

The text of the ballot question:

Should the Philadelphia Home Rule Charter be amended to require the City to provide for the indemnification and defense of registered community organizations in connection with claims made against them arising directly out of their lawful participation in the City's zoning variance process?

Plain language explanation:

A "yes" vote supports the amendment to require Philadelphia to provide legal defense of Registered Community Organizations (RCOs) in connection with legal claims made against them due to their participation in the zoning variance process.

A "no" vote opposes this change.

The 15th ward recommends a "no" vote on the ballot question. However, this recommendation was carried by a small majority of committee people so we are sharing "pros" and "cons" below.

Background:

What is a Registered Community Organization and what is their role in the zoning process?

Registered Community Organizations (RCOs) are civic groups, designated by the City, that are entitled to participate in the zoning variance process.

If a developer or property owner wants to develop or change a property in a way that is not allowed by the current zoning, they need to apply to the Zoning Board of Adjustment (ZBA) for a variance. In these cases, an RCO has the right to meet with the developer to discuss the project and may make a recommendation to the ZBA, who has final say in the decision. If an RCO disagrees with the ZBA's decision on a zoning matter, the RCO may appeal the decision in court.

The RCOs in the 15th Ward are:

- [Spring Garden Civic Association](#)
- [Fairmount Civic Association](#)
- [Friends of Ogden Park](#)
- [United Francisville Civic Association](#)
- Original Moroccos of Francisville Inc.

What situations does the charter amendment seek to address?:

From time to time, RCOs are the subject of threatened or actual litigation by developers. The proposed charter amendment attempts to address these situations.

Reasons to vote "No"

While there are obstacles to the fair participation of RCOs in the zoning process, this is not the best way to resolve the issue:

1. RCOs vary widely in their structure, influence, and development interests. A 'No' vote recognizes that the proposed legislation would support RCOs that are obstacles to beneficial development.
2. The proposed amendment would require the City to devise a system to defend RCOs and cover their legal costs even if the RCOs already have insurance and even in cases where the RCO loses the case or pays to settle. This would be very difficult to administer and would not be a good use of taxpayer funds.

Reasons to vote "Yes"

While the proposed amendment is not a perfect solution, it will remove a significant obstacle to RCOs participating in the zoning process.

1. Developers may use the prospect of lawsuits to force RCOs to capitulate or cover potentially high legal costs.
2. RCOs that cannot afford insurance or other relevant resources may have less leverage to negotiate against or prevent unwanted development in their neighborhoods. This is particularly relevant for small, grass-roots RCOs, which often represent Black and Brown communities.

Links on RCOs and the ballot question:

<https://why.org/articles/the-cost-of-doing-civics-old-city-civic-association-disbands-its-zoning-operation/>

<https://www.inquirer.com/real-estate/housing/registered-community-organizations-legal-protection-20231114.html>

<https://www.inquirer.com/news/northeast-warehouse-lawsuit-insurance-rco-20230616.html>

<https://www.chestnuthilllocal.com/stories/neighbors-question-new-zoning-group,30244>

https://www.phila3-0.org/make_life_easier_for_rcos

<https://www.inquirer.com/real-estate/rco-indemnification-city-council-darrell-clark-20231026.html>