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COUNSELORS AT LAW

## Newsletter

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### Possible Property Tax Relief

By: Michael Mattioni, Esquire and Josh Kobylarz

This past year, the City of Philadelphia reassessed every property in the City as part of Mayor Nutter's tax reforms. City Council and the General Assembly debated the consequences that longtime homeowners in neighborhoods, like Northern Liberties and East Falls, might face due to their higher property values resulting from the explosive growth in their neighborhoods. The concern is that these longtime homeowners might not be able to afford their new tax bills.

To combat this problem, the City is providing tax relief, known as

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("LOOP"). LOOP sets aside \$20 million worth of tax relief per year for Philadelphia residents. The City recently sent out applications to Philadelphia residents to fill out and return to qualify for relief. Residents have until February 17, 2014 to apply for the tax relief. Eligibility for LOOP is based on income and need.

The tax break does not relieve individuals who qualify from the burden of the increase in taxes. Rather, it caps the tax increase to that which it would have been if the value of the property tripled. For example: Mr. Jones owns a property that was assessed in 2013 at \$21,500. His taxes on that property would be \$672. In 2014, Mr. Jones property was assessed at \$224,500. That would increase his taxes to \$3,008. What the gentrification relief does is cap the value of the property at \$64,500 (three times the value in 2013, \$21,500). If Mr. Jones qualifies for the gentrification relief, his taxes for the property will be \$864 instead of \$3,008.

Homeowners must meet several requirements to qualify for LOOP. For starters, the homeowner must have lived in the residence since July 1, 2003 and the assessment of the residence has to have tripled this year. Therefore, if you don't live in the property, you will not qualify for the tax break. Additional requirements include that: the property is single family dwelling or multi-unit property with up to three residential and one commercial unit; the property has never had a tax abatement; property taxes are up to date or the owner has applied for, or is meeting terms of, a payment plan; and the homeowner meets income requirements based on household size. Additionally, this program will only last for ten years or until the property is sold, whichever occurs first. If the LOOP application is denied, the entire tax bill must be paid by April 30, 2014.

Not all 80,000 people who were mailed applications from the City or



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## PRACTICE AREAS

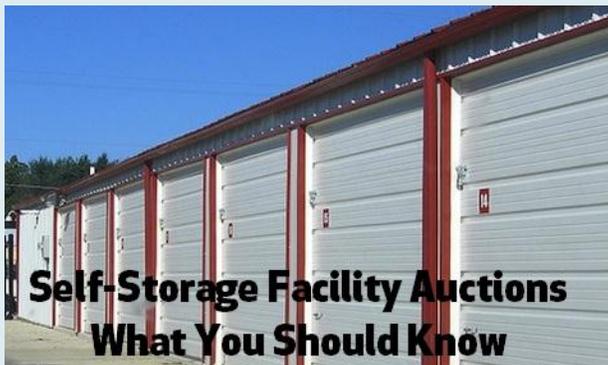
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apply should hear from the City in late March on whether they qualify for the break.

This article provides general information about the property tax relief program implemented by the City of Philadelphia. Anyone seeking further information about the program or any other issues regarding property taxes in Philadelphia, should seek advice from an attorney or other professional.

*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.*

*Josh Kobylarz is a law clerk with Mattioni, Ltd., in his third year at Temple University's Beasley Law School.*



## Self-Storage Facility Auctions

### What You Should Know

By: Stephen J. Galati, Esquire

As one knows from watching the many shows on reality television, such as "Storage Wars," "Storage Hunters," and "Auction Hunters," goods stored in self-storage facilities are subject to auction if the

- [PERSONAL INJURY](#)

## CONTINUING LEGAL EDUCATION

### *Presentations and Seminars*



Michael Mattioni, Esquire of Mattioni, Ltd. served as moderator and presenter for the Pennsylvania Bar Institute's program "What Pennsylvania Lawyers Need to Know About New Jersey Real Estate Law". Mr. Mattioni, as the course planner, provided guidance on important issues to highlight. The purpose of the seminar was to acquaint Pennsylvania lawyers with some of the significant differences and practice challenges of which Pennsylvania lawyers aware to effectively represent their clients when dealing with New Jersey real estate transactions. As presenter, Mr. Mattioni discussed New Jersey title insurance issues. *You can contact Mr. Mattioni by email at*

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This law gives the facility owner a lien on all personal property stored at the facility for unpaid storage charges as well as the reasonable expenses of safekeeping and selling the property. This law permits the facility owner to enforce his or her lien after 30 days of default. The law also gives the facility owner the right to deny the occupant access to the leased space and the right to move the property to another location. Before the facility owner can sell the goods, however, he or she must follow a strict procedure set forth in the Act.

First, the owner must give the occupant written notice of the default by personal service or certified mail return receipt requested. The notice must contain the following information: (1) an itemized statement of the owner's claim showing the sum due at the time of the notice and the date when the sum became due; (2) a demand for payment of the sum due within a specified time not less than 30 days after the date of notice; (3) a statement that the contents of the occupant's leased space are subject to the owner's lien; (4) the name, street address, and telephone number of the owner or his or her designated agent who the occupant may contact to respond to the notice; (5) a conspicuous statement in bold print that unless the claim is paid within the time and at the place stated, the personal property will be advertised for sale or will be otherwise disposed of at a specified time and place, not less than 30 days after the date of the notice; and if the owner elects to deny the occupant access to the leased space or elects to enter and/or remove the occupant's personal property from the leased space to other suitable storage space, a statement so advising the occupant shall be included in the notice.

*Philadelphia office or (856) 241-9779 for the New Jersey office.*



Stephen G. Galati, Esquire of Mattioni, Ltd. was a recent speaker and panel moderator at the Pollution Prevention Workshop held at the Corinthian Yacht Club, Essington, PA. The Workshop was sponsored by Sea Grant Pennsylvania, an organization that conducts and supports research and education that addresses environmental issues relevant to Pennsylvania's coastal resources. Mr. Galati's presentation discussed legal aspects and environmental regulations concerning pollution and spills. Mr. Galati is a shareholder practicing Maritime and Admiralty Law, which has been a core practice area since its inception. *You can contact*

times preceding the date of sale in a newspaper of general circulation which serves the area where the self-service storage facility is located. The advertisement must include: (1) a statement that the contents of the occupant's leased space shall be sold to satisfy the owner's lien; (2) the address of the self-service storage facility and the number or other description, if any, of the space where the personal property is located and the name of the occupant; and (3) the time, place, and manner of sale. If there is no newspaper of general circulation the owner shall post written advertisements at least ten days before the date of the sale in at least six conspicuous places in the neighborhood.

The sale cannot take place sooner than ten days after the first publication and is to be held at the self-service storage facility or at the nearest suitable place to where the personal property is held or stored.

The occupant can prevent the sale and redeem his or her property by paying the amount necessary to satisfy the owner's lien, which includes his reasonable expenses. Once this money is paid the owner shall return the personal property.

If the sale proceeds are greater than the money owed, the excess funds will be held for the occupant. If the occupant does not claim the balance within six months, the money will be deemed to be abandoned and will be turned over to the State Secretary of Revenue.

One who purchases the property at auction takes the property free of any claim from the former owner even if the facility owner did not properly follow all the rules of the sale.

The information in this article is general information and not legal

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Jennifer Popelack, Esquire of Mattioni, Ltd was a recent speaker and presenter at two seminars on the topic of Special Needs Trusts; how they work and why they're important. A Special Needs Trust is a vehicle that allows for gifting to special needs persons without jeopardizing their government benefits. In order to not jeopardize those benefits, special care needs to be given to the formation of the trust documents as well as the administration of the trusts as there are specific restrictions as to how the trust funds can be used. Both in-services were done in conjunction with Peter G. Curran of New York Life Insurance Company. The presentations were titled "Special Needs ... Carina for

the storage of property in a warehouse or self-storage facility is urged to contact an appropriate professional for proper advice.

*Stephen J. Galati, Esquire is a Shareholder with the law firm of Mattioni, Ltd. He is licensed to practice law in Pennsylvania and New Jersey where he practices maritime, transportation and warehouse law. He can be contacted at [sgalati@mattioni.com](mailto:sgalati@mattioni.com) or 215-629-1600.*



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## **Septa Ads, Anti-Trust Violation or Good Business**

By Michael Mattioni, Esquire and Christian T. Johnson, Esquire

This may sound familiar. After a long day of work, you get off your local SEPTA bus to finish your commute home. As you stand on the sidewalk and the bus pulls away, you see an advertisement on the back for a local personal injury lawyer. What you probably don't realize is that for over the past year, every ad on SEPTA buses has been for the same law firm, Philadelphia based Lundy Law. This is so because, last year, Lundy Law reached an agreement with SEPTA to be the exclusive law firm allowed to advertise on the outside of SEPTA buses.

As may be expected, other Philadelphia based personal injury firms are upset about this arrangement. In fact, the law firm, Larry Pitt &

The first presentation was hosted by Our Lady of Confidence Day School in Willow Grove, PA on the evening of November 6, 2013. The second was held at St. Katherine Day School in Wynnewood, PA on the evening of November 19, 2013. The presentations were provided for the parents and families of the special needs children. You can contact Mrs. Popelack by email at [jpopelack@mattioni.com](mailto:jpopelack@mattioni.com) or by phone at (215) 629-1600 for the Philadelphia office or (856) 241-9779 for the New Jersey office.

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Joseph F. Bouvier, Esquire of Mattioni, Ltd, has been re-appointed as a member of the Greater Swedesboro Business Association Board of Directors for 2014. The GSBA's promotes trade and commerce

alleging that Lundy Law has violated federal antitrust laws. Pitt claims that since Lundy Law's exclusive contract with SEPTA, his business has lost 15% of its net income. Likewise, Pitt asserts that the outside of SEPTA buses are a prime advertising space because the buses act like moving billboards. Pitt further claims that Lundy Law is paying a higher price for the ad space under its exclusivity contract with SEPTA. Lastly, Pitt claims Lundy Law has an unfair advantage over outside competition because Lundy's daughter is an account executive at Titan Advertising, a firm which handles SEPTA's advertising sales. To many, this may not seem like a big deal: If you want to pay more to ensure you get advertising space, what's the big deal? And what in the world constitutes an antitrust violation?

Antitrust law entered the American landscape with the passage of the Sherman Act. Although other acts have been passed, the Sherman Act is still the primary legislation involved in antitrust matters. The primary goal of antitrust law is to protect consumers and competitors from the anti-competitive effects of monopoly. Thus, antitrust law seeks to eliminate "sneaky" business practices that enable companies to acquire a monopoly. Such practices include things like: exclusive contracts that prevent competitors from entering markets, lowering prices to levels that other companies cannot meet in order to force them out of a market, and using a monopoly in one market to gain a monopoly in another. Some of this activity might not seem so bad (who doesn't want lower prices, right?). What the government is worried about, though, is what will happen to prices once there is a monopoly. The theory is that, once a monopoly is gained, companies will then be able to raise prices to any level they choose, effectively subjecting consumers to higher prices. For example, let's say Nike starts selling every pair of sneakers it makes for \$4. Because of this, every other sneaker

engages in local civic affairs, supports educational and charitable endeavors and preserves the local business and historic district. Recently, the GSBA has added a scholarship program for local high school students, print a Business Directory and has contributed a sizable donation to the local libraries. Mr. Bouvier's practice is concentrated in general litigation, with a focus on personal injury and workers compensation claims, and employment and labor matters. He has served as Chairman of the GSBA's annual golf tournament fundraiser for the last seven years. He also serves as a softball coach for the Merchantville (NJ) Little League program. *You can contact Mr. Bouvier by email at [jbouvier@mattioni.com](mailto:jbouvier@mattioni.com) or by phone at (215) 629-1600 for the Philadelphia office or (856) 241-9779 for the New Jersey office.*

## MEET OUR ATTORNEYS

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the only seller of sneakers in the United States. Now that Nike has gained control of the entire market, it starts selling every pair of its sneakers for \$200.

Although antitrust law is primarily concerned with consumer protection, it is also concerned with promoting competition in the marketplace. Therefore, it regulates activities that may lessen competition or give some competitors an unfair advantage over others. This is the crux of Pitt's case: through the exclusive contract with SEPTA, Lundy Law obtained an unfair advantage that lessens competition in the legal marketplace that, although not rising to the level described in the previous paragraph, could harm competition and eventually consumers.

The outcome of the case is certainly up in the air. Although Lundy Law has managed to gain the exclusive advertising right on the exterior of SEPTA buses, it does not have an exclusive right to SEPTA advertising. Pitt, as well as other lawyers, can still advertise on the inside of buses, at bus stops, newspapers and elsewhere. Likewise, Lundy claims that Pitt has advertising connections similar to its relationship in other markets, including Reading and Wilmington, and is no stranger to this type of activity. Ultimately, if you see a Larry Pitt & Associates advertisement on a SEPTA bus passing by, you'll know the outcome.

This article provides general information regarding SEPTA's advertising and antitrust law. It does not provide specific information about any topic or issue. Anyone with any questions regarding the topics in this article should contact an attorney.

*Michael Mattioni, Esquire is President of the law firm Mattioni, Ltd.,*

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## **RONALD R. DONATUCCI**



Mr. Donatucci has dedicated most of his career to public service. After serving as a law clerk in the Philadelphia City Solicitor's Office, Mr. Donatucci served as counsel to the Philadelphia Parking Authority, and then as Chief of Enforcement for the Department of Licenses and Inspections for the City of

*Christian Johnson is an associate in the Philadelphia office of the law firm Mattioni, Ltd., where he practices in admiralty and maritime, insurance, and commercial litigation matters areas of the law.*

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elected and served with distinction as a Member of the Pennsylvania House of Representatives. Since 1979, he has served as Philadelphia's Register of Wills, which includes sole jurisdiction over the probate of wills and acting as agent for the Commonwealth of Pennsylvania for the collection of inheritance tax. He is the ex-officio Clerk of the Orphans' Court. Mr. Donatucci is a Ward Leader for the Philadelphia Democratic Executive Committee. He was a Super-Delegate in 2008 at the Democratic National Convention representing the State of Pennsylvania. He is a Board Member for Programs for Exceptional People and an Emeritus Member. Mr. Donatucci is a Trustee with the Chapel of Four Chaplains. He is currently the President of the Board of City Trusts for the City of Philadelphia and Chairman of the Wills Eye Hospital Health System.

Mr. Donatucci also serves as a Trustee of Temple University and a Board Member of the Temple University Health System and Fox Chase Cancer

Foundation and the Catholic Foundation of Greater Philadelphia Advancement Committee. Throughout his career, he has been an active participant in numerous civic organizations and has received countless awards in recognition of his civic activities including Man of the Year for the Regional Sicilian Association and Philadelphia Veterans of Foreign Wars.