



MATTIONI

COUNSELORS AT LAW

## Newsletter

Volume 25 [www.mattioni.com](http://www.mattioni.com) July 2017



### Philadelphia Landlords Could Face Additional Lead Paint Requirements

By: Michael Mattioni, Esquire and Amy Donovan

On June 20, 2017, Philadelphia Mayor Jim Kenney released the final report completed by the Philadelphia Childhood Lead Poisoning Prevention Advisory Group. The report made recommendations that, if adopted by the City Council, will have a significant impact on Philadelphia landlords. The Advisory Group proposed, among other things, to expand the Lead Paint Disclosure Law to all rental units built before 1978. The current law requires that landlords renting residences built before 1978 in which children aged six or under are residing have the residence inspected and certified as "lead free" or "lead safe," (Philadelphia Code Section 6-800). If the City adopts the Advisory Group's recommendations, this law would apply to all rental units built before 1978, not just residences where children under six reside.

The purpose of this measure is to prevent children from being

### Articles



#### In this Newsletter

[Philadelphia Landlords Could Face  
Additional Lead Paint Requirements](#)

~ and ~

[Work Opportunity Tax Credit Available For  
Hiring Certain Workers](#)

~ and ~

[City of Philadelphia Seeks to Forbid  
Employers from Asking About Wage History](#)



exposed to lead. Lead poisoning in children can cause learning and behavior problems that can be permanent. The Advisory Group found the current Lead Disclosure Law to be ineffective at preventing exposure because landlords largely ignored the law. The city struggled to enforce the law because of the difficulty of identifying which properties had children under the age of six residing in them. By expanding the law to cover all rental properties, the Advisory Group hopes to solve this problem and better prevent exposure and potential lead poisoning in Philadelphia children.

If adopted by the City, landlords with properties containing unsafe levels of lead may find it very costly to comply. The Advisory Group recognized this and recommended that the City Council explore funding for landlords who are able to show financial hardship. Noncompliance could be even more costly with penalties of up to \$2,000 per day. If a rental property is found to contain lead and the landlord does not remediate, the Advisory Group recommends that the Philadelphia Department of Public Health (PDPH) remediate the property at the landlord's cost. In order to recover payment, PDPH would pursue court ordered reimbursement, fines, and place municipal liens on the property.

Landlords should proactively monitor the status of the law, and if implemented, should get their property certified by a PA licensed lead inspector or risk assessor stating that it does not have any lead-based paint based on EPA/HUD standards. If a property does not pass inspection, landlords should take steps to remediate the property.

***Landlords with any additional questions should contact Michael Mattioni at [mmattioni@mattioni.com](mailto:mmattioni@mattioni.com). These articles provide general information and do not provide legal advice. Anyone with questions or concerns about the topics addressed should contact an appropriate professional.***

#### **Our Attorneys:**

#### **Presentations, Seminars and Honors**



Jennifer Popelack, Senior Associate with Mattioni, Ltd., was recently re-elected for an additional three year term for the Board of Governors for the Justinian Society. Jennifer focuses her practice in the areas of Estate Planning and Administration, Real Estate and Corporate, Business and Finance. If you would like to contact Jennifer you can email her at [jpopelack@mattioni.com](mailto:jpopelack@mattioni.com)

---



*Michael Mattioni, Esquire, is President of the law firm Mattioni, Ltd. where he practices in the tax, business, real estate development, land use and zoning areas of the firm.*

*Amy Donovan is a Candidate for Juris Doctor, May 2018, at Temple University Beasley School of Law, Philadelphia, Pennsylvania. She is working with the firm as a Summer Legal Intern.*

## **W.O.T.C** **WORK OPPORTUNITY TAX CREDIT**

### **Work Opportunity Tax Credit**

### **Available For Hiring Certain Workers**

*By: Stephen J. Galati, Esquire*

The Work Opportunity Tax Credit (WOTC), encourages employers to hire certain categories of workers and gives those employers a tax credit equal to 25% or 40% of a new employee's first-year wages. To qualify for the WOTC, the employer must hire a long-term unemployment recipient or worker otherwise certified by their state workforce agency. The exact tax credit will depend upon the wages paid to the new hire, the new employee's target group, and the number of hours worked during the first year of employment.

The ten categories of WOTC-eligible workers include:

- Qualified long-term unemployment recipients (who have been unemployed for and received state or federal unemployment benefits during part or all of that time);
- Qualified IV-A Temporary Assistance for Needy Families (TANF) recipients;
- Unemployed veterans, including disabled veterans;
- Ex-Felons;
- Designated community residents living in Empowerment Zones or Rural Renewal Counties;



*Photo left to right: Joseph Bouvier, attorney at Mattioni, Ltd.; Brittany Stepp, Summer Intern at Mattioni, Ltd.; Dean Donna Gerson and Dean Mary McGovern (both from Drexel).*

Brittany Stepp is a Summer Intern with Mattioni, Ltd. and recently won the Richard F. Furia, Esq. Scholarship from the Justinian Society. Richard F. Furia, Esq., was a Co-founder of The Justinian Foundation. The Justinian Society serves Philadelphia's Italian-American attorneys and judges. Richard was very active in the Society and the Orders Sons of Italy in America Commission for Social Justice, fighting against stereotypes that sought to disenfranchise Italian-Americans. The winning essay subject was: *As an attorney, what will you do to fight against stereotyping and defamation of Italian-Americans in particular and people of all races, religions and cultures in general?*



- Vocational rehabilitation referrals;
- Summer youth employees living in Empowerment Zones;
- Food stamp (SNAP) recipients;
- Supplemental Security Income (SSI) recipients;
- Long-term family assistance recipients.

To qualify for the credit, an employer must first request certification by filing the appropriate form with the state workforce agency. This must be done within 28 days from when the eligible worker begins work. Other requirements and further details can be found in the instructions to IRS Form 8850.

Employers may use the U.S. Department of Labor's WOTC Calculator to see how much they can earn in tax credits.

The WOTC is claimed by the employer on its income tax return. The WOTC is first figured on IRS Form 5884 and then becomes a part of the general business credit claimed on Form 3800.

*Stephen J. Galati, Esquire is a Shareholder with law firm Mattioni, Ltd., where he focuses his practices in the areas of general litigation and admiralty, maritime, transportation, and warehouse related matters. If you have any questions about the WOTC or any other employment related matter, please contact Stephen at [sgalati@mattioni.com](mailto:sgalati@mattioni.com).*



Tao Wang is a Summer Intern with Mattioni, Ltd. He is a third year law school student at Drexel University Kline School of Law and has served as their Social Media Coordinator for Great China Area of Kline School of Law since August, 2016. On August 1, 2017, he, together with other student ambassadors, is going to welcome the new international students of Kline School of Law. The goal is to help acclimate new students to the Philadelphia area.



Steve Galati, a partner with the firm, has been elected to the Board of Directors of the Seamen's Church Institute of Philadelphia & South Jersey. SCI's mission is to serve proactively without prejudice the human needs of seafarers and the maritime community of the Delaware River. Stephen's practice primarily concerns general litigation and admiralty, maritime, transportation, and warehouse related matters. You can contact Stephen at [sgalati@mattioni.com](mailto:sgalati@mattioni.com)





## **City of Philadelphia Seeks to Forbid Employers from Asking About Wage History**

*By: Stephen J. Galati, Esquire and Brittany Stepp*

Earlier this year, the City of Philadelphia became the first city in the United States to pass a law forbidding private-sector employers from asking applicants about their salary history. While originally set to go into effect on May 23, 2017, the ordinance was met with opposition from The Chamber of Commerce of Greater Philadelphia, which caused the City to delay implementation.

### **The Ordinance**

The ordinance forbids employers from asking about applicants' past wage history, and from using that information when deciding how much they should be paid. While employers are free to rely on past wage information provided "knowingly and willingly" by applicants, employers are forbidden from retaliating when new applicants refuse to provide that information.

The purpose of the ordinance, according to City findings, is to stop the pay gap between men and women, as well as people of color, which can otherwise carry over when applicants seek new jobs. Rather than relying on past salary earned by the applicant, salary should be based on "the job responsibilities of the position sought," the law states. The ordinance has met opposition.

### **The Opposition**

The Chamber of Commerce of Greater Philadelphia brought suit to prevent the ordinance from going into effect, on grounds that

---

## **MEET OUR ATTORNEYS**

- [SARAH ALDERFER](#)
- [JOSEPH F. BOUVIER](#)
- [RONALD R. DONATUCCI](#)
- [STEPHEN J. GALATI](#)
- [BRIAN T. GUTHRIE](#)
- [EUGENE MATTIONI](#)
- [JOHN MATTIONI](#)
- [MICHAEL MATTIONI](#)
- [PHILLIP A. McFILLIN](#)
- [JENNIFER POPELACK](#)
- [STEVEN F. REILLY](#)
- [KIRA ROLD](#)
- [JOSEPH STRAMPELLO](#)

---

## **PRACTICE AREAS**

- [ADMIRALTY AND MARITIME](#)
  - [BUSINESS, FINANCE, AND CORPORATE](#)
  - [CIVIL LITIGATION](#)
  - [EMPLOYMENT AND CIVIL RIGHTS](#)
  - [ENVIRONMENTAL](#)
  - [ESTATE PLANNING, TRUSTS, AND ESTATE ADMINISTRATION](#)
  - [INSURANCE](#)
  - [LONGSHORE & HARBOR WORKERS' COMPENSATION ACT](#)
  - [WORKERS' COMPENSATION CLAIMS](#)
  - [REAL ESTATE, LAND USE & ZONING](#)
  - [PERSONAL INJURY](#)
-



it violates free speech, that it unconstitutionally affects employers outside of Philadelphia, and that it is too vague for employers to know when the information is offered by applicants knowingly and willingly. The ordinance also presents difficulties during the hiring process because employers rely on wage history to determine if they can afford to hire a particular candidate, as well as the market value for similar positions, the Chamber contends.

While the legality of the ordinance is pending, employers should monitor the status of the ordinance, and become prepared as though it will take effect by educating their hiring staff and by discussing the consequences of asking about an applicant's wage history. If implemented, employers should also consider updating policies and practices, as well as handbooks, to ensure compliance. For those interested, the case is *Chamber of Commerce of Greater Philadelphia v. City of Philadelphia*, U.S. District Court for the Eastern District of Pennsylvania, No. 17-cv-1548.

### **What Employers Should Know**

If implemented, violations of the ordinance will come with hefty penalties. Employers who ask about wage history will be faced with significant consequences including penalties up to \$2,000 per violation, a number that doubles—and can even lead to jail time—for repeat violators. See Philadelphia Code §§ 9-1105(1)(c),(d); 9-1121(2).

*Employers with any additional questions should contact Stephen J. Galati at [sgalati@mattioni.com](mailto:sgalati@mattioni.com)*

*Brittany Stepp is a Candidate for Juris Doctor, May 2018, at Drexel University Thomas R. Kline School of Law, Philadelphia, Pennsylvania. She is working with the firm as a Summer Legal Intern.*



## **OFFICES**

**PENNSYLVANIA**  
Federal Reserve Bank Building  
100 N. Independence Mall W. , Suite 5A NW  
Philadelphia, PA 19106  
Telephone (215) 629-1600  
Fax (215) 923-2227

**NEW JERSEY**  
1316 Kings Highway  
Swedesboro, NJ 08085  
Telephone (856) 241-9779  
Fax (856) 241-9989

[firmmail@mattioni.com](mailto:firmmail@mattioni.com)

*Attorney Advertising - Mattioni Ltd<sup>®</sup> 2017*

### **Disclaimer**

*The content of this Newsletter has been prepared by Mattioni, Ltd. for informational purposes only and should not be construed as legal advice. The material in this Newsletter is not intended to create and receipt of it does not constitute, a lawyer-client relationship, and readers should not act upon it without seeking professional counsel.*