

Broome County Safe Housing Task Force – Core Group
Wednesday, October 24, 2-3pm
Meeting Minutes

Attendees: Larry Sal (Landlord – Sal Associates), Rebecca Rathmell (Co-Chair – Southern Tier Homeless Coalition), Mark Schuster (Co-Chair – BC Health Department), Josh Phelps (Director – Environmental Health), Chris Schleider (City of Binghamton Code Department), Daria Golazeski (Deputy Commissioner of Public Works for Codes and Ordinances – Town of Union), Tom Costello (Director – City of Binghamton Code Department), Nancy Williams (Commissioner – Department of Social Services), Sonja Bennett (Deputy Commissioner of TA – Department of Social Services), Sharon Sorkin (Assistant Corporation Counsel – City of Binghamton), Dai Korba (Planning – Village of Johnson City), Dr. Tonia Thompson (Superintendent – Binghamton City School District), Christina Cramer (BC Executive’s Office), Paige (Intern - Rural Health Network), Claire (Intern – DSS)

1. Collaborative Protocol – Progress Update
 - a. Sharon, Chris, and Rebecca have continued discussions internally as well as with NYS OTDA Housing & Supportive Services personnel and OTDA Deputy Counsel re: better supporting recipients/tenants when “stop rents” are issued
 - i. Clarification still needed re: OTDA official interpretation of Spiegel application – whole building or single units.
 - ii. Collective recommendation to pursue developing and including a “Spiegel Fact Sheet” for tenants in DSS notice to recipients of withheld rent. Per Sonja, current manual letter process could include additional inserts.
 1. Considering the potential of also including underlying Violation Report, recipients’ budget sheets indicating withheld rent, a referral to legal services agencies, and a list of other eligible services if required to vacate in stop rent notice.
 2. Rebecca also discussing common/best practice with NYS OTDA and other local districts re: Spiegel notification.
 - iii. Initial questions for City Court judges identified > Goal is consistent treatment of Spiegel
 1. Mimic in Johnson City – Cheryl Sacco the recommended contact
 - b. Additional Spiegel Act clarification: Per Sonja, temporary assistance is considered a GRANT to recipients, therefore it is each tenant’s right to choose how and where it is applied. Except in cases of severe health and safety concerns, DSS cannot impose habitability as an eligibility requirement. Inspections are not within the purview of the Department.
2. Rental Registration – Rebecca noted that the term “Rental Registration” has been used generally to frame discussion re: proactive/collaborative code enforcement.

Simply changing the language of existing ordinances will not be a solution in itself but rather must include a multi-faceted approach.

a. Proactive Code Enforcement

i. Rental Registry

1. Combining Rental Registry with Rental Licensing/Cert. of Occupancy programs
2. Per Tom, registry is a database controlled by a municipality that requires landlords to submit data – “pulling back the curtain on property ownership and management...Everything else is complementary.” The City has a “decent” list of LLC’s; the County and public, however, do not.
3. Would a shared database provided by the County (GIS? Or possibly BuildingBlocks through the City) be a viable and effective option?
 - a. Larry reported concern that any central database could potentially put landlords in jeopardy. Recommended requiring landlords to post contact information on every building.
 - b. Tom reported that information on property owners/management companies is constantly moving so a “centralized depository” would be helpful. Mentioned that Schenectady is seeking for NYS to open LLC database to Code Enforcement Departments.
 - c. Tonia inquired re: public access; Encouraged tenant and landlord education, including the benefit of lease agreements.
 - d. Mark mentioned Schuyler County Housing Department maintains a Landlord Portal and a Tenant Portal, with resources for both including recommended lease templates.
 - i. Is this an acceptable legal practice? Yes. Is it helpful? Larry stated undesirable landlords will “just make changes based on what benefits them” and not the tenant.
 - ii. Per Chris S., without a lease tenants automatically have month-to-month lease arrangements and basic landlord/tenant rights. Some leases may have more specific requirements.

ii. Syracuse and Rochester Examples

1. Connecting rental registration to rental licensing/certificate of occupancy:
 - a. Chris S. inquired whether compulsory inspections are legal. Per Sharon, existing case law demonstrates that ordinances requiring property owners to consent to warrantless inspections in order to rent their premises

are unconstitutional. City of Binghamton's current ordinance is, thus, not implementable as written. Sharon further stated, however, that NYS requires triannual inspections of multi-family (3+ units) properties. Though inspections cannot be required pre-registration, they can be required post-registration.

- b. Per Tom, we need to better the housing, not just restrict folks from the bad housing. Larry praised HUD's Section 8 inspection requirements per Housing Quality Standards; Sharon and Sonja noted the differences between Section 8 rental assistance and DSS rental assistance – habitability as a federal program requirement vs. a mandate nonexistent in current NYS regulations.
- c. Consensus re: goal to improve housing quality while simultaneously supporting/expanding housing choice. Members expressed a desire to review program outcomes to determine effectiveness of Rental Registry/Cert. of Occupancy programs. Tom has a call scheduled with Rochester; Rebecca will reach out to Syracuse.

b. Exemptions/Priority Properties/Landlord Incentives

- i. Larry confirmed connecting inspection requirements to rehab funding would incentivize compliance; noted landlords are “scared” to register because necessary repairs may be unaffordable.
- ii. Discussion re: a platform to promote good landlords if they comply. Larry stated he does not believe this would incentivize undesirable landlords. Rebecca stated we may not identify an incentive that works for every landlord but that such a platform could be a good addition to a toolbox of incentives for landlords to encourage compliance.
 - 1. Tom noted Binghamton University Off-Campus Housing has a very strict protocol for advertising qualified landlords, however students do not use the portal. “They go to Craigslist.” Hence, even the best methods are useless if they are not accessed. Tom further stated a token system was suggested - i.e. someone with access to tokens sponsors landlords or tenants to provide access to the technology.

c. Rehabilitation Financing

- i. Larry suggested need to make information re: funding/financing resources more accessible for landlords. Also stated more funding necessary for property owners who want to comply but are unable to afford repair costs.

d. Administrative Violation Enforcement

3. Action Items

- a. Members to pursue outcome metrics demonstrating effectiveness of Rental Registry/Cert. of Compliance programs impact on housing quality and choice.

- b. Agenda will remain the same, with updates on examples/outcomes, for next meeting.
 - c. Shared database for rental registration will be brought to Executive Committee.
- 4. Next meeting:
 - a. Tuesday, November 13th – 2-3pm @ Koffman Incubator Event Center