rentals.

As a result, this amendment imposes the City's Hotel Tax on all residence or room rental transactions. Conveniently for interested homeowners, the ordinance allows the "booking agent," Airbnb, to collect and remit the tax on behalf of the "operator," or homeowner offering space for rent. Airbnb already confirms that it will collect and remit the tax from guests who book Airbnb listings as part of the reservation

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[City Council-members Want to Make Philadelphia Greener, One Rooftop at a Time](#)

~ and ~

[The Pennsylvania Fairness Act: Extending Protection from Discrimination](#)

made on their website. However, both the homeowner and Airbnb are required to maintain records of their rental transactions, including dates and number of renters, which the City may request at any time.

If you are considering offering a portion of your residence for rent on AirBnB or through a similar service, it is important that you are aware of the limitations contained in the new ordinance. For example, the ordinance, which refers to this type of rental as "limited lodging," now allows the temporary rental of "dwelling units" and homes where rental activity is limited to fewer than ninety-one days per year, and where no one visitor stays for more than thirty consecutive days. Any rentals exceeding this limitation require a permit. In addition, the residence must remain as a "household living unit" and the rental use must be secondary to the permanent residence-status of the property. Specifically, the ordinance does not permit the property owner to change the character of the residence for permanent renting, such as by creating a separate entrance visible from the street simply for renters. These limitations, and others in the ordinance, are designed to limit the duration and use of a primary residence as a rental property to ensure the permanency of the households and to prevent disturbing neighbors with this new permitted use.

This is an exciting development for Philadelphia. It shows how the new economy can co-exist with municipal concerns for receiving appropriate tax revenue associated with such new economic innovations.

This article provides a broad overview of the newly enacted ordinance permitting limited lodging in Philadelphia. It does not provide legal advice. Anyone seeking to rent out their

[Our Attorneys:](#)

[Presentations, Seminars and Honors](#)

The employees at Mattioni volunteer for many organizations and are involved in many community activities. The attorneys are often presenters at seminars, host webinars and they also give of their time and themselves for various causes.



Eugene Mattioni at the Maritime Academy Charter High School

Eugene led a cooking class at MACHS's Cooking Club recently. The cadets experienced a special treat with a demonstration by board member Eugene Mattioni. On the menu for this special session was how to make ravioli from scratch. After the gourmet culinary demonstration, more than 25 maritime cadets helped to prepare the dinner that was devoured by all.

residence is encouraged to seek the advice from the appropriate professional as every situation is different.

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Matt Klahre is in his third year at Drexel University School of Law.



Photo courtesy of vimeo.com

[City Council-members Want to Make Philadelphia Greener, One Rooftop at a Time](#)

By: Anna Haslinsky, Esquire

As the end of 2015 is quickly approaching, you might reflect on the many favorable headlines about Philadelphia this past year, several of which praised Philadelphia for its efforts to become a "greener city." The New York Times listed Philadelphia as number three on the list of the Top 52 Places to Go in 2015 because Philadelphia is "making an urban oasis" and has been become a "hive of outdoor activity." This praise is justified because, thanks to Philadelphia's efforts to revamp its parks, it has succeeded in attracting people to use the City's outdoor green spaces like never before.

This November, the City Council Committee on Rules contributed to this greening effort by attempting to incentivize



Jennifer Popelack, Esquire

Jennifer Popelack recently moderated two seminars hosted by the National Business Institute. One was held in Atlantic City and the other in Cherry Hill. The well-attended events were both titled *Estate Administration From Start to Finish*. These seminars were a step-to-step guide to estate administration. They were designed for attorneys, accountants, financial planners and tax specialists who are new to estate administration or need a basic refresher. They provided information and a comprehensive overview of estate administration, including proper asset valuation and distribution, and taxation information.

the construction of green spaces on rooftops, but with a catch. The bill, introduced in October by At-Large Councilwoman Blondell Reynolds Brown and Councilwoman Cindy Bass, would allow developers to build more apartment units on a lot than typically allowed in some zoning districts, but only if the developer builds a green roof too.

The bill defines a green roof as "treatment to a rooftop that supports living vegetation" which includes a waterproof membrane and specific layers to support the vegetation system. The Water Department would like to see more green rooftops in the City because the systems naturally filter pollutants in rainwater and assist with stormwater management. In addition, green roofs can help reduce the "urban heat island" effect, produce oxygen, and function as a natural habitat. While helping the environment, a green roof can also provide a financial benefit to the property owner by reducing utility costs since it also serves as an additional layer of insulation. However, Councilwoman Reynolds Brown noted that the installation of a green roof on a commercial property can cost an additional \$100,000, so builders need an incentive to encourage the investment.

At present, the Zoning Code only allows a developer to build 20 apartments on a 10,000 square foot lot in a residential multi-family zone, called RM-1. According to Councilwoman Reynolds Brown, this bill would instead allow a developer to build up to 27 apartment units on that same sized lot, if the developer also installs a green roof to cover at least 60% of the rooftop. The bill would allow increased density construction in RM-1 and some mixed-use commercial neighborhoods classified as CMX-2 and CMX-2.5.

While representatives of the Water Department and building industry advocates testified in support of the bill, civic associations testified that increased density is the wrong way



Anna Haslinsky runs her first marathon

Anna just completed her first full marathon, running 26.2 miles for the Alzheimer's Association fundraiser. Alone, she raised an astonishing \$3,000 for a wonderful cause. Her team raised over \$115,000. "The money raised will go a long way for research and support," says Anna. "I'm proud to work in place with so many generous people. Thanks to everyone who supported me."

to incentivize green rooftops. Allowing increased density could have other negative impacts on the neighborhood, such as by further limiting parking with the addition of more residents.

Don't start looking for green rooftops just yet, because the bill must be passed by the full City Council. However, it is worth noting the creative ways City Council is trying to make Philadelphia green.

Anna Haslinsky, Esquire is practicing in both the Pennsylvania and New Jersey offices. Anna focuses on Business, Finance and Corporate law, Estate Planning, Trusts, Estate Administration and Real Estate law. If you would like more information on this article, please contact Anna at ahaslinsky@mattioni.com



[The Pennsylvania Fairness Act: Extending Protection from Discrimination](#)

By Michael Mattioni, Esq. and Kira Rold, Esquire

On August 26, 2015, the Pennsylvania Fairness Act was introduced in the Pennsylvania General Assembly to prohibit discrimination based on an individual's sexual orientation or gender identity. The legislation would update the Pennsylvania Human Relations Act, originally written in 1955, to provide protection from discrimination to members of the lesbian, gay, bisexual, and transgender (LGBT) community. The current law protects individuals from being terminated from their employment, denied housing, or denied business services on the basis of race, color, religion, ancestry, age, sex, national origin, and disability. The legislation seeks to extend protection

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to members of the LGBT community so they are able to fully participate in and contribute to the state's economy without fear of rejection or reprisal.

The PA Fairness Act has been met with bipartisan support in both the House and Senate. This support is exemplified by the legislation's bipartisan introduction by State Senators Pat Browne (R-Lehigh) and Larry Farnese (D-Philadelphia) and Representatives Dan Frankel (D- Allegheny) and Tom Killion (R-Delaware). In their House Co-Sponsorship Memoranda, Representative Frankel and Representative Ross state "[o]ur legislation is a matter of fairness, a matter of economics, and a matter of common sense."

From a human rights perspective, Representative Frankel explained "[w]e strongly believe the time has come to update this list to provide a basic level of protection for our ...LGBT brothers and sisters." A recent survey shows that 73 percent of Pennsylvania residents incorrectly believe that workplace, housing, and business services discrimination against members of the LGBT community is already illegal. The same survey found that 78 percent of Pennsylvanians are in support of updating the current Human Relations Act to include protections for gay and transgender people. "Pennsylvania should be seen as a place that welcomes any individual who wants to work hard, succeed, and contribute to our economy without the fear of being fired or refused services simply because of who they are or who they love" said Representative Frankel in his Co-Sponsorship Memoranda.

The proponents of the PA Fairness Act also cite economic benefits of the legislation in support of its passage. State Senator Farnese stated "[t]his new legislation reflects the importance of encouraging the best and most diverse pool of highly skilled employees to live and work in Pennsylvania." Representative Killion further explained, "[a]ll 23 of

PRACTICE AREAS

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- LONGSHORE & HARBOR WORKERS' COMPENSATION ACT
- WORKERS' COMPENSATION CLAIMS
- REAL ESTATE
- PERSONAL INJURY

Pennsylvania's Fortune 500 companies already have sexual orientation and/or gender identity and expression nondiscrimination policies." This statewide legislation will provide the uniform protection necessary to attract and retain the best workers and help Pennsylvania businesses maintain a competitive advantage.

Philadelphia is among the few municipalities (34 out of 2562) that has already passed nondiscrimination laws protecting LGBT residents and visitors. Rue Landau, the Executive Director of the Philadelphia Commission on Human Relations, commented that these laws "allow businesses to attract more dollars, broaden their workforce and build our tax base as a result...Philadelphia has continued to lead in this area. Now Pennsylvania must follow." Mr. Landau further stated that the PA Fairness Act should preserve the rights of cities to address discrimination and emulate such efforts because "[o]nly then would we see our Commonwealth finally live up to its credo – virtue, liberty and independence."

Anyone with any questions regarding the legislation discussed in the article is advised to contact the appropriate legal professional.

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