



# ***AFFORDABLE HOUSING TASK FORCE***

November 2023 Report

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# Executive Summary

## Background

The Buffalo Common Council established the Affordable Housing Task Force (AHTF or Task Force) to develop policy recommendations that address the lack of affordable housing in the City of Buffalo. AHTF members draw on their personal experiences as landlords, tenants, landlord advocates, tenant advocates, housing developers, and policy experts to propose and discuss relevant policy recommendations. As a task force, we hosted two initial public input meetings. These sessions covered a broad spectrum of topics, including historical context, landlord-tenant relationships, homelessness, shelter availability, development, housing repair, and access to services.

This document is the first of two reports we intend to release in 2023-2024. It focuses on implementing pre-existing policies and making small changes to enhance them. We aim to hold additional public input meetings, conduct further legal and policy research, and issue a second report in Spring 2024.

This executive summary highlights key proposals in four areas: (1) Buffalo's fair housing law, (2) Limited Liability Company transparency in rental ownership, (3) vacancy in Buffalo, and (4) the City's Proactive Rental Inspections Program. These recommendations are the culmination of research and public input. They reflect our collaborative effort to make affordable housing a reality for all residents of the City of Buffalo.

## Recommendations

### UPDATE BUFFALO'S FAIR HOUSING LAW

**Update the definition of "source of income" to reflect common sources of income.** We recommend amending Buffalo Code Section 154.13 to include common sources of income such as security agreements. This will align Buffalo's law with the more effective definition in the New York State Human Rights Law, which went into effect in 2019.

**Modernize penalties.** To discourage discriminatory practices, we propose revisions to Buffalo Code Section 154.20. These changes would reasonably increase penalties for fair housing violations. Recommended penalties would vary based on the number of rental units owned, ensuring that larger landlords face appropriate consequences for violations. The penalties that the Common Council established in 2006 are outdated and inadequate for fair housing enforcement.

**Dedicate more resources to fair housing enforcement.** Recognizing the importance of better enforcing existing laws, we recommend dedicating more resources to fair housing enforcement.

This includes additional funding to increase the number of city employees responsible for investigating and prosecuting fair housing complaints.

#### INCREASE LIMITED LIABILITY COMPANY TRANSPARENCY

**Require LLC ownership disclosure on the rental registry form.** The Council should require Limited Liability Companies (LLCs) to disclose the name, residential address, and business address for every member with a 10% or greater interest in the LLC. This measure falls within the city's "Home Rule" authority, and it will enable officials to get in touch with owners when necessary.

**Create a user-friendly ownership portal.** Tenants must be able to contact their landlords for needed repairs, communications about rental payments, and more. We recommend creating a user-friendly, public web portal to make this possible and to increase property transparency throughout the city. This portal would offer ownership information for rental properties, including LLC ownership details. To protect owners' privacy, only business addresses—not residential ones—would be included.

#### FUND AND CONDUCT A VACANCY STUDY

**Fully fund a vacancy study and hire a consultant to conduct it.** We recommend fully funding a thorough vacancy study in the 2024-2025 budget. The city should then hire a consultant to perform the study according to the best practices outlined in this report. This study will offer critical insights into the state of housing in Buffalo and help guide informed decision-making.

#### FULLY IMPLEMENT THE PROACTIVE RENTAL INSPECTIONS (PRI) PROGRAM

**Fully fund the PRI program.** The Common Council should fully fund the Proactive Rental Inspections (PRI) program in the 2024-2025 budget. Adequate resources are crucial to carry out this program effectively.

**Codify a PRI implementation timeline.** To get the PRI program's rollout back on track, the AHTF recommends codifying a timeline for implementation. This ensures that inspectors will complete 6,000 PRI inspections annually for six years, enhancing the overall housing quality.

**Upgrade technology for inspectors.** We recommend funding a technology upgrade for inspectors by transitioning from pen and paper to tablets or iPads during inspections. This modernization will increase efficiency by reducing administrative tasks, allowing inspectors to focus on more inspections.

**Amend the law to include owner-occupied doubles.** Recognizing the need to ensure safe, healthy housing in owner-occupied double units, we recommend amending the PRI law to

include rental units in these properties. This adjustment will ensure that tenants in owner-occupied doubles have access to the same housing standards as those in investor-owned units.

**Empower inspectors to enforce the law.** We recommend amending City Code Chapter 137 to include necessary fines for the Department of Permits and Inspections Services to effectively enforce housing regulations. These fines are essential to encourage compliance with housing standards.

In conclusion, the Task Force presents this set of recommendations as a step toward transforming the affordable housing landscape in the City of Buffalo. By engaging the community, revising existing policies, and introducing innovative measures, these proposals represent a step towards a future where all residents have access to safe and affordable housing.

# Introduction

## History and Process

In January 2023, the Buffalo Common Council adopted a resolution (sponsored by Council President Pridgen) to create the Affordable Housing Task Force (AHTF or Task Force). According to the resolution, the AHTF was created to research, develop, and present possible solutions regarding the lack of affordable housing within the city.<sup>1</sup> The stated goals of the Task Force are to:

- 1) clearly outline what issues are State-level policy and what issues are municipal-level policy;
- 2) provide recommendations to the Council on all municipal-level policy, supported by data-driven research.

After the AHTF submits its policy recommendations to the Council, council members will review the proposals and decide whether to act on them.

In February 2023, the Council appointed the following eleven members to the AHTF:

- Athenia Cyrus, individual capacity (elected co-chair)
- Christopher Scinta, individual capacity (elected co-chair)
- Divya Tandon, WNY Property Owners
- Edwin Jackson Jr., Buffalo Urban League
- Hae Jin Kang, City of Buffalo Corporation Counsel
- Harold Cardwell, City of Buffalo Fair Housing Officer
- Heather Abraham, individual capacity
- Matt Connors, Sinatra & Co.
- Micaela Shapiro-Shellaby, People United for Sustainable Housing (PUSH) Buffalo
- Sarah Wooton, Partnership for the Public Good
- Steven Haagsma, Housing Opportunities Made Equal (HOME)

The AHTF held its first meeting on March 17, 2023 and continued meeting every three weeks thereafter. The resolution required us to first draft a set of bylaws to govern the group. We did this and passed the bylaws in May.

After that, we began discussing potential housing policy proposals as a group. As a part of this process, we held two public sessions (June and August) to gather input from residents on their experiences with housing in Buffalo. We outline the public feedback we received later in this report.

## **Outputs**

Council President Pridgen (sponsor of the resolution that created the AHTF) will be leaving the Council as of December 31, 2023. He tasked us with issuing recommendations to the Council before the end of the year. Yet, the issue of safe, affordable housing in Buffalo is vast and complex. In the limited time we've had to meet as a group, we found it unfeasible to sufficiently discuss and make determinations on all necessary housing policy proposals before the end of the year.

To address both the Council President's request and the gravity of the issue, we've decided to issue our proposals in two reports—this November 2023 report and an upcoming spring 2024 report.

This November 2023 report includes all agreed-upon proposals that relate to policies already on the books or otherwise not requiring major legislation to be passed. Given the short timeline that the council members will have before the new year, we hope that these proposals are attainable within their limited time. Our spring 2024 report will consist of all additional policy proposals, including those that may require more involved, new legislation.

## **Operating Definition of Affordability**

The Task Force decided to let tenants define affordability. The U.S. Department of Housing and Urban Development has defined affordable housing as housing where the occupant spends 30% or less of one's gross income. However, many stakeholders have critiqued this standard as insufficient and overly narrow. For example, this standard does not account for student debt, inflation, stagnating wages, and a housing market that has outpaced income. Affordability is very dependent on a renter's individual situation. Given this variability in the concept of affordability, the Task Force did not limit its research and recommendations but used it as an invitation to consider all levels of affordability.

# Community Input

## Background

Each member of the AHTF had some level of engagement with Buffalo residents before joining this task force. We bring that experience with us, and it influences the decisions we make as the AHTF.

We also wanted the public to directly impact this process, so we organized two public input meetings. The first public input meeting was held on June 28, 2023, and it allowed for a broad and open discussion of the housing challenges and opportunities facing the community. The second public meeting took place on August 17, 2023, and it aimed to further refine the insights provided by the community by encouraging actionable recommendations.

These meetings provided a platform for diverse voices to be heard, and they were attended by a wide range of participants representing a cross-section of the community. Attendees included home inspectors, homeless youth, housing advocates, tenants, development companies, management companies, social workers, community members, and public advocates.

## Attendee Comments

We summarize below the conversations we had with the public and the concerns that were raised. Please see the complete notes from the meetings in Appendix 1. News outlets also attended the first meeting and reported on the content.<sup>2</sup>

### HISTORICAL CONTEXT

**Racial segregation:** Participants acknowledged a long history of racial segregation, stemming from practices like redlining and gerrymandering, which continue to have an impact today.

**ARPA funds and Council efficacy:** Concerns were raised regarding the city's handling of American Rescue Plan Act (ARPA) funds, with doubts about the city's ability to bring about significant change in addressing the housing crisis. There were also questions regarding the effectiveness of the Common Council in addressing housing issues, including:

- Expressing interest but not taking substantive actions
- Concerns about the composition of the Task Force
- Skepticism about the council's commitment to implementing Task Force recommendations
- Calls for a clear timeline and commitment from the Council to take concrete action, as opposed to creating additional task forces or studies



## AFFORDABLE HOUSING AND LANDLORD-TENANT RELATIONS

**Diverse views on affordability:** Public input revealed a wide range of perspectives on what constitutes "affordability" in housing. Some emphasized the importance of affordable options for various income levels, while others stressed the need for customized solutions tailored to specific economic circumstances and housing market conditions.

**Tenant empowerment:** The public expressed a desire for tenants to have opportunities for cooperative ownership, allowing them to collectively purchase and manage buildings. There was strong support for tenant education programs to ensure renters are well-informed about property ownership and their rights. There were also many requests for Good Cause Eviction laws.

**Landlord accountability:** The community demonstrated support for implementing measures that would require landlords to obtain licenses and undergo education regarding housing laws. This idea, observed in cities like Minneapolis, was seen as a means of enhancing landlord accountability, ensuring they operate in compliance with housing regulations, and maintaining properties to acceptable standards. The public called for clear definitions to distinguish between "mom and pop" landlords (small-scale property owners) and larger corporate entities. Furthermore, enforcing the rental registry was emphasized to enhance transparency and accountability in the rental market.

**Rising rents and economic factors:** Concerns were raised about rent increases driven by some landlords who allegedly neglect property maintenance to increase profits. Participants emphasized that addressing economic factors such as low incomes and unemployment is crucial in tackling the root causes of high rents. There are many concerns that development companies are strategically pricing out residents.

**Rent control and rental assistance:** There was a notable consensus on the need to implement measures like rent control and rental assistance programs to ensure housing stability and affordability.

**Equitable housing court:** Community members expressed support for making the housing court more equitable by providing additional resources for representation on the side of the tenants.

## HOMELESSNESS AND SHELTER SOLUTIONS

**Youth homelessness and the McKinney-Vento Act:** Participants highlighted the importance of the McKinney-Vento Act, a federal law that provides services to housing-insecure students through schools.

**Shelter expansion and transitional housing:** People requested the creation of additional shelters. Concerns were raised about shelters closing down, emphasizing the importance of

transitional housing options to ensure an easier adjustment from homelessness to permanent housing.

## HOUSING DEVELOPMENT AND REPAIR

**Context-aware in-fill housing and vacant lots:** A strong emphasis was placed on context-aware development, recognizing that each neighborhood in Buffalo has unique needs and characteristics. This perspective highlights the importance of tailoring in-fill housing and aligning the use of vacant lots with the specific requirements of each neighborhood.

**Housing quality and community infrastructure:** Concerns were raised about housing quality, such as structural problems, leaks, infestations, faulty electrical systems, inadequate heating and other maintenance issues.

**Tax credits for housing developers:** There was advocacy for the implementation of tax credits for housing developers, aiming to incentivize the construction of more affordable housing units.

**Reinvestment in existing homes and affordable housing supply:** Community members called for a balanced approach to housing development, suggesting that investments should extend to existing homes, not solely focus on new housing construction.

**Community land trusts:** The potential of community land trusts was acknowledged—contingent on effective leadership—to contribute to housing solutions.

## ACCESS TO SERVICES AND GOVERNMENT RESPONSE

**Access to services and waiting lists:** Participants expressed their frustration with long waiting lists for housing and support services.

**DSS attitude and policies:** Concerns were raised about the attitude and policies of the Department of Social Services (DSS), particularly regarding sanctions for missed appointments.

**Complex paperwork and financial education:** Individuals highlighted the difficulties associated with navigating complex paperwork and application processes. It was also noted that there is a lack of financial education available to help individuals better manage their resources and make informed financial decisions.

**Public assistance challenges:** Concerns were raised about the phenomenon of "public assistance cliffs"—when households experience a slight increase in income and are no longer eligible for social services. This often results in households having more difficulty making ends meet than they did when their income was lower, and they were still receiving services.

# Policy Recommendations

## Update Buffalo's Fair Housing Law

### BACKGROUND

In 2006, Buffalo passed a fair housing law to protect people from discrimination based on the source of their rental payments.<sup>3</sup> Known as “source of income” discrimination, it is unlawful to refuse to rent to someone who seeks to pay their rent using a housing voucher (commonly known as “Section 8” vouchers) or other form of lawful source of income. There are many lawful ways that a tenant may receive income used to pay rent, including veteran’s benefits, Social Security, disability benefits, and other sources.

At the time, Buffalo’s law was groundbreaking because it was the first large city in the state to prohibit housing discrimination based on how someone pays their rent. Other cities followed Buffalo’s lead. New York City adopted such protections in 2008, Syracuse in 2016, and Rochester in 2017.<sup>4</sup> In 2018, Erie County also banned source of income discrimination.<sup>5</sup> Most recently, the State of New York adopted a statewide ban in 2019.<sup>6</sup>

Source of income protections are critical to ensuring equal access to housing for all people. A landlord’s refusal to accept non-employment income is often rooted in stereotypes and is a proxy for other forms of unlawful discrimination, such as racial discrimination, sex discrimination, and familial status discrimination (*e.g.* refusing to rent to someone with children).<sup>7</sup> Housing vouchers and other housing assistance programs are vital lifelines. They enable low-income households to obtain safe housing in neighborhoods that they may not otherwise access, improving quality of life. Some studies show that housing vouchers can result in significant improvements in a child’s education and upward socioeconomic mobility.<sup>8</sup> Source of income discrimination denies these opportunities to low-income renters and undermines the effectiveness of these government programs.

Buffalo’s law was a forerunner. Today, however, the law needs updates to continue to be effective at reducing housing discrimination and increasing access to affordable housing. Over time, landlords have found ways around the law. Moreover, the definition of “source of income” is outdated and its penalties no longer deter violators. Additionally, to make the law effective, Buffalo should invest more resources in investigating and enforcing the law. A 2018 investigative report found that Buffalo’s enforcement resources have been inadequate for the volume of offenses.<sup>9</sup>

Currently, Buffalo’s law makes it unlawful to:

Refuse to sell, rent, lease, make unavailable for inspection, sale or rental, or otherwise to deny or withhold from any person or persons housing accommodation because of race, creed, color, national origin, sex, disability, familial status, marital status, age, sexual orientation, gender identity and expression, military status or source of income.<sup>10</sup>

## RECOMMENDATIONS

**Update the definition of “source of income” to reflect common sources of income.** The New York State Human Rights Law provides a more expansive definition that better reflects the purpose of the law. The Common Council should revise the definition of “source of income” in Buffalo Code Section 154.13 to align with the definition in the New York State Human Rights Law: “The term ‘lawful source of income’ shall include, but not be limited to, child support, alimony, foster care subsidies, income derived from social security, or any form of federal, state, or local public assistance or housing assistance including, but not limited to, section 8 vouchers, or any other form of housing assistance or credit whether or not such income or credit is paid or attributed directly to a landlord, and any other forms of lawful income.”<sup>11</sup> The proposed definition includes additional sources of income that low-income renters use to pay their rent or security deposits, like security agreements, which are county-issued agreements that cover security deposits.

**Modernize penalties.** In 2006, the penalty was \$1,500 per fair housing violation. Adjusting for inflation alone means that the penalty should be over \$2,300 per violation today. The Common Council should amend City Code Section 154.20 to reasonably increase penalties. The Task Force recommends a scaled penalty system based on the number of units that a landlord owns. Unlike some areas of law, like housing conditions, it is important to recognize that fair housing testing may only result in proof of one or few violations despite large-scale discrimination. Accordingly, the penalty available for each violation matters in deterring discriminatory conduct. Recommended penalties:

- 1-4 units owned: \$2,500 per fair housing violation
- 5-50 units owned: \$5,000 per fair housing violation
- 50 or more units owned: \$10,000 per fair housing violation

**Dedicate more resources to fair housing enforcement.** The Common Council should dedicate significantly more resources to the investigation and enforcement of fair housing violations. We recommend that the Common Council allocate sufficient funding for five full-time city employees to investigate and enforce fair housing complaints. These positions should include investigators and attorneys who prosecute cases in which an investigator has found probable cause for discrimination.

## Increase Limited Liability Company Transparency

### BACKGROUND

A Limited Liability Company (LLC) is a type of business structure that shields its owners from being responsible for their company's debts. People often create LLCs to purchase investment properties. For example, a small landlord may own their rental property through an LLC so that if someone trips and falls at their rental, they are not held personally liable if that person sues them. If you're a good landlord who's otherwise taking care of the property, this is an understandable mitigation of risk. However, some landlords actively neglect their properties—creating dangerous living conditions for tenants and neighbors—and they use LLCs to hide from the consequences.

The LLC structure is a relatively new phenomenon; it was first recognized in New York State in 1994.<sup>12</sup> As of 2022, 9% of properties in Buffalo are owned by LLCs.<sup>13</sup>

Some evidence suggests that LLCs are associated with worsening housing conditions. In Milwaukee, Wisconsin, researchers looked at what happened when houses transitioned from individual ownership to LLC ownership. They found that homes that transferred ownership to LLCs were more likely to be cited for code violations than properties that stayed in individual ownership. Tenants in those homes were also more likely to experience a lasting housing issue (e.g. broken window, no heat, exposed wires) in the last year.<sup>14</sup> Here in Buffalo, our council members know well that many deteriorating and neglected properties are owned by LLCs.<sup>15</sup>

By design, LLC owners are exceptionally hard to track down. It might surprise some readers that governments in New York State—including the City of Buffalo, Erie County, and New York State itself—don't even know the names of many LLC owners! This is because when you create an LLC, you don't have to provide that information. You simply need to file a form with the New York Department of State with the LLC's name, county, and an address.<sup>16</sup>

This becomes a major problem when city officials want to hold negligent LLC property owners accountable. When the City's Department of Permits and Inspections Services (DPIS) needs to notify LLC property owners of a necessary repair, sometimes they must go through the New York Department of State. This office then serves the LLC by sending notice to the address on file for the LLC. However, the LLC owner may or may not be receiving notices at that address. Due to the city's inability to track these owners down, properties can go on deteriorating for years, causing health and safety concerns for both tenants and neighbors.

We saw an example of this in the case of Angel Dalfin, a landlord in Buffalo. Dalfin owned and rented over 150 single and two-family homes in Buffalo, primarily in low-income communities of color.<sup>17</sup> Inspectors cited over sixty of the properties for lead paint hazards, and those hazards

resulted in dozens of children having dangerously high levels of lead in their blood. Dalfin shuffled his properties among tens of LLCs to avoid charges until 2022, when the NYS Attorney General sued and won against the landlord.<sup>18</sup> If inspectors and the courts could have determined ownership of the properties sooner, it's likely that many of these children would have been saved the long-term impacts of lead exposure.

Lack of LLC transparency is also a major issue for tenants in Buffalo. While good landlords make themselves present and available for necessary communication with their tenants, we know that many landlords leave their tenants in the dark, unable to contact them. This becomes a huge problem when properties have repair needs and tenants can't reach their landlord to let them know. Tenants should be able to get in touch with someone who has control over the home they live in.

New York State legislators have taken a step in recent years to try to make LLC owners more accessible. As of 2019, when a rental property of one to four units is being sold or purchased by an LLC, the LLC owners/members must disclose their information to the state.<sup>19</sup> This information is reported in a form called "TP-584." Unfortunately, this legislation doesn't solve the problem for the City of Buffalo. First, it only applies to new sales. It doesn't retroactively require LLCs to disclose ownership information. So, the state will only glean information about LLCs slowly as they transfer ownership. Second, it is unclear whether the state will make this ownership information easily accessible to municipalities.<sup>20</sup> Third, the state has denied access to these forms via Freedom of Information Law (FOIL) requests, citing privacy concerns.<sup>21</sup> This means that the public cannot access the ownership information on these forms.

The City of Buffalo has also taken steps to try to improve communication with landlords. The city's rental registry form requires that out-of-town landlords include a local agent. However, this agent may be similarly unreachable. Moreover, local LLCs are not required to list an agent at all. Collectively, these shortcomings make it difficult to enforce housing laws.

Notably, Buffalo City Code already requires Limited Liability Partnership (LLP, a similar business structure to LLC) owners to disclose all owners in its rental registry form.<sup>22</sup> However, the annual rental registry form does *not* reflect this requirement.

We urge the Common Council to make LLC ownership more transparent in Buffalo and to hold negligent LLC owners accountable to tenants, neighbors, and to our city.

## RECOMMENDATIONS

**Require LLC ownership disclosure on the rental registry form.** The Council should amend Buffalo City Code Section 264-4 to require LLCs to disclose the name, residential address, and business address for every member with a 10% or greater interest in the LLC. This will ensure

that the city is able to get in touch with owners when needed. After legislating this change, council members should work with the Department of Permits and Inspections Services to ensure that the rental registry form reflects this requirement. Requiring ownership information of LLCs should fall within the city’s “Home Rule” power to pass laws that relate to “[t]he government, protection, order, conduct, safety, health and well-being of persons or property therein.”<sup>23</sup> Requiring LLC transparency for landlords would serve the interest of the health, safety and well-being of both people and property in Buffalo. Minneapolis requires similar information on its rental registration form.<sup>24</sup>

**Create a user-friendly ownership portal.** Council members should work with community organizations and/or local foundations to create a public portal with rental ownership information (see Minneapolis portal example).<sup>25</sup> The portal would also include LLC ownership information. However, it would include owners’ business addresses—not residential addresses. This way, tenants can find out who owns their property and have some means to contact them when needed, but owners’ privacy will be protected. It is critical that this website be user-friendly so that everyday Buffalonians feel comfortable accessing the site.

## Fund and Conduct a Vacancy Study

### BACKGROUND

Rental costs are a key part of addressing the housing crisis here in Buffalo, and empowering the council to take action to address rising rents is necessary. On March 23, 2023, the Buffalo News Editorial Board reported that “nearly 50% [of households] spend more than 35% of their incomes on rent. That number can go up to 70% in some neighborhoods.”<sup>26</sup> Rents are steadily increasing, while wages remain stubbornly stagnant.<sup>27</sup> *The Buffalo News* additionally reported that evictions are surging in the face of rent increases.<sup>28</sup> Anecdotally, the Task Force also heard from community members that rent was unaffordable.

In 1974, New York State passed a law called the Emergency Tenant Protections Act (ETPA) which allowed municipalities in and around New York City to opt into rent stabilization for certain housing units.<sup>29</sup> Eligible buildings must have been built prior to January 1, 1974 and have 6 units or more.<sup>30</sup> For a municipality to opt into ETPA, it must conduct a vacancy study, and the study must show that there is a vacancy rate of 5% or less. If this happens, a municipality may declare a state of emergency and pass a local law to opt into rent stabilization.

In 2019, the New York State Legislature passed the Housing Stability and Tenant Protection Act (HSTPA), which extended the option of ETPA to all cities, towns, and villages throughout New York State.<sup>31</sup> This means the City of Buffalo has the opportunity to pursue rent stabilization.

Since the passage of HSTPA in 2019 and the ETPA expansion, the cities of Kingston and Rochester have performed vacancy studies, and Kingston has opted to adopt a local ordinance implementing rent stabilization.<sup>32</sup> Several other cities in the Hudson Valley are poised to execute their own studies in response to increasing rents.<sup>33</sup>

Municipalities across New York State can learn from those that have already completed vacancy studies. Below, we've outlined the best recommendations for conducting a quality vacancy study based on reports from those cities, suggestions from policy experts, and our collective knowledge of accessible communication.

The first step to doing a vacancy study is sending a letter to applicable landlords. The letter should explain the study's purpose and process, and it should include the survey. Both documents should be available in multiple languages. The letter must provide clear directions for the survey and explain how non-responses should be counted. The letter should be sent by certified mail to landlords. The list of questions to be included in the survey should include but is not limited to: the address of the building, the number of rental units, how many are occupied,



and how many are unoccupied, off-the-market, or unavailable to rent. A full list of questions and information to be gathered can be found in Appendix 2.

If a landlord is unresponsive, alternative methods for collecting the information must be used. Phone calls to the landlord and site visits to the properties are common practice. Landlords should be able to submit them in a variety of ways, including filling out a physical survey, filling it out online, scanning the survey, or taking a picture of the survey and returning it.

If a unit is undergoing construction, but will be on the market again soon, it should be excluded from the count, and the total number of units in the building should be lowered accordingly. If a unit is uninhabitable (whether because it is being renovated, is off the market, or presents a danger to tenants' health and safety at the time of the study), this unit should not be counted in the study as vacant and available for rent. This is because the goal of the vacancy study is to understand the scope of units that are available for rent.

Unfortunately, other cities that have performed vacancy studies reported that some landlords evicted tenants to artificially inflate the vacancy rate.<sup>34</sup> To avoid this, any units where a tenant was evicted within a certain timeframe preceding the study should not be counted as a vacancy. Making this rule clear in the instructions should prevent landlords from evicting tenants to inflate vacancy figures. Additionally, if the city is unable to obtain any occupancy data, the assumption should be made that there are no vacancies.

Updates on the process should be provided to the Council and the Task Force monthly. The final product, along with the methodology, should be available in a public format and available online. The result should include a table of addresses and the corresponding responses for each address regarding the number of units, the number of vacant units, the number of units that are vacant but not for rent, and the reason why.

The potential impacts of a vacancy study in Buffalo are far-reaching. It will not only yield critical data on the quality and habitability of housing stock, but it may also allow the Council to stabilize rents to ensure long-term affordability for tenants in the City of Buffalo. By doing this, we would support Black, Indigenous, and other communities of color that are disproportionately affected by rental prices. We would also keep communities safe and stable by reducing evictions and gentrification.

## RECOMMENDATION

**Fully fund a vacancy study and hire a consultant to conduct it.** The Council should fully fund a study in the 2024-2025 budget. It should also pass a legally-binding provision that the study be completed no later than four months after the execution of a contract with a third party, with the goal of completing the study by December 31st, 2024. The AHTF recommends that the city hire

a consultant with experience performing these studies and one that can complete the study and report within three to four months of initiating the process. The request for proposals and subsequent conversations with the chosen consultant should reflect the best practices outlines above and in Appendix 2. The Council should require the consultant to provide updates to the Council throughout the process. The council members should then share these updates in public council meetings and on their social media pages.

## Fully Implement the Proactive Rental Inspections Program

### BACKGROUND

Many tenants in the City of Buffalo are living in unsafe, health-harming housing. The city's housing stock is old. Roughly 60% of Buffalo's occupied housing units were built in 1939 or earlier, and 90% were built before 1980.<sup>35</sup> While these homes were originally built with quality in mind, many property owners have not kept up with necessary maintenance over the years. As a result, tenants are facing the damaging consequences. Our local legal service providers report calls from tenants experiencing horrific conditions—collapsing ceilings, sewage backups, mold infestations, lack of heat in the winter, front doors that don't lock, and so much more.<sup>36</sup>

As the council members know, lead paint is also a major issue in many of our Buffalo homes.<sup>37</sup> The substance wasn't banned until 1978, and as a result, nearly all homes in Buffalo contain some amount of lead paint. Exposure to this paint affects one's brain development, and it has especially severe consequences for children. Children exposed to lead can experience learning and behavioral problems resulting from damage to the brain and nervous system. Lead paint is safe if it's carefully contained. However, due to a lack of maintenance, many homes have peeling and chipping lead paint. In a 2017 investigation, *Reuters* reported that Buffalo was one of the “most dangerous lead hotspots in America,” with high blood lead levels in children at a rate *eight times higher* than Flint, Michigan.<sup>38</sup>

Tenants living in these poor housing conditions don't have many options to improve them. Tenants can call 2-1-1 to request a housing inspection. However, many tenants are afraid to do this,<sup>39</sup> and rightly so; tenants in New York State are not protected by Good Cause Eviction laws. This means that if tenants don't have a written lease or are renting month-to-month, they can be asked to leave by their landlord at any time, with as little as thirty days' notice. Tenants worry that if they call for an inspection, the landlord will retaliate against them and ask them to leave.<sup>40</sup> A local legal service provider reported that tenants are especially afraid to address poor housing conditions in recent years because of the tight housing market. These tenants know that if their landlord asks them to leave, they'll have an exceptionally hard time finding new housing given the lack of rental housing on the market and increased rental prices.<sup>41</sup>

As a result, tenants continue to live in these unsafe units. If they do find another rental and move out, in most cases, the landlord will simply re-rent the unsafe property to new tenants. In this way, the cycle continues.

How do we break this cycle? Thankfully, the Buffalo Common Council took strong action in November 2020 to improve housing quality by passing the Proactive Rental Inspection (PRI) program. The PRI law requires that all investor-owned single and double housing units be

subject to regular inspection. Similar cities in the state, like Rochester, have had this requirement for over a decade. It's critical legislation because some of our city's most neglected housing units are singles and doubles. The vast majority of children with elevated blood lead levels in Buffalo live in these kinds of units.<sup>42</sup> Since these units hadn't been required to be inspected prior to 2020, irresponsible landlords could skirt housing code and simply rent out their substandard housing again and again without consequence. With the PRI program, the Council and Mayor Brown are bringing Buffalo inspections into the twenty-first century and ensuring the safety of units that had otherwise gone unregulated for decades.

Shockingly, however, the PRI program has not been implemented. There are roughly 36,000 units subject to PRI inspections. To roll out this program, the architects of the program planned to inspect 6,000 PRI-related units per year. The first round of inspections would therefore be completed in six years. It seems the Department of Permits and Inspections Services (DPIS) has not kept up with these figures and has reported hugely varied numbers regarding how many PRI inspections it has done so far.

In a report to the Council in March 2023, DPIS reported having done fewer than 4,000 inspections in the first *two years* of the program.<sup>43</sup> That's a far cry from the 12,000 inspections that they'd need to have completed during that period for an effective roll out of the program. Even more concerning, in meetings with partners, DPIS said it had done as few as fifty PRI inspections in the first few months of 2023. At this rate, it would take over 150 years to implement the program.

To implement this program and to ensure that our city's tenants can live safely in their homes, we need the Buffalo Common Council to take action.

## RECOMMENDATIONS

**Fully fund the PRI program.** We suspect that the primary hold-up is a lack of inspectors to complete the necessary inspections. Council members should work with the Commissioner of Permits and Inspections to understand how many additional inspectors would be needed to complete these 6,000 PRI inspections per year. We ask that you then prioritize that funding in the 2024-2025 City budget and beyond. If finding financial resources for this is a challenge, we encourage you to reach out to local foundations, state legislators, and other grant opportunities to obtain funding.

**Codify a PRI implementation timeline.** As mentioned above, the initial timeline for the program rollout was six years. The program is now several years behind. While Buffalo's mayor oversees city departments and therefore has oversight of how this program is implemented, the Council has the power to legislate. The Common Council should legislate that the city complete 6,000 PRI inspections per year for six years.

**Upgrade technology for inspectors.** To our knowledge, City of Buffalo inspectors currently use pen and paper when conducting inspections. Inspectors take notes about the inspection while in the field and then must return to the office to transcribe their notes. By transitioning to using tablets/iPads during inspections, our inspectors would no longer have to transcribe their notes in the office. This would greatly increase their efficiency by freeing up their time to do more inspections. The Common Council should include funding for a transition to tablets/iPads in the 2024-2025 budget and/or should work with local foundations to procure funding for this switch. The funds should cover the tablets, any necessary software, and training on the new technology to ensure that the transition is as smooth as possible.

**Amend the law to include owner-occupied doubles.** Currently, the PRI law excludes owner-occupied doubles. Yet, we know that poor housing conditions also exist in these properties. We must ensure that tenants living in owner-occupied doubles have access to safe, healthy housing—just like those in investor-owned units. We ask the Common Council to amend the PRI law to include rental units in owner-occupied doubles. These units could be inspected following the initial round of inspections for the investor-owned properties.

**Empower inspectors to enforce the law.** In her March 2023 report to the Council, the Commissioner of the Department of Permits and Inspections Services requested that the Council amend the city's code to include several fines necessary to carry out the department's PRI work. These fines were referenced in the original PRI legislation, but they do not appear in the city code. Therefore, the Council should amend City Code Chapter 137 to include the following as Class E fines:

- Failure to respond to notice as required by department, Section 264-8(B)
- Allowing occupancy without valid Rental Registration, Section 264-16(A)
- Renting property without a valid Certificate of Rental Compliance, Sections 249-3(C), 264-20, 264-21, 264-28(A)
- Failure to clear lead hazard in specified time not to exceed 60 days, Sections 261-2(C), 261-6, 249-9(A)(3), 254-10(D)

# Conclusion

We thank the Common Council for inviting us to think deeply about the housing crisis in our city. Each member of the Task Force brings with us a diverse set of experiences and vested interests. We've done our best to coalesce around a set of recommendations that we all stand behind as necessary for the betterment of our city residents and neighborhoods. As mentioned, this report serves as a first iteration of our recommendations, and we will work diligently toward a follow-up report in Spring 2024 with additional recommendations. In the meantime, we hope that you will take swift action on the recommendations we've outlined here. As increasing numbers of residents in our city are left without a home, and even more live in health-harming conditions, we urge you to take swift action on this issue.

# Appendix 1: Public Input Meeting Notes

## **Historical Context:**

- There is a long history of racial segregation, redlining, and gerrymandering.
- Questions were raised about the mishandling of ARPA funding.
- Many people are skeptical that the Council will not do anything with the Task Force recommendations.
- People do not trust the Task Force to make the right recommendations.
- The public requests a timeline from the Council and a commitment to do something beyond just creating a Task Force.
- The 2016-2017 housing study should be considered.

## **Affordable Housing and Landlord-Tenant Relations:**

- Residents expressed that they felt trapped by benefits cliffs.
- Residents advised that the Task Force needs to think deeply about how we define "affordability."
- There is a frustration that landlords require proof of income that is three times the cost of rent.
- Community members emphasized the need for a "Housing First" model, as someone needs housing before they can effectively address any other problems.
- There is community support for rent stabilization and the Tenant Bill of Rights.
- Incentives for landlords to be accountable should be explored.
- Social housing, in place of affordable housing, was suggested.
- Tenants want the opportunity to cooperatively buy buildings.
- Residents requested a landlord violation notification system to warn residents of slumlords or non-compliant owners.
- The housing court experience is generally negative; people feel that lawyers do not or can not stand up for tenants. People are passed between organizations without receiving proper support.
- Unlawful evictions are frequent.
- Community members suggested that the Council follow the measures that Minneapolis has taken.
- People do not know how to contact their landlords or property managers.
- There needs to be a clear definition for "mom-and-pop landlords."
- Tenants need to be educated on their rights.
- The rental registry needs to be enforced.
- Community members are in support of Good Cause Eviction.
- Residents want the city to understand the difference between having subsidized options and having an affordable housing market.
- Many have experienced "artificially inflated purchasers" in the community that have been driving up the prices of rental and mortgage units.

## **Homelessness and Shelter Solutions:**

- Residents are concerned that supported living, such as shelters, costs money.
- Homeless youth are often forgotten; the McKinney-Vento Act, which provides services to housing-insecure students through schools, was emphasized.
- Shelters are closing while homelessness is on the rise.
- Tenancy is an important step between homelessness and home ownership.

### **Housing Development and Repair:**

- Information about and access to vacant lots needs to be increased.
- There are huge lead problems in the housing stock of Buffalo.
- The housing quality is bad; buildings are structurally compromised. Residents experience leaks, bugs, rodents, faulty electrical, and no heat.
- Neighborhood infrastructure improvements are needed to make people want to stay.
- The community has called for the city to explore balancing the housing stock issue through smaller grants rather than infill housing.
- Residents have expressed that the city should set aside money for landlords to make repairs on very old homes.
- Residents suggested that they should raise fines on landlords to hold them accountable.
- Landlords said that it is very hard not to raise rents when costs to maintain properties, including repairs, construction, and insurance, keep increasing. There is a belief that the number one issue is low incomes, not high rents.
- People were in support of community land trusts.
- Opportunities should be created for small developers.
- Tax credits for housing developers need to be connected to a drastic increase in affordable units.
- Residents would like to see a review of the zoning laws.

### **Access to Services and Government Response:**

- Resettlement agencies can only provide comprehensive support for 6 months and it takes longer than 6 months for someone to be stabilized after experiencing homelessness.
- There is a lack of coordination between organizations.
- There is a need for financial education.
- There needs to be an increase in support for the refugee population.
- Language and translation services are vital to communication.
- There is a need for transitional housing.
- Residents stated that there is a host of issues at the Department of Social Services, including policies that community members describe as unfair.



# Appendix 2: Further Vacancy Study Considerations

## Items to Include in Vacancy Study and Letter

The letter and survey should be addressed to the owner and indicate the property for which a survey is being requested, and include the following questions:

- Address of the building (for confirmation)?
- Can you confirm that the respondent is the owner?
- Number of rental units in the property?
- As of today's date, how many units are occupied?
- As of today's date, how many units are not occupied?
- Are any of the unoccupied units you listed above currently off-the-market or unavailable to rent?
- If yes, how many and why?
- Name and email address?
- Any other information to share?

The letter must include the following instructions:

- Answers may be verified by [the person/unit running the study].
- If you do not respond, the [the person/unit running the study] may attempt to obtain the information from a site visit.
- If we are unable to obtain any occupancy data, we will assume that there are no vacancies.
- Give people the option to fill out the survey and scan or send a photo to an email address (photos/scans must be kept on file).
- Set a deadline for response, giving approximately 30 days.

*Note:* these are important provisions. Without them, landlords may purposefully not respond in order to influence the results.

## Landlord Follow Up

The Consultants should perform the following outreach to ensure landlords are reached:

- The survey should be sent by certified mail to every building on the list.
- Landlords who are non-responsive to certified mail should receive at least two follow up communications via a site visit and phone call.
- Record all answers in a spreadsheet, noting how the answer was obtained. Attempt to contact any properties that didn't respond by phone, if available. Perform a site visit for any property where a response has not been received.
- Review the data and note whether there are any discrepancies between the numbers reported and perform a site visit to verify any conflicting information.

- Randomly select buildings for a site visit to verify information. If there is a discrepancy, reach out to the owner.
- Site visits: observe doorbells/ringers, mailboxes, running air conditioners, satellites, or other evidence of occupancy. Speak with any on-site superintendent to determine or confirm vacancies.

## **Data Analysis and Publishing**

The consultants should categorize the following sorts of units as vacant:

- If a unit is undergoing construction, but will be on the market again soon, it should be excluded from the count and the total number of units in the building should be lowered accordingly.
- If a unit is uninhabitable (whether it be because it is being renovated, off the market or if the unit presents any dangers to a health tenants health and safety at the time of the study) this unit will not be counted in the study as vacant and available for rent. To avoid any adverse impacts on tenants through this study, any units where a tenant was evicted within a certain timeframe of the study, cannot be counted as vacancy (other cities who have performed vacancy studies have reported that landlords evicted tenants to inflate the vacancy rate).

When publishing the vacancy rate, we ask the consultants to do the following:

- The results of the study should outline the methodology and the results in a format for the public.
- The result should include a table of addresses and the corresponding responses to each address about the number of units, the number of vacant units, and the number of units that are vacant but not for rent, and the reason why.

## **Consultant Requirements**

These are necessary skills and abilities for the contractor performing the study:

- experience performing vacancy studies or similar studies in Western New York
- ability to work with city government to obtain information on buildings relevant to the study
- mailing and mail-merge
- detailed and accurate tracking of information and responses received and basic computational skills
- ability to do on-site visits of buildings throughout Buffalo to obtain and/or verify information
- experience publishing accurate results in a format that is transparent and understandable to the public

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<sup>1</sup> City of Buffalo New York, Common Council, February 21, 2023, *Pridgen – Creation of the City of Buffalo Affordable Housing Task Force*, [http://buffalony.igq2.com/Citizens/Detail\\_LegiFile.aspx?Frame=&MeetingID=2533&MediaPosition=&ID=20555&CssClass=](http://buffalony.igq2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=2533&MediaPosition=&ID=20555&CssClass=).

<sup>2</sup> Caitlin Dewey, “‘The reality for a lot of us’: WNY evictions surge amid rising rents, housing shortage,” *The Buffalo News*, July 5, 2023, [https://buffalonews.com/news/local/the-reality-for-a-lot-of-us-wny-evictions-surge-amid-rising-rents-housing-shortage/article\\_076b4bb4-1777-11ee-bb17-2f5884a03b17.html](https://buffalonews.com/news/local/the-reality-for-a-lot-of-us-wny-evictions-surge-amid-rising-rents-housing-shortage/article_076b4bb4-1777-11ee-bb17-2f5884a03b17.html); Holly Kirkpatrick, “Buffalo has an affordable housing problem. A task force has been formed to help solve it,” *WBFO*, June 30, 2023, <https://www.wbfo.org/2023-06-30/buffalo-has-an-affordable-housing-problem-a-task-force-has-been-made-to-help-solve-it#>.

<sup>3</sup> Buffalo Code of Ordinances, Art. IV, Chapter 154.12 to 154.24.

<sup>4</sup> Syracuse Local Laws Ch. 8 Sec. 8-4; Rochester Municipal Code Sec. 63-5.

<sup>5</sup> Fair Housing Law, Erie County, Local Law 4 (2018), available at [https://locallaws.dos.ny.gov/sites/default/files/drop\\_laws\\_here/ECMMDIS\\_appid\\_DOS20180529060015/Content/09021343801f3924.pdf](https://locallaws.dos.ny.gov/sites/default/files/drop_laws_here/ECMMDIS_appid_DOS20180529060015/Content/09021343801f3924.pdf).

<sup>6</sup> New York State Human Rights Law § 291 et seq. For a list of all cities, counties, and states that have prohibited source of income discrimination, see Poverty & Race Research Action Council, Appendix B: State, Local, and Federal Laws Barring Source-of-Income Discrimination (July 2023), available at <https://www.prrac.org/pdf/AppendixB.pdf>.

<sup>7</sup> See, for example, Source of Income Discrimination in Housing, The Equal Rights Center (2015), available at <https://equalrightscenter.org/wp-content/uploads/soi-toolkit.pdf>.

<sup>8</sup> See, for example, Raj Chetty, Nathaniel Hendren, and Lawrence Katz, The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Experiment, 106 *American Economic Review* 855 (Apr. 2016).

<sup>9</sup> Buffalo Not Enforcing Its Fair Housing Law, Investigative Post (July 5, 2023), [www.investigativepost.org/2018/07/05/buffalo-not-enforcing-its-fair-housing-law/](http://www.investigativepost.org/2018/07/05/buffalo-not-enforcing-its-fair-housing-law/).

<sup>10</sup> Buffalo Code of Ordinances, Art. IV, Chapter 154.17.f

<sup>11</sup> New York Human Rights Law § 296(36) (defining “lawful source of income”).

<sup>12</sup> “Important Notice: New York Tax Status of Limited Liability Companies and Partnerships,” *NYS Department of Taxation and Finance*, October 25, 1994, [https://www.tax.ny.gov/pdf/memos/multitax/m94\\_6i\\_8c\\_7m\\_7s\\_6r.pdf](https://www.tax.ny.gov/pdf/memos/multitax/m94_6i_8c_7m_7s_6r.pdf).

<sup>13</sup> “New Data: 37% of Manhattan Properties Owned by Secretive LLC Shell Companies—5x NYS Average,” *Reinvent Albany*, September 21, 2023, <https://reinventalbany.org/2023/09/new-data-37-of-manhattan-properties-owned-by-secretive-llc-shell-companies-5x-nys-average/>.

<sup>14</sup> Adam Travis, “The Organization of Neglect: Limited Liability Companies and Housing Disinvestment,” *American Sociological Review*, 84, no. 1 (2019): 142-170, <https://doi.org/10.1177/0003122418821339>.

<sup>15</sup> For example, see: Chris Horvatis, “Operation Slumlord efforts continue in City of Buffalo,” *WIVB*, March 7, 2019, <https://www.wivb.com/news/local-news/operation-slumlord-efforts-continue-in-city-of-buffalo/>.

<sup>16</sup> “Articles of Organization for Domestic Limited Liability Company,” New York State Department of State, accessed November 2, 2023, <https://dos.ny.gov/articles-organization-domestic-limited-liability-company-0>.

<sup>17</sup> Emyle Watkins, “NYS Attorney General Files Lawsuit Against Buffalo Landlord Over Lead Poisoning,” *WGRZ*, September 19, 2020, [www.wgrz.com/article/news/local/new-york-state-attorney-general-files-lawsuit-against-buffalo-landlord-over-lead-poisoning/71-5df5a0ca-f30b-4d1a-a87a-680781a23ea0](http://www.wgrz.com/article/news/local/new-york-state-attorney-general-files-lawsuit-against-buffalo-landlord-over-lead-poisoning/71-5df5a0ca-f30b-4d1a-a87a-680781a23ea0).

<sup>18</sup> “Attorney General James Wins \$5.1 million from Notorious Buffalo Landlord to Fund Lead Poisoning Prevention in Erie County,” *Letitia James New York State Attorney General*, November 7, 2022, <https://ag.ny.gov/press-release/2022/attorney-general-james-wins-51-million-notorious-buffalo-landlord-fund-childhood>.

<sup>19</sup> “Changes to the Filing Requirements for the Real Estate Transfer Tax on Certain Conveyances Involving LLCs,” *Department of Taxation and Finance*, November 4, 2019, [https://www.tax.ny.gov/pdf/memos/real\\_estate/m19-2r.pdf](https://www.tax.ny.gov/pdf/memos/real_estate/m19-2r.pdf).

<sup>20</sup> In 2021, the UB Civil Rights and Transparency Clinic did research for the Partnership for the Public Good regarding access to these forms. After speaking with representatives from the State Dept of Taxation and Finance and the Erie County Clerk, the Clinic concluded that the entities are not sharing information about these forms and the information isn’t available via a cohesive database.

<sup>21</sup> Michelle Breidenbach, “Even after new law to reveal property owners, NY still hides their names,” *Syracuse.com*, January 6, 2020, <https://www.syracuse.com/news/2020/01/even-after-new-law-to-reveal-property-owners-ny-still-hides-their-names.html>. NOTE: the author pursued an advisory opinion on this matter from the NY Department of

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State Committee on Open Government (COG). The COG then issued an opinion advising the NYS Dept of Taxation to provide the TP-584 form. The COG clarified that form TP-584 *accompanies* the tax return but is not a part of the tax return. Therefore, it is not confidential. Source: Kristin O’Neill, “FOIL-AO-19765,” *State of New York Department of State Committee on Open Government*, January 7, 2020, <https://docs.dos.ny.gov/coog/ftext/f19765.htm>.

<sup>22</sup> City of Buffalo, NY, Part II General Legislation, §264-4(2), accessed October 20, 2023, <https://ecode360.com/13556561>.

<sup>23</sup> N.Y. Const. Art. 9, § 2 (3)(c)(ii)(10). *See also* N.Y. Mun. Home Rule § 10.

<sup>24</sup> The form states, “when a property is owned by a corporation or LLC, an associated natural person must be listed in this section, and a copy of the Articles of Organization listing the shareholders of the corporation or LLC must be submitted with the application.” Source: “Application for a Rental Dwelling License,” *City of Minneapolis*, accessed October 21, 2023, <https://www2.minneapolismn.gov/media/content-assets/www2-documents/business/RLIC---Rental-License-Application.pdf>.

<sup>25</sup> “Active Rental Licenses,” *Open Data: Open Minneapolis*, October 20, 2023, <https://opendata.minneapolismn.gov/datasets/active-rental-licenses/explore?location=44.930590%2C-93.215703%2C14.00>.

<sup>26</sup> News Editorial Board, “The Editorial Board: Buffalo needs some practical solutions to an affordable housing crisis that grows desperate,” *The Buffalo News*, March 25, 2023, [https://buffalonews.com/opinion/editorial/the-editorial-board-buffalo-needs-some-practical-solutions-to-an-affordable-housing-crisis-that-grows/article\\_5c6530e2-c9b3-11ed-8d28-6b0bf02d791f.html#:~:text=That%27s%20a%20spike%20of%20more,of%20their%20incomes%20on%20rent.6b0bf02d791f.html#:~:text=That%27s%20a%20spike%20of%20more,of%20their%20incomes%20on%20rent.](https://buffalonews.com/opinion/editorial/the-editorial-board-buffalo-needs-some-practical-solutions-to-an-affordable-housing-crisis-that-grows/article_5c6530e2-c9b3-11ed-8d28-6b0bf02d791f.html#:~:text=That%27s%20a%20spike%20of%20more,of%20their%20incomes%20on%20rent.6b0bf02d791f.html#:~:text=That%27s%20a%20spike%20of%20more,of%20their%20incomes%20on%20rent.)

<sup>27</sup> I’Jaz Ja’ciel, “Buffalo’s eviction numbers are thru the roof,” *investigative Post*, November 9, 2022, <https://www.investigativepost.org/2022/11/09/buffalos-sky-high-evictions/>.

<sup>28</sup> Deidre Williams, “Buffalo’s housing crisis: ‘Lots of evictions’ and few affordable places for those struggling to make ends meet,” *The Buffalo News*, March 3, 2023, [https://buffalonews.com/news/local/buffalos-housing-crisis-lots-of-evictions-and-few-affordable-places-for-those-struggling-to-make/article\\_430cd162-b988-11ed-991b-b3b6f02b8688.html#tracking-source=article-related-bottom](https://buffalonews.com/news/local/buffalos-housing-crisis-lots-of-evictions-and-few-affordable-places-for-those-struggling-to-make/article_430cd162-b988-11ed-991b-b3b6f02b8688.html#tracking-source=article-related-bottom).

<sup>29</sup> New York State, Homes and Community Renewal, September 2022, *Emergency Tenant Protection Act (ETPA) of 1974 Chapter 576 Laws of 1974 as Last Amended*, <https://hcr.ny.gov/system/files/documents/2022/09/fact-sheet-08-09-2022.pdf>.

<sup>30</sup> Note: Government-owned buildings are not eligible.

<sup>31</sup> “Senate Bill S6458: Enacts the ‘Housing Stability and Tenant Protection Act of 2019,’” “The New York State Senate,” accessed November 2, 2023, <https://www.nysenate.gov/legislation/bills/2019/S6458>.

<sup>32</sup> City of Kingston New York, Office of Housing Initiatives, accessed November 2, 2023, *Fact Sheet—Emergency Tenant Protection Act in Kingston, New York*, [https://kingston-ny.gov/filestorage/8399/8469/48370/ETPA\\_Implementation\\_Fact\\_Sheet\\_Kingston\\_New\\_York.pdf](https://kingston-ny.gov/filestorage/8399/8469/48370/ETPA_Implementation_Fact_Sheet_Kingston_New_York.pdf);

Roshan Abraham, “What Will it Take for Other Cities to Adopt Rent Control?” *Next City*, August 18, 2022, <https://nextcity.org/urbanist-news/what-will-it-take-for-other-upstate-new-york-cities-to-adopt-rent-control>.

<sup>33</sup> Cea Weaver (Campaign Coordinator at Housing Justice for All), personal communication during coalition meeting of upstate housing organizations, October 24, 2023.

<sup>34</sup> Roshan Abraham, “What Will it Take for Other Cities to Adopt Rent Control?” *Next City*, August 18, 2022, <https://nextcity.org/urbanist-news/what-will-it-take-for-other-upstate-new-york-cities-to-adopt-rent-control>.

<sup>35</sup> U.S. Census Bureau, “Physical Housing Characteristics for Occupied Housing Units,” Table S2504, *2017-2021 American Community Survey Five-Year Estimates* (Buffalo City, New York), October 19, 2023, <https://data.census.gov/table/ACSST5Y2021.S2504?q=housing&g=160XX00US3611000>.

<sup>36</sup> Grace Andriette (Director of Housing at Neighborhood Legal Services), personal communication with Sarah Wooton, October 19, 2023.

<sup>37</sup> Kent Gardner, *Renewing Our Pledge to Ending Lead Poisoning of Buffalo’s Most Vulnerable Citizens*, (policy report, Rochester NY: CGR, 2017), [https://ppgbuffalo.org/files/documents/health/renewing\\_our\\_pledge\\_a\\_path\\_to\\_ending\\_lead\\_poisoning\\_of\\_buffalos\\_most\\_vulnerable\\_citizens.pdf](https://ppgbuffalo.org/files/documents/health/renewing_our_pledge_a_path_to_ending_lead_poisoning_of_buffalos_most_vulnerable_citizens.pdf).

<sup>38</sup> M.P. Bell, Joshua Schneyer, and Andy Sullican, “Lead’s Hidden Toll: Hundreds more lead hotspots are identified as Trump prepares to gut programs,” Reuters, April 21, 2017, <https://www.reuters.com/investigates/special-report/usa-lead-states/>.

<sup>39</sup> Sam Magavern et al, *Evicted in Buffalo: the High Costs of Involuntary Mobility*, (policy report, Buffalo NY: Partnership for the Public Good, 2020),

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[https://ppgbuffalo.org/files/documents/housing\\_neighborhoods/general/housingneighborhoods-evicted\\_in\\_buffalo.pdf](https://ppgbuffalo.org/files/documents/housing_neighborhoods/general/housingneighborhoods-evicted_in_buffalo.pdf), 40-41.

<sup>40</sup> Technically, it is illegal for a landlord to evict a tenant simply because they called for an inspection under anti-retaliation laws. However, we know from attorneys who represent tenants in cases like this that retaliation is often very difficult to prove in court. Source: Grace Andriette, personal communication.

<sup>41</sup> Grace Andriette, personal communication.

<sup>42</sup> Kent Gardner, *Renewing Our Pledge*, 20.

<sup>43</sup> City of Buffalo New York, Department of Permits and Inspections Services, March 3, 2023, *Commissioner's Report to the Common Council of the City of Buffalo as per City Code §264-13(B)*, <http://buffalony.iqm2.com/Citizens/FileOpen.aspx?Type=4&ID=21795&MeetingID=2732>.