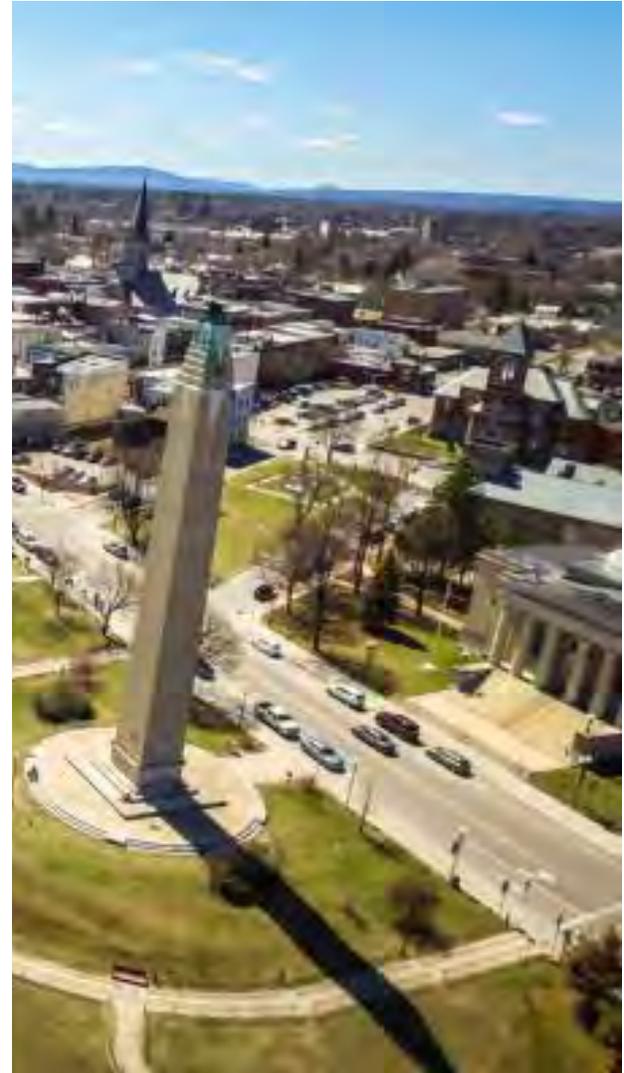




PLATTSBURGH HOUSING ADVISORY COMMITTEE: FINAL REPORT



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Introduction

The City of Plattsburgh Housing Advisory Committee was established by resolution of the Common Council on August 19th, 2021 with the goal of identifying factors that impair access to safe, adequate, affordable, and secure housing and to recommend solutions to address such barriers. The committee is comprised of the following members:

- Councilor Jeff Moore (Ward 6 Councilor)
- James Welch, City Employee (Building Inspector)
- Shelise Marbut, City Employee (Community Development)
- Mark Hamilton, Fair Housing Officer/Executive Director (Plattsburgh Housing Authority)
- Tara Glynn, Managing Attorney (Legal Aid Society of Northeastern New York)
- Dr. Liou Xie, Associate Professor of Geography & Environmental Studies (SUNY Plattsburgh)

The committee identified challenges in the following areas: habitability and deterioration of housing stock; housing supply and affordability; and practices in rental housing. Throughout the fall of 2021, the Housing Advisory Committee met to discuss these challenges and identify potential measures the city may be able to take to attenuate these issues.

Discussion and ideas were informed by community feedback throughout the process. Stakeholders engaged with the committee via two public work sessions, an electronic survey circulated by the City of Plattsburgh on social media and disseminated among local support agencies and nonprofits, and anonymous comments collected via electronic mail. The committee solicited responses from stakeholders including tenants, owner-occupants, providers of rental housing, real estate developers, members of the Concerned Owners of Plattsburgh Properties coalition, representatives of non-profit agencies whose work intersects with matters related to housing, and members of the general public.

The findings and recommendations included within this report are the result of the professional experience, knowledge, and thoughtful discussion of the committee members with careful consideration of the fiscal and logistical constraints of city operations. It is the hope of the Housing Advisory Committee that these recommendations will facilitate further discussion among the Common Council that ultimately advance access to safe, affordable, quality housing within the City of Plattsburgh for all residents.

Mission Statement

This committee has been formed by the City of Plattsburgh to examine relationships between property owners, developers, tenants, and the city on all matters impacting housing as well as review the current state of the city's housing stock and how to improve or address any found inequities or deficiencies.

Definitions

For the purposes of this report, the following terms are defined as:

BIPOC: acronym meaning Black, Indigenous, and People of Color.

Cost-burdened (also rent-burdened; housing-burdened): a situation in which a household pays more than 30 percent of its income toward housing expenses.

Foreclosure: the action of taking possession of a mortgaged property when the mortgagor fails to keep up their mortgage payments.

Homelessness: the condition of lacking stable, safe, and adequate housing. People can be categorized as homeless if they are:

1. living on the streets (primary homelessness);
2. moving between temporary shelters, including houses of friends, family, and emergency accommodation (secondary homelessness); and
3. living in private boarding houses without a private bathroom or security of tenure (tertiary homelessness)

Homeownership: the situation of owning one's house or property, or of having a mortgage on it.

Landlord: a person who rents land, a building, or an apartment to a tenant.

Lease: a contract by which one party conveys land, property, services, etc. to another for a specified time, usually in return for a periodic payment.

Property Manager: an individual or company that is hired to oversee the day-to-day operations of a unit of real estate

Property Owner: the owner of a parcel of real property and any improvements on that property.

Student Housing: private, off-campus housing advertised to students.

Subsidized Housing: housing in which the true cost is offset by an outside source; including, but not limited to public housing, housing choice vouchers, and grants from non-profits.

Tenant: a person who occupies land or property rented from a landlord.

Vacancy Rate: the number of vacant units available on the market.

Housing History – National and Local

The COVID-19 Global Pandemic brought the ongoing housing crisis into acute focus for many communities. Though this report focuses on the City of Plattsburgh, a brief history of housing policies and events that have fueled this crisis and impact the local community is necessary to understand the challenges faced by the Plattsburgh community and the proposed solutions. This section provides a brief background on matters relating to housing policy and is not an exhaustive history.

Homeownership Inaccessibility¹

Homeownership has long been the archetype of housing in the United States. Homeownership establishes housing stability for a family and a means by which to build equity. Home equity is the most common and largest source of household wealth and borrowing against it can help households weather sharp income declines. Real estate often operates as a vehicle for generational wealth. Throughout the 20th century, the middle class expanded as homeownership rates increased, however, the advantages of this economic growth were not realized by all. Racial discrimination through historical and continued policy decisions, structural barriers, implicit bias, and overt racism have injuriously impacted BIPOC and other minority populations, resulting in decreased levels of homeownership among these populations.² Those who do own tend to be in more mortgage debt and less able to take advantage of the equity that should come with homeownership.

Homeownership on the Decline

Homeownership has declined over the last two decades as the renter population has swelled.³ The foreclosure crisis in the 2000s drove many former homeowners to the rental market.⁴ From 2004 to 2015, the number of renters increased by 9.3 million nationwide. During the Great Recession, from 2007 to 2009, new construction of housing largely stalled resulting in fewer new units being constructed. When new housing construction resumed, real estate investors turned their focus toward profitable high-income rentals. Rents continued to rise despite falling incomes as a result of the recession, and though greater numbers of people became income-eligible for government assisted programs, funding for these programs or creation of new relief programs did not follow.

¹ Edelberg, W., Estep, S., Lu, S., Moss, E. “The Hamilton Project: A Comparison of Renters and Homeowners in Recent Decades,” The Brookings Institution, April 2021, *available at* <https://www.brookings.edu/wp-content/uploads/2021/04/A-Comparison-of-Renters-and-Homeowners-in-Recent-Decades-2.pdf> (last accessed 17 Jan. 2022).

² Hepburn, P., Louis, R., Desmond, M. “Racial and Gender Disparities Among Evicted Americans,” The Eviction Lab, December 16, 2020. *Available at* <https://evictionlab.org/demographics-of-eviction/> (last accessed 17, Jan. 2022).

³ “Quarterly Residential Vacancies and Homeownership, Third Quarter 2021,” U.S. Census Bureau, *available at* <https://www.census.gov/housing/hvs/files/currenthvspress.pdf> (last accessed 17 Jan. 2022).

⁴ “America’s Rental Housing: Evolving Markets and Needs,” Joint Center for Housing Studies of Harvard University, 2013, *available at* https://www.jchs.harvard.edu/sites/default/files/jchs_americas_rental_housing_2013_1_0.pdf (last accessed 17 Jan. 2022).

Increasing housing costs partnered with depressed incomes resulted in a crisis of housing-burdened individuals and families that we continue to see today.⁵

Affordability

While the issues that define affordability are often complex and diverse, affordability is considerably affected by demographics, economics, and climate.⁶ A healthy single person or couple may be able to spend 30% to 50% of his or her income on housing and still be able to afford other necessities of life. At lower income levels, a 30% threshold is the point where a household will be able to maintain a reasonable standard of living. If the housing burden rises above this threshold, the quality or standard of living declines due to unaffordability.⁷

Renters tend to be more vulnerable than homeowners and are more frequently financially burdened by housing costs. Housing costs generally include rent/mortgage, utilities, and maintenance. Rent often represents a higher percentage of a household's financial obligation than a mortgage. As housing costs have increased, homeowners have seen relief through mortgage relief programs, property tax assistance, and government controls over mortgage interest rates. However, prior to the acute crisis generated by the COVID-19 pandemic in 2020, similar relief programs in response to increased housing costs have not been created. Rising construction costs, exploding rents, stagnant wages, and decreased generational wealth have resulted in a population of renters burdened by housing costs.

Fair Market Rent and Rental Housing Valuation

Renters are disadvantaged in seeking and determining the quality and fair cost of rental properties.⁸ Except on rare occasion, resources utilized by homeowners to determine housing value and condition such as an appraisal or home inspection are inaccessible to renters seeking housing opportunity. While public housing costs are often public information, there is no resource, guideline, or mechanism to determine the cost of rent within the private rental market.

Fair market rents (FMRs), set by the US Dept. of Housing and Urban Development (HUD), are used to calculate flat rents in Public Housing units, to determine payment standard amounts for the Housing Choice Voucher program, to determine initial renewal rents for some expiring project-based Section 8 contracts, and to calculate of maximum award amounts for Continuum of Care (COC) recipients and the maximum amount of rent a

⁵ Edelberg, W., Estep, S., Lu, S., Moss, E. "The Hamilton Project: A Comparison of Renters and Homeowners in Recent Decades," The Brookings Institution, April 2021, *available at* <https://www.brookings.edu/wp-content/uploads/2021/04/A-Comparison-of-Renters-and-Homeowners-in-Recent-Decades-2.pdf> (last accessed 17 Jan. 2022).

⁶ "Our Methodology Report," The Eviction Lab, April 6, 2018, *available at* <https://evictionlab.org/updates/research/our-methodology-report/our-methodology-report/> (last accessed 17 Jan. 2022).

⁷ "Housing Affordability in New York State, June 2019," Office of the State Comptroller, *available at* <https://www.osc.state.ny.us/files/reports/special-topics/pdf/housing-affordability-2019.pdf> (last accessed 17 Jan. 2022).

⁸ "Our Methodology Report," The Eviction Lab, April 6, 2018, *available at* <https://evictionlab.org/updates/research/our-methodology-report/our-methodology-report/> (last accessed 17 Jan. 2022).

recipient may pay for property leased with COC funds among other HUD and HUD related program.

Rents for private housing are not bound by HUD policy nor are they required to abide by FMRs. Absent regulations within a community such as rent control or rent stabilization, there is nothing limiting what a landlord may charge for a rental property and no reporting agency or database that tracks local rental prices. Thus, while FMRs may provide useful information for a geographic area, they do not represent current rental market conditions or rates.

Local Housing Trends

Clinton County and the City of Plattsburgh largely follow the national trends discussed previously. Based on a 2021 Housing Market Study performed by Asterhill Research Company, owner-occupied units in the City of Plattsburgh decreased between 2010 and 2019 by 8.1%, while renter-occupied units increased by 9.3% in the same timeframe. Housing within the City of Plattsburgh is aging with over 76% of the housing units having been built before 1980. Furthermore, rental vacancy rates have decreased from 4.2% to 3.5%.

Decreasing rental vacancy rates indicate fewer available units, and fewer housing options for renters. The same study by Asterhill Research Company found 42.9% of households in Clinton County pay greater than 30% of their gross income to rent and are rent-burdened. This high burden rate indicates a concerning lack of affordability in the area. When considering affordability, one needs to review income levels and, particularly, how many in our community live below the poverty line. According to the Asterhill study, in 2019, the poverty rate for people 18-64 in the City of Plattsburgh was 23.20%.

Table 1 illustrates a five-year history of the Fair Market Rents in Clinton County, NY.

FMRs By Unit Bedrooms					
Year	Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
FY 2022	\$682	\$686	\$884	\$1,134	\$1,219
FY 2021	\$692	\$697	\$884	\$1,150	\$1,266
FY 2020	\$636	\$671	\$842	\$1,092	\$1,168
FY 2019	\$567	\$659	\$810	\$1,052	\$1,131
FY 2018	\$568	\$663	\$808	\$1,040	\$1,100

Table 1: Data from Housing and Urban Development (HUD) Office of Policy Development and Research⁹

⁹ "Fair Market Rents (40th Percentile Rents)," Housing and Urban Development (HUD) Office of Policy Development and Research, available at <https://www.huduser.gov/portal/datasets/fmr.html> (last accessed 17 Jan. 2022).

Table 2 provides a snapshot of 39 available private market rental listings as of January 10, 2022 compiled by the authors of this report (complete data included as Appendix A). A comparison of these two tables emphasizes the disparity between federally designated FMRs and actual market rates.

Plattsburgh Market Rates		
Unit Bedrooms	Average Rent	% Difference From FMR
Studio	\$845.00	+24%
1	\$905.56	+32%
2	\$1,176.36	+33%
3	\$1,509.00	+33%
4	\$3,400.00	+179%

Table 2: Data Collected 1/10/22 by Housing Advisory Committee

Evictions

The greatest fear when talking about housing is losing one’s housing.¹⁰ There are generally three forms of housing loss – disaster, foreclosure, or eviction. While all of these are traumatic for households, evictions have consistently shown to be the most traumatizing¹¹ as well as the most prevalent cause of housing loss.¹²

Eviction proceedings vary greatly from state to state in the US. In New York State, evictions are a court proceeding brought in housing court.¹³ Depending on the municipality, housing court can be found in different places – in New York City there is a separate housing part of the court system; in any city in New York evictions are handled in City Court; otherwise, evictions are brought in town and village courts, otherwise known as justice courts. Evictions can be brought in County Court or Supreme Court, but this is not typical. To start an eviction, typically a predicate notice must be served on the tenant. The type of predicate notice and method of service upon the tenant depends on the justification for the eviction. After the requisite time period has passed, and assuming the tenant has not remedied the underlying issues, the landlord can then file a Notice of Petition and Petition in housing court. A landlord need not have an attorney to do this,

¹⁰ Desmond, M. “Evicted: Poverty and Profit in the American City.” New York, Broadway Books, 2016.

¹¹ Leary, A. “This Is What No One Tells You About Being Evicted,” *The Huffington Post*, December 16, 2018, available at https://www.huffpost.com/entry/being-evicted-from-your-home_n_5c1d33c8e4b05c88b6f885a9 (last accessed 17 Jan. 2022).

¹² Merrefield, C. “Eviction: The physical, financial and mental health consequences of losing your home,” *The Journalist’s Resource*, October 15, 2021, available at <https://journalistsresource.org/economics/evictions-physical-financial-mental-health/> (last accessed 17 Jan. 2022).

¹³ Eviction and court procedure is provided by Committee Chair, Tara Glynn, Esq. As a housing attorney who has practiced in Plattsburgh since 2014, she provides this information from her professional experience and knowledge.

but broadly speaking, landlords are far more likely to be represented in court than tenants.¹⁴ Evictions are designed to be handled quickly and can be scheduled as little as two weeks after the landlord files an eviction proceeding. Eviction proceedings can be handled in one appearance or may be adjourned or continued multiple times depending on the parties needs and requests. If a landlord is successful in court, they can get a Warrant of Eviction which must be served by local law enforcement on the tenant. The tenant then has at least fourteen days from the day they were served the Warrant of Eviction to vacate the property.¹⁵ Once evicted, a tenant is excluded from the home and must remove all their belongings.

The above describes the proper legal process of evictions. However, there are many times that evictions do not follow this process. There are court mistakes which result in evictions when they should not have been granted. There are also illegal and constructive evictions. Illegal evictions are when someone, typically the landlord or property manager, takes steps to cut off access to a property without utilizing the court process. The most common example is changing the locks while the tenant is out of the home. Constructive evictions are when the housing conditions are so poor a tenant is forced out of the property. Examples include, but are not limited to, termination of utilities, refusal to make necessary repairs, or removal of doors, windows, and/or appliances. These methods are illegal but prosecuting landlords often proves to be difficult as law enforcement and the district attorney rarely want to get involved. Civil suits against the landlord are also difficult as many tenants cannot afford private legal representation and legal services are limited in their capacity to bring such suits. Neither criminal nor civil prosecution however addresses the largest concern – the tenant being ousted from the home. While in some instances, the tenant can be restored to occupancy, often this is not a good option for the tenant as they will be subject to more eviction attempts as well as harassment while living there. Thus, illegal and constructive evictions, even when punished, tend to work because the tenant is ousted from the property allowing the landlord to recover the property without having to go to court.

For a tenant who is ousted from the property, legally or illegally, they are now homeless. Some tenants have personal connections, such as friends or family, that provide them temporary housing. For many, this is not an option meaning their only housing options they have are hotels or homeless shelters. Hotels are expensive long term and are not a viable option for most households. In Clinton County, there are not any homeless shelters in the traditional sense. The Department of Social Services contracts with private entities,

¹⁴ Nationwide, only 3% of tenants have attorneys while 81% of landlords do. “Eviction Representation Statistics for Landlords and Tenants Absent Special Intervention,” National Coalition for a Civil Right to Counsel, November 2, 2021, *available at* http://civilrighttocounsel.org/uploaded_files/280/Landlord_and_tenant_eviction_rep_stats__NCCRC_.pdf (last accessed 17 Jan. 2022).

¹⁵ There are exceptions for different types of housing, such as manufactured housing in manufactured housing parks. For the sake of brevity, the information provided is representative of the average eviction situation.

mainly local motels, to house people in need of emergency shelter. If one is excluded¹⁶ from these motels, and cannot afford other hotels on their own, the only option is homelessness.¹⁷ This may look like living out of one's car or staying outdoors. Homelessness causes numerous issues¹⁸ for households including but not limited to making them more susceptible to illness, violence, stress, harassment, job loss, and arrest. Being homeless makes it harder to get a bank account, a job, or to find new housing, which thus makes it hard to get out of the cycle of homelessness. Many private landlords are hesitant, or refuse, to rent to homeless people believing their homelessness inherently makes them a bad tenant. This is especially true if the homeless person is homeless due to an eviction. Even if the person was the victim of an illegal eviction, that is stigmatized against the person due to the belief that the landlord would not have resulted to such measures unless the tenant deserved it. However, justifications for eviction, both legal and illegal, can be due to no fault of the tenant, such as the landlord wants to flip the apartment to rent it for a higher amount or move a family member into the unit, or small transgressions like having conflict with another tenant.¹⁹

As discussed in the prior section, housing costs are increasing, and housing availability is decreasing. This extends the amount of time people are staying homeless which is increasing the trauma they have and its long-lasting impacts. Further the fear of being homeless is very real for many, if not most, tenants which is causing many tenants to be fearful of challenging their landlords to enforce their tenant rights or to report their landlords for housing violations.

Community Feedback

The Housing Advisory Committee hosted two public events to hear from our community about their housing concerns. In-person attendance predominantly consisted of representatives of local agencies and housing advocates sharing their professional experiences with the Committee. These agency representatives described their frequent experience working with clients to find new housing, budget finances, and negotiate and advocate with landlords. They stated that many of their clients would not feel comfortable publicly speaking about housing issues for fear they would be retaliated against from their landlords. Several of the advocates also stated they individually were or had been tenants, as well.

¹⁶ People may be excluded for several reasons including but not limited to past stays, post-conviction status, substance abuse addictions, or sanctions with the Department of Social Services.

¹⁷ For most purposes, residing in temporary shelter or staying informally with friends or family, i.e., couch surfing, are also categorizations of homelessness.

¹⁸ "Homelessness as a Public Health Law Issue: Selected Resources," Centers for Disease Control and Prevention, March 2, 2017, available at <https://www.cdc.gov/phlp/publications/topic/resources/resources-homelessness.html> (last accessed 17 Jan. 2022).

¹⁹ This is not to say that landlords do not have meritorious reasons to evict tenants such as non-payment of rent or lease violations. This section of the report is highlighting that landlords do not always have a meritorious reason, nor do they always need a meritorious reason to evict tenants.

The Committee also posted a survey²⁰ to gain input from the community. The survey received 128 responses, the results of which have been analyzed and anonymized and included as Appendix B. The Committee routinely reached out to landlords through marketing and reaching out to the local landlord group, COPP. Other than representation from Plattsburgh Housing Authority, no private landlords attended any public meetings hosted by the Committee and very few responded to the survey.

The community survey responses, as well as the expertise and experiences of the Committee members, illustrate a desirable place to live that is becoming harder to live in. Overwhelming, community members described wanting to live in Plattsburgh and enjoying living here. The top reasons provided for choosing to live in Plattsburgh were convenience, schools, employment, and walkability. However, incomes have stagnated for homeowners and renters alike, while housing costs have continued to rise. This includes but is not limited to rents, mortgages, taxes, property maintenance, and costs of homes. As a car-dependent community, transportation is also a significant cost.

Tenant-Landlord Relations

Tenants particularly identify as struggling. Over 60% of the City's residents are tenants and in addition to rent exceeding affordability based on area median incomes, there are few suitable housing options. This limited supply reduces what little bargaining power tenants have as they are largely forced to accept the housing they can find, regardless of its price, location, or condition. Tenants, and their advocates, report decreasing amenities despite rent increases such as utilities not being included, lack of laundry services, limited or no parking, and restrictive pet policies accompanied by exorbitant pet fees.

As more tenants qualify for rental assistance such as assistance from Clinton County Department of Social Services or HUD vouchers, they are having difficulty finding landlords who will accept these payments despite it being illegal for landlords to deny these sources of income. Tenants with disabilities report it being even more difficult to find acceptable housing as the stigma around their disabilities or their requests for reasonable accommodations often are met with denials for housing.

When not being denied housing, tenants are often in fear of losing their housing. Tenants in need of reasonable accommodations or repairs often go without making requests for them out of fear that they will be threatened with eviction or rent increases for doing so. Even if they are not threatened with eviction, there is a fear of getting a reputation as a trouble tenant and being blacklisted by not being rented to by that landlord again or that the landlord will speak ill of them to other landlords. This fear is exacerbated by control

²⁰ A copy of the survey can be found here <https://forms.gle/Cf2oMi1k5vMKaykW8>.

of a significant portion of the rental housing market being in the hands of a few property owners.

Housing Conditions

Both homeowners and tenants report deteriorating conditions as a problem. As cited above, the Asterhill Research Company cites that 76% of the housing was built before 1980, which can include homes that are over 100 years old. This aging housing stock indicates there may be substantial upgrades needed such as knob and tube wiring, lead pipes, or galvanized pipes to meet current housing standards. In the survey, 44% of tenants reported plumbing issues and 33% of tenants reported electrical issues. The potential repairs go on and for homeowners with limited capital, this means home repair and improvement costs. For tenants, this often means poor conditions and quick fixes that can lead to a decrease in quality of life, an increase in utility and housing costs, and/or hazardous living conditions. Exteriors of homes are also in need of repairs from roofs to facades, to porches and accessory structures.

The community also reported an interest in community-wide improvements to make the City can be more walkable, improve access to public transportation, improve our park and recreation systems, and increasing community events.

Local Market Conditions as Determined by SUNY Plattsburgh

Under the guidance of Dr. Liou Xie, upper-level students within the Fall 2021 GEG307 Urban Geography and Planning course conducted a study of housing conditions and the challenge of housing affordability within the City of Plattsburgh. Their findings and recommendations, which often parallel the recommendations of the Housing Advisory Committee, provide a unique perspective from which to consider vital housing matters. This study is annexed as Appendix C. Due to concerns about safety, especially in light of COVID-19, the students studied only property conditions that could be observed from the street. Interiors of buildings were not observed and the number of housing units in any particular building could not be determined.

The students were divided into groups and assigned to different wards within the city to observe residential housing quality. The groups then collected and analyzed data on household income, rental prices, and transportation costs. Based on the data they observed and collected, they made actionable policy recommendations.

In summary, the recommendations, which can be read in full in Appendix C, are:

- Expanding the rental registry
- Incentives for converting or building affordable housing
- Education programs for homeowners, landlords, and tenants
- Improvements in enforcement of building quality standards

- Rent stabilization efforts
- Paths to homeownership
- Public transit

Recommendations

As described by the prior sections of this report, housing concerns are multi-faceted and often are caused by forces over which the City of Plattsburgh has little control or will require long term planning and coordination with other government and private entities. The authors also acknowledge that budget constraints may limit what the City can do. With that in mind, we have ranked our recommendations in three phases taking these limitations into consideration.

The Committee Members are available to answer any questions in the report or in the recommendations, including providing additional written materials or attending council meetings.

Phase 1 Recommendations

Recommended Implementation Timeline: within the next 12 months.

Education

In our discussions about housing issues, we determined that many of the local manifestations of housing problems stem from a lack of knowledge – not understanding one’s rights or obligations, not knowing of state or local programs that they may be able to take advantage of, lack of skills to meet one’s obligations, etc. We propose that the City host regular seminars on these issues which can be recorded and shared on the City’s website and/or social media platforms. This offers an opportunity for all citizens to access these seminars if they cannot attend the live seminar or if they would like to revisit the seminar. There are local experts on these issues that the City could partner with which will reduce the cost to the City for these seminars. Our thinking on these seminars would be the City would provide the space, advertising, recording, and hosting the videos and the community partners would provide the content without charging the City. As an incentive, the speakers could promote their organizations or business. The City should also seek community input on how the seminars could be improved or new topics they would like to see.

Topics we recommend the City provide seminars on:

1. **Know Your Rights** – At the center of many of the housing issues we face locally are people not knowing what their rights, and conversely what their obligations, are. These seminars can also provide a first line of interaction with between the City and citizens how are out of compliance; when a citizen is not adhering to the rules, they can be directed to the seminars as a warning before any fines are threatened or issued. They could also serve to ease tensions between landlords and tenants. One of the largest complaints we received from tenants was the prohibition on having pets in a leased space. These seminars could prove as a middle ground solution such as landlords requiring any tenant who wants to have a pet to have to complete the seminar, or seminar series, before getting a pet or moving in.
 - a. In the world of landlords and tenants, there is a lot of misinformation out there exacerbated by a dramatic law change in 2019. There should be

separate seminars for landlords and tenants. While anyone can attend any seminar, the seminars should be provided from the perspective of either the landlord or the tenant to encourage learning and not adversarial feelings.

- b. For homeowners, there is no book that comes with the home telling you what the various codes, laws, or requirements are with your house. Tackling topics about code requirements, zoning restrictions, shoveling requirements, etc. will help homeowners stay in good standing with the city and improve our neighborhoods.
 - c. Pet owners as well, whether you own your home or rent, do not always know of their rights and obligations as a pet owner as it related to the property as well as the general community.
 - d. Partnership with SUNY Plattsburgh to offer a course for students who live, or plan to live, off campus.
2. **Property Maintenance** – for property owners, whether owner-occupied or rented, not just understanding what is required of them to maintain their property, but how they can do it. Many property owners are first time property owners, and some are first in their family. There can be a lack of knowledge of how to maintain their property and a lack of awareness, and even embarrassment, of how to find out. For owners of rental property, either residential or commercial, the requirements can be different from their owner-occupied property. Some repairs are costly and property owners may not be aware of grants, loans, or other funding opportunities to help them offset the costs.
- a. Improve property value – hand in hand with maintenance is property value. There are a lot of simple things property owners can do to improve their property value which not only brings value to the property owner but to the whole community.
3. **Legal Proceedings** – Evictions and foreclosures are some of the biggest fears for anybody. Part of what makes it so fear inducing is a lack of understanding of how these proceedings work, what one can do to prevent them, and how one can access assistance.
4. **City Projects** – Our feedback from our survey showed a lack of awareness of ongoing or upcoming city projects and a high level of interest in knowing about them.
5. **Budgeting** – Homeowners and tenants alike are interested in education on budgeting. This can help community members better understand how to utilize their home’s equity, how to save for a down payment, and programs that can help them afford a home or lower their taxes.

Proactively Enhance Tenant Protections

More than half of the citizens of the City of Plattsburgh are renters. As documented by Dr. Xie’s study and our survey, there is a disparity between property owners and renters. Some of this cannot be controlled by the city. However, city officials can take steps to counterbalance the inequities experienced by tenants.

1. **Providing a model lease available for landlords and tenants to use** - A model lease has been provided in other jurisdictions, like in St. Lawrence County which was written by their Housing Task Force. A model lease helps promulgate a lease that is compliance with the law and makes sure the parties are on the same page. The Clinton County Housing Task Force has been working on a model lease and likely could be a community partner on this.
2. **Seeking funding for right to counsel in eviction proceedings** - New York City passed right to counsel legislation approximately five years ago. Since that time, they have seen a dramatic reduction in evictions because tenants have had representation in court. The majority of the citizens in Plattsburgh are renters and maintaining housing stability for the majority of our community is clearly a good goal to have. New York State has released funding for right to counsel programs and the City of Plattsburgh should review this funding and see if implementing a program would work here.
3. **Good cause eviction legislation** - The City of Albany passed good cause eviction legislation and the State of New York is contemporaneously considering statewide legislation. Copies of these laws are attached as Appendix E. In the event the state does not pass this legislation, the City of Plattsburgh should pass good cause eviction protections. As explained in the “Evictions” section of our report, found beginning on page 8, currently in Plattsburgh landlords do not need to establish a meritorious case to evict someone from their home. Examples of good cause, or meritorious cause, include but are not limited to non-payment of rent, repeated lease violations that cannot or will not be cured, and posing a health and safety risk to the property or other tenants. These are justifications for evictions that virtually everyone, including tenants and tenant advocates, agree justify bringing an eviction proceeding. In actuality, many evictions, often brought as holdover eviction proceedings, are brought without a stated cause at all, based on profit-motivated reasons by landlords like increasing the rental amount, or are based on small disputes or annoyances. As described in the “Evictions” section, eviction and subsequent homelessness is traumatizing and destabilizing for anyone to go through. Requiring landlords establish a good cause before subjecting households to that trauma will go a long way towards housing stability in the City of Plattsburgh.

Creation of a Community Resource Coordinator

The housing concerns of this community cannot be addressed with one-time action and will need ongoing attention from the city as well as a point of contact for the public to address the city on these issues. Thus, we recommend the City create a community resource coordinator. This position would serve to provide resources to community members, direct resident inquiries to their appropriate department or agency, liaison with area agencies and nonprofits, develop an expertise in the available community resources, and collect data for real-time identification of community problems and for use in future community planning. This position could plan and coordinate the community education seminars and coordinate relevant resources on the City website. It would seem that the Community Development Office would be a natural home for this position, where they could also coordinate City-sponsored Housing/Economic Development/CDBG loans and grants.

Vacant Buildings Law

Vacant building registries have been used across the country to curb blight and to prevent the deterioration of neighborhoods. Here In the city of Plattsburgh we estimate that roughly 40 properties could potentially meet the description of vacant at this time. Establishing a definition for “vacant buildings” and subsequently developing a law or registry will provide property owners with an understanding of what is expected in order to properly maintain a property in the city of Plattsburgh. Fees associated with maintaining a vacant building registry will support staffing needs and adds incentive for property owners to put buildings back into productive use. More than half of the estimated vacant buildings in Plattsburgh are single family homes. With the ongoing lack of housing availability, these additional homes could make an impact in replenishing stock. When a building sits unoccupied without proper upkeep nobody benefits. With a registry, homeowners can be sure that their neighborhood will remain free from unnecessary blight and deterioration, prospective renters and home buyers may be given additional opportunities if homes are kept in use and code enforcement has another tool to help ensure that properties don’t fall into disrepair.

Adopt Adequate Housing Bill of Rights Policy

The City should consider adopting an Adequate Housing Bill of Rights policy to guide policymaking, code enforcement, and housing administration. The following is adapted from Fact Sheet No. 21, The Human Right to Adequate Housing, by the United Nations.

1. Legal Security of Tenure

All persons shall possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment, and other threats. The City of Plattsburgh shall enact policy consistent with this goal.

2. Availability of Services, Material, and Infrastructure

All occupants of housing shall have sustainable access to natural and common resources, clean drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, food storage facilities, refuse disposal, site drainage, and emergency services.

3. Affordable Housing

Personal or household costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. Housing subsidies shall be available for those unable to obtain affordable housing, and tenants should be protected from unreasonable rent levels and rent increases.

4. Habitable Housing

Housing must provide the inhabitants with adequate space and protect them from cold, damp, heat, rain, wind, or other threats to health, structural hazards and disease vectors. The physical safety of occupants must also be guaranteed.

5. Accessible Housing

Housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources. Disadvantaged groups such as the elderly, children, the physically disabled, the terminally ill, persons with persistent medical problems, the mentally ill, victims of natural disasters, and other vulnerable groups should be ensured some degree of priority consideration in the housing sphere. The special housing needs of these groups will be taken into consideration in policy making and future housing planning.

6. Location

Housing must be located in such a manner as to allow access to employment options, health care services, schools, childcare centers, and other social facilities. Housing shall not be built in immediate proximity to unmitigated pollution sources that threaten the right to health of the inhabitants.

7. Culturally Adequate Housing

The way housing is constructed, the building materials used, and the policies underlying these must appropriately enable the expression of cultural identity and diversity. Subsidized housing shall be inclusive and integrated into the community and not separate in form, materials, or location.

Phase 2 Recommendations

Recommended Implementation Timeline: within 2 – 5 years.

Historic Districts and Housing

Four Historic Districts have been established in the City of Plattsburgh. These districts include the Brinkerhoff Street Historic District (approximately the section of Brinkerhoff between Oak Street and North Catherine); the Court Street Historic District (the entirety of Court Street); the Point Historic District (approximately parts of Macomb, MacDonough, Pine, and Hamilton Streets); and the US Oval Historic District (approximately the properties adjacent to the US Oval).

These districts were established with broad community support with the intention of preserving the history and character of certain neighborhoods within the city that reflect distinct architectural features of a certain period or is a significant contribution to Plattsburgh's history. In addition to the creation of these districts, the city has adopted a subsection of the City Zoning Code to apply the standards of historic preservation as presented by the U.S. Secretary of the Interior.

Renovation and maintenance of older housing stock preserves important historical resources, is more sustainable than removal and construction of new housing, is more economically prudent than demolition and new construction, and also serves to provide affordable housing options.

Strict application of historic preservation standards, however, may present an “economic hardship” to owners unable to afford alterations that are consistent with preservation and rehabilitation standards. While federal and state tax credits are available to assist owners with renovations that meet historic preservation standards, such credits fail to cover the high cost of historic materials. The unaffordability of historic maintenance presents a potential scenario in which property owners fail to maintain the property due to cost, resulting in potential loss of the historic structure altogether. Further, the time period for review and approval of proposed historic site modifications can range from several weeks to several months, regardless of the simplicity or complexity of the proposal. The process overwhelms and discourages some homeowners seeking to make minor repairs to their property. While noting the greater community benefits of having historic districts within the City of Plattsburgh, we recommend the following:

1. Establish a low-interest revolving loan or forgivable grant fund to assist historic property owners in maintaining and preserving historic homes. Explore including metrics to determine economic hardship on a per-case basis (i.e. repair cost as a percentage of income); on a sliding income scale; and/or restricted to homes that benefit low-moderate income owners and tenants.
2. We recommend adopting an “Administrative Review” process to fast-track simple modifications that meet an established set of criteria. Planning staff will review the application for compliance with the established historic review criteria and, if all conditions are met, will by-pass Planning Board review. Moderate-to-major requests and requests that fail to comply with the established criteria will be referred to and undergo a formal review by the Planning Board.

Housing Supply, Development, and Zoning Reform

Outdated codes paralyze sound planning efforts, leading to income disparities, uncoordinated development, poor land use and, inevitably, housing problems. The City of Plattsburgh has recognized the need to review and modernize the city’s comprehensive plan and zoning ordinance. This process is currently underway. The following ideas are recommended to be included within this update.

1. Adopt an Inclusionary Zoning Policy
 - a. Inclusionary housing policies are local policies that tap the economic gains from rising real estate values to create affordable housing for lower income families. Many, but not all, programs partially offset the cost of providing affordable units by offering developers one or more incentives such as tax abatements, parking reductions, or density bonuses, in exchange for selling or renting 10-30 percent of new residential units to low-to-moderate income residents. Some programs allow for payment of an in-lieu fee for use by the municipality in other housing projects.

2. Maintain robust state, federal, and local partnerships and programs to acquire and administer housing finance tools (i.e. CDBG, HOME, etc...)
3. Zoning Reforms to incrementally increase density.
 - a. Reduce or eliminate minimum lot size requirements
 - b. Reduce or eliminate off-street parking minimums.
 - c. Allow multifamily housing by-right by eliminating single family zoning.
 - d. Allow the creation of Accessory Dwelling Units (ADUs)
 - e. Allow more than one principal structure on a lot.
 - f. Allow more mixed-use development
 - g. Encourage construction of a variety of housing types and price points, including micro-apartments and tiny homes.
 - h. Consider regulations to short term rentals that meet the needs of the community.
 - i. Encourage multi-generational housing (with specific design allowing for the conversion of the housing to grow or reduce to the family's need).
4. Plan for Adaptive Reuse of Single Family Neighborhoods and Homes
 - a. Receivership program
 - i. A local law to allow the building inspector to petition a court for the appointment of a "Receiver" to help raze, rehabilitate, or sell a vacant building.
 - b. Vacant to Value Program
 - i. Property under city ownership is transferred to a developer for improvements and eventual resale (quickly addresses nuisance properties and prevents property speculators from sitting on dilapidated properties over an extended period).
 - c. Agrihood Program
 - i. Turn vacant lots into micro urban agricultural sites via market gardens (mini-lot for growth of food to be sold); community gardens (spaces rented to individuals for the growth of food); or micro farmer's markets directly within a neighborhood.
 - d. Gentle Infill Development (compatible with neighborhood surroundings in a manner to increase housing supply).
 - e. Embrace and encourage development of Missing Middle Housing. Part of the pressure on existing neighborhoods stems from the fact that in the U.S., housing is largely constructed in two forms: large, suburban style single-family homes, and large, mid-rise apartment complexes. This gap in housing types is what is often called the "missing middle:" duplexes, fourplexes, small multiplexes, live-work units, and bungalows. Missing middle housing, if properly designed, can bridge the gap between dense mid-rise residential

neighborhoods and lower-density, auto-oriented neighborhoods. Missing middle housing has a small footprint and medium density (but is perceived as lower), and can be walkable. This type of housing preserves many of the community and neighborhood aspects of single-family homes, but allows for the added densities that are needed to reduce sprawl and retrofit American neighborhoods.

- f. Consider enhanced Building Codes
 - i. A lower cost of construction does not always translate into a high-quality, affordable unit. The total cost of occupancy or ownership, not simply the cost of production or acquisition, should be taken into consideration when looking at local building and zoning codes. Building techniques that reduce maintenance and risk, while costlier at the outset, may have a substantial positive impact on the total cost of occupancy over time. For example, exceeding minimally acceptable insulation requirements during construction will typically reduce utility bills over the tenancy of the dwelling unit.

Tenant Protections and Rental Registry Recommendations

When a property owner errs – whether by neglect, ignorance, or deliberate malice – resident lives and livelihoods can be put at risk. While there is no assertion that landlords are inherently careless or cruel, leaving our residents’ livelihoods to the luck of the draw is an unconscionable abrogation of societal responsibility. For this reason, we need effective, consistently applied housing protections for tenants, and methods of assuring that those who provide housing do so in a manner that is consistent with laws to protect the health, safety, and rights of others.

The rental registry program is an important tool in monitoring rental housing and maintaining communication with providers of rental housing. The following adjustments to the rental registry program are recommended to enhance protections for all occupants of rental housing.

1. Require Periodic Training for Landlords during Permit Process
 - a. Despite the enormous responsibility entailed in being a landlord, nearly no training or qualifications are required to become one. While accredited training, state licensure, and continuing education is required to become an aesthetician in New York, absolutely no training is required to become the sole owner and manager of the homes in which people work, cook, clean, eat, study, sleep, play, and raise their children.
 - b. **Recommendation:** Require that landlords attend a periodic training to ensure they understand their responsibilities and obligations in providing rental housing.
 - i. Match the training period to length of permit (i.e. once every three years).

- ii. City may host community education courses in partnership with other agencies that may qualify (see community education recommendation).
 - iii. Classes may include Tenant Rights, Building Codes, etc...
- 2. Enhance protection of tenants against repeated bad actors.
 - a. Despite a legal framework existing for tenants to complain or seek damages against a landlord who has engaged in illegal or discriminatory practices, there is nevertheless substantial evidence of these practices occurring. Though this issue is not isolated to the City of Plattsburgh, the issue is prevalent in our community as evidenced by public comments received throughout the development of this report. There is further evidence of some landlords establishing a continued pattern of this behavior in their rental practices.
 - b. Landlords who have evidence of recent violations of tenant rights or significant property code requirements should be denied the opportunity to obtain a rental permit/license for some period of time as discouragement from continuing such practices.
 - c. **Recommendation:** Require landlords to certify on rental permit application that they have not received a negative ruling in a court proceeding filed against them for violations of Real Property Law, Wrongful Eviction, etc...; or have been fined for a violation of real property law within a specified time frame (i.e. within the past three (3) years). Landlords with such a history shall be denied a rental permit/license for a period of three (3) years.
- 3. Expand the Rental Registry to Single-Family and Duplex Housing
 - a. The issues presented in rental housing are not isolated to multi-family housing, and are present in duplex and single-family rentals, as well.
 - b. Tenant-initiated complaints to report inadequate housing places tenants at risk of retaliation by landlords. Fear of retaliation, alone, serves as a barrier to prevent tenants from seeking assistance from code enforcement when needed. Mandatory, periodic inspections to ensure building and safety code compliance are the only ongoing system of checks and balances that ensures the condition of housing without risk to the tenant.
 - c. Incorporating the other recommendations within this section establishes the framework for comprehensive, well-maintained rental housing stock and strengthens protections designed to safeguard the wellbeing of tenants.
- 4. Enact a mechanism to encourage reasonable, timely remedy of code violations by landlords.
 - a. In testimony provided by the public and representatives of agency experts, it has been determined that some landlords elect to forego necessary repairs as a form of “illegal eviction.” Rather than perform the necessary repairs, the landlord opts to run out the clock to force the property to be deemed “uninhabitable” – resulting in the displacement of the tenants. After the

tenants have left the premises, the landlord will perform the repairs. This is often done for the purpose of removing tenants secured by a lease whom the landlord no longer wants to rent, and/or to increase the rent for the next tenant. This process has significant financial and logistical impacts on rent-burdened tenants, who must relocate immediately at their own expense in a limited housing market with limited financial resources.

- b. **Recommendation:** Include a mandatory rental reimbursement schedule for the length of time the tenant is unable to occupy the premises, up to treble damages. (see proposed schedule below)

Proposed Reimbursement Schedule	
Length of Time Unreasonably* unable to Occupy Premises	Reimbursement Required
<24 hours	No Reimbursement Required
24-72 hours	¼ Monthly Rent
72 hours – 1 week	½ Monthly Rent
>1 Week	Full Month of Rent
>30 Days	3 Months of Rent
<i>*Reimbursement is required only when occupant is Unreasonably prevented from occupying the premises. Will likely require a list of reasonable vs. unreasonable causes and a clause for interpretation of reasonable cause established by Council or Building Inspector.</i>	

Expand the Rental Registry to All Rental Housing.

1. The issues presented in rental housing are not isolated to multi-family housing, and are present in duplex and single-family rentals, as well.
2. Tenant-initiated complaints to report inadequate housing places tenants at risk of retaliation by landlords. Fear of retaliation, alone, serves as a barrier to prevent tenants from seeking assistance from code enforcement when needed. Mandatory, periodic inspections to ensure building and safety code compliance are the only ongoing system of checks and balances that ensures the condition of housing without risk to the tenant.
3. Incorporating the other recommendations within this section establishes the framework for comprehensive, well-maintained rental housing stock and strengthens protections designed to safeguard the wellbeing of tenants.

Phase 3 Recommendations

Phase 3 are recommendations that are long term projects that need further research and planning and will likely take several years to phase in. While these recommendations will take time, the Committee strongly believes the Common Council should take a proactive approach and begin considering these projects quickly.

Path to Homeownership

As discussed earlier in this report, homeownership is generally more affordable than renting and has other long term financial benefits. However, the increases in housing costs for renters makes saving for a down payment, often required by lenders to purchase homes. Not only is this damaging for individuals, but also to the community. This can leave homes vacant for long periods of time or can lead to the properties being bought and turned into rental property typically by large property owners. While this Committee supports the creation of more rental property, it is important for that there is diversity in property ownership. If a few land owners own large swaths of the real and rental property, this makes enforcement of property codes difficult, makes rental prices inflate, and limits the number of properties tenants can rent should they run afoul of one of these property owners. Lastly, when people who have income high enough to afford homeownership but are artificially kept in the rental market because of barriers outside their control, they can drive rental properties up as landlords vie for the high income rentals.

Creative solutions are needed to address this problem. Education is one prong of this issue, as described in Phase 1, making sure people are aware of programs that already exist to help first time homebuyers and educate about property maintenance. The Committee recommends collaboration with the County as this is an issue that exists county wide. The Committee also recommends exploring the creation of a land bank, relying on the example of the City of Albany's land bank and how that program has rehabilitated and returned many properties to citizens of the city.

Rent Control, Regulation, Stabilization

In 2019, the NYS Legislature passed new legislation allowing municipalities outside of New York City to pass rent regulation²¹ laws. This Committee explored these programs and at this time cannot recommend any particular path or example to follow. The few municipalities that have passed rent regulations programs across the United States have had a mixed bag of success, and are generally thought to have led to increased housing costs even by housing advocates. This is not to say that these programs are inherently

²¹ Rent control, rent regulation, and rent stabilization are often used as interchangeable terms but generally refer to different types of programs. Unless the distinctions between the programs are being specified, this report shall use "rent regulation" as a catch all term to mean any of these types of programs.

flawed. There are many reasons these programs in other cities have not worked as designed, often due to corrupt enforcement or loopholes allowed in the law. However, what has been made clear by these other examples is that these programs should be carefully implemented and tailored to their communities.

Due to the limited time frame of this Committee, there was not the time nor resources for this Committee to conduct proper research, study, and planning to recommend a particular path forward. As more municipalities throughout NY, as well as other states, pass rent regulation more data and more examples will be available to the City of Plattsburgh for consideration. We recommend the City continue to investigate rent regulation ideas and conduct a proper study of what rent regulation could look like in the City of Plattsburgh.

Housing Stock Survey

The conversation around housing will always be limited to self-reported accounts without a housing stock survey. A survey will have its limitations as it will always reflect a point in time, but once it is completed the City will know how they can conduct it again in the future. There are resources to gain a fair amount of this knowledge through publicly accessible information such as the ACS and the Clinton County Clerk's Property and Parcel Search²² but this information is limited to sharing what properties are multi-unit properties; it doesn't say necessarily how many units there are, if those units are occupied, and does not account for single family homes which are being rented out. Especially when considering the other recommendations of this Committee, such as rent regulation or paths to homeownership, a housing stock study will go a long way to getting a true understanding of the state of housing in the City of Plattsburgh.

Right of First Refusal

Right of first refusal legislation would require if a rental property is being sold, the tenants of that property be given either the first offer to purchase or be offered the right to match and supersede any bonafide purchase offer on the property. Typically, nationwide this is seen more frequently in manufactured home parks. New York State has a version of this law for manufactured home parks found at Real Property Law 233-B. This type of legislation is gaining momentum nationwide and the Committee recommends the council should research adopting such a requirement for the City of Plattsburgh. This legislation would encourage homeownership when single-family rented homes are being sold and in multi-unit buildings would encourage the creation of tenant unions and tenant associations that could buy the property collectively. Collectively, or cooperative, owned buildings give tenants equity in the property²³ and tend to regulate rents. This could easily be partnered with funding offered by the city or in connection with cooperative housing

²² Clinton County has online access to some of these records which can be accessed here <https://clinton.sdgny.com/search.aspx>

²³ See the earlier section of the report explaining why equity is an ideal form of wealth, found on page 5.

initiatives which could help connect tenant associations to funding opportunities in exchange for assurances that the property will be kept accessible to low- to moderate-income households.

Appendix A

The Housing Advisory Committee took a snapshot of rentals available in the City of Plattsburgh on January 10, 2022. The predominant methods of finding rental listings in Plattsburgh are through online sources like Craigslist.com or Facebook Marketplace, or through word of mouth. For the purposes of this snapshot, we utilized online resources. Below is the data collected used in making Table 2 of this report.

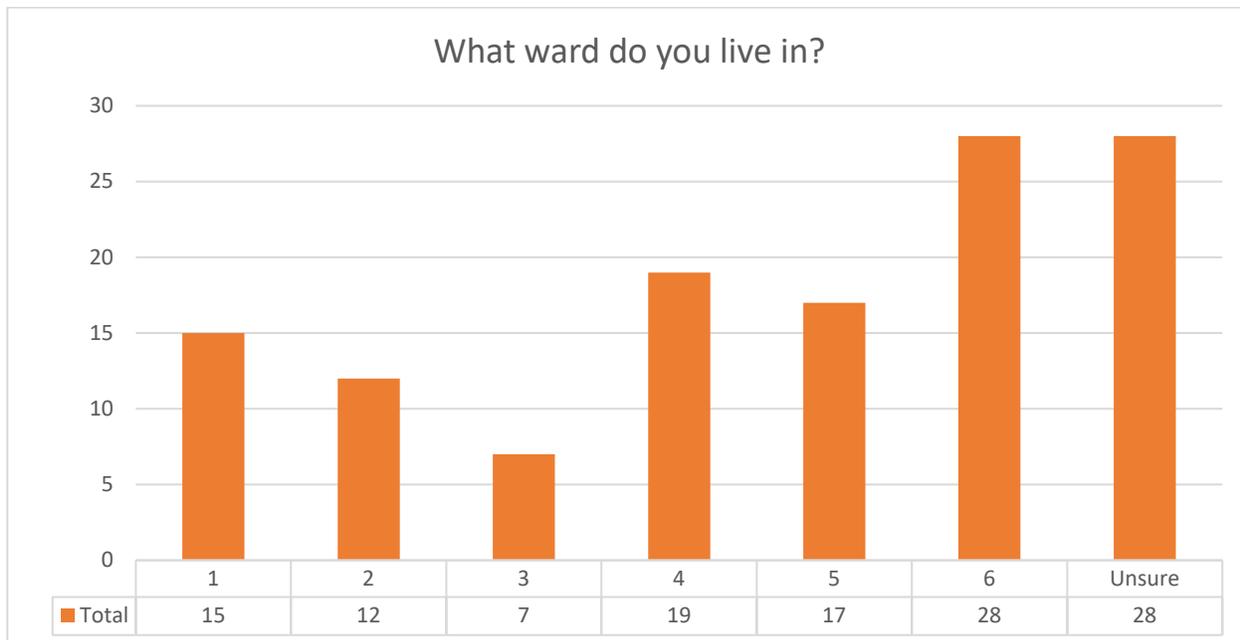
Rental Listings
1/10/22

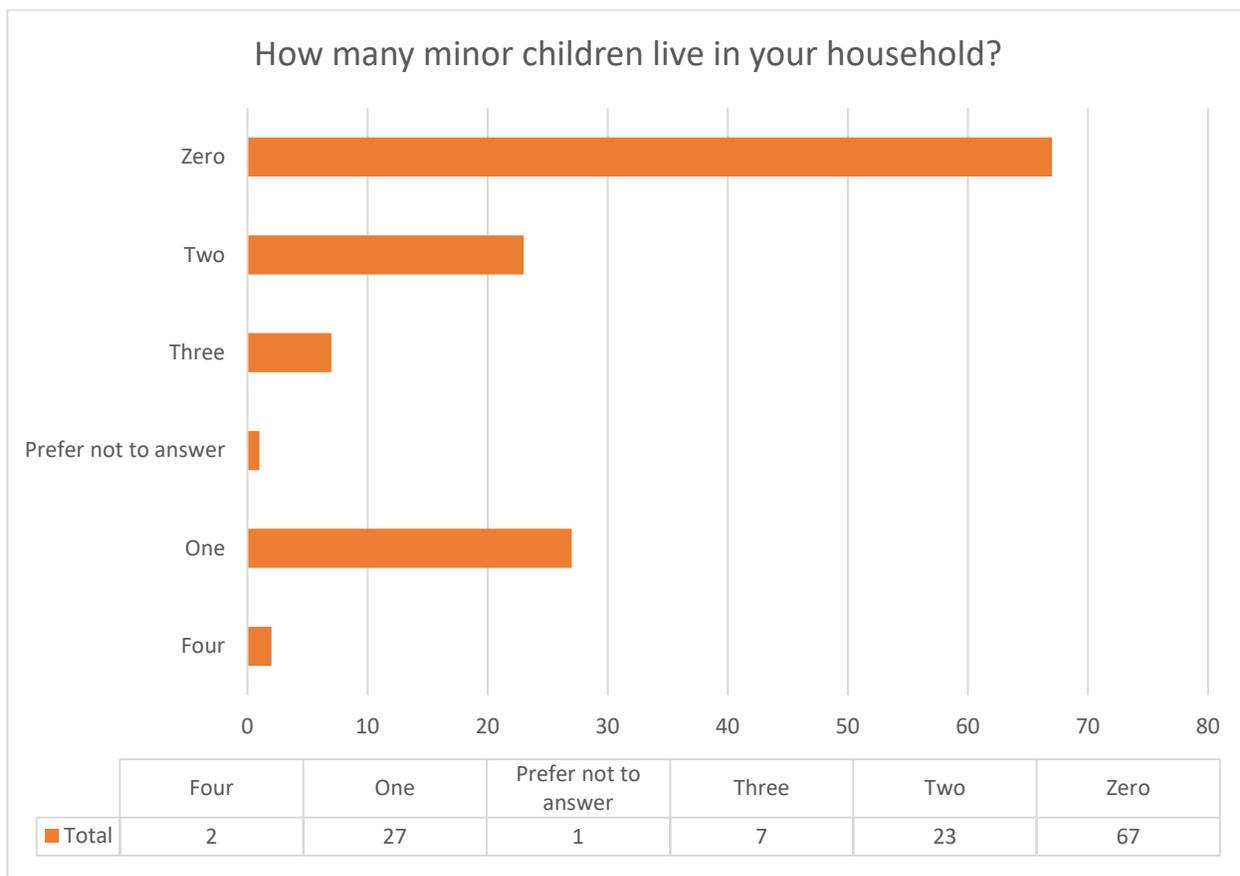
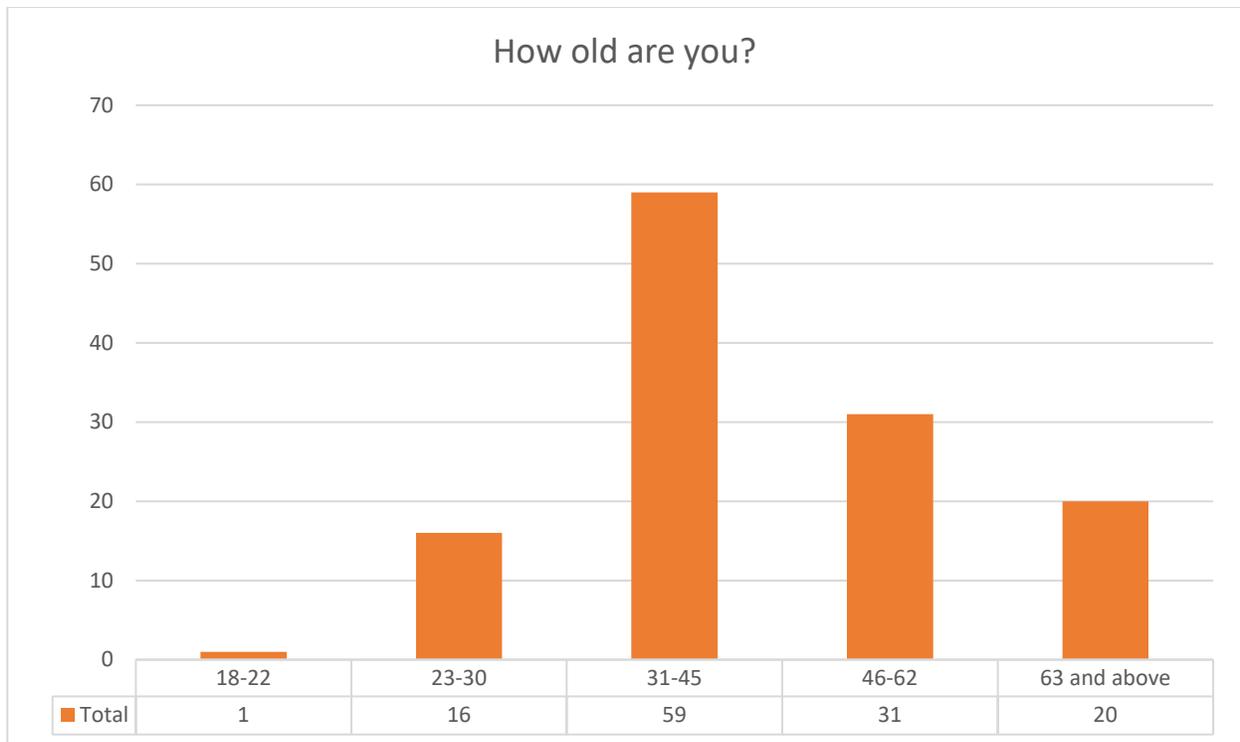
# Bedrooms	Price	Name/Location
1	\$775.00	North Shore Apartments
1	\$795.00	34 Broad St
1	\$925.00	Turner Heights
1	\$950.00	Gregory Heights (Fort Brown)
1	\$1,050.00	Deland Way Apts
1	\$885.00	Adirondack Lane
1	\$895.00	Lafayette
1	\$925.00	Margaret St
1	\$950.00	Sailly Ave
2	\$995.00	North Shore Apartments
2	\$1,095.00	North Shore Apartments
2	\$1,495.00	Club Rd Apts
2	\$1,495.00	Fort Brown Dr
2	\$775.00	Riverside Ave
2	\$1,150.00	390 Margaret St Apts
2	\$1,375.00	Hamilton St Apts
2	\$775.00	8 Healey ave
2	\$900.00	Dockside Apts
2	\$1,200.00	Gregory Heights (Fort Brown)
2	\$1,250.00	Stonegate Way
2	\$1,100.00	The Crossings (Lorraine)
2	\$1,200.00	Tiffany Way
2	\$1,075.00	Adirondack Lane
2	\$1,075.00	280 Cornelia
2	\$1,100.00	61 Bridge St
2	\$1,015.00	310 Margaret
2	\$1,750.00	2 Leonard Ave
2	\$1,295.00	Sailly Ave
2	\$1,195.00	Court St.
2	\$1,595.00	Seth Square
2	\$975.00	Sailly Ave
3	\$1,275.00	Stonegate Way
3	\$1,800.00	Club Rd Commons
3	\$1,225.00	Adirondack Lane
3	\$1,495.00	Elm St
3	\$1,750.00	Willow Beach
4	\$3,400.00	Renaissance Village
Studio	\$895.00	390 Margaret St Apts
Studio	\$795.00	Hamilton St Apts

Appendix B

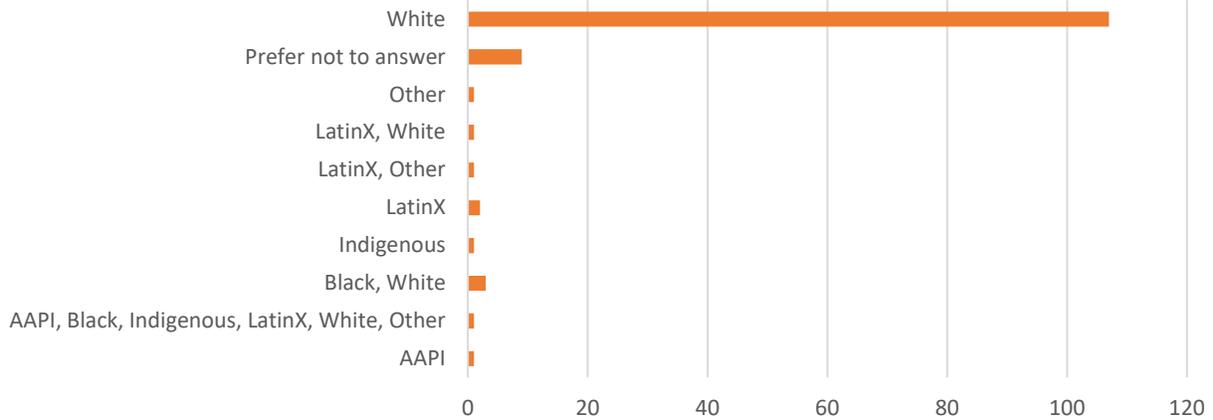
The Housing Advisory Committee hosted an online survey about housing for the community. The survey had 128 responses. The relevant data has been analyzed, anonymized, and provided below.

General Information



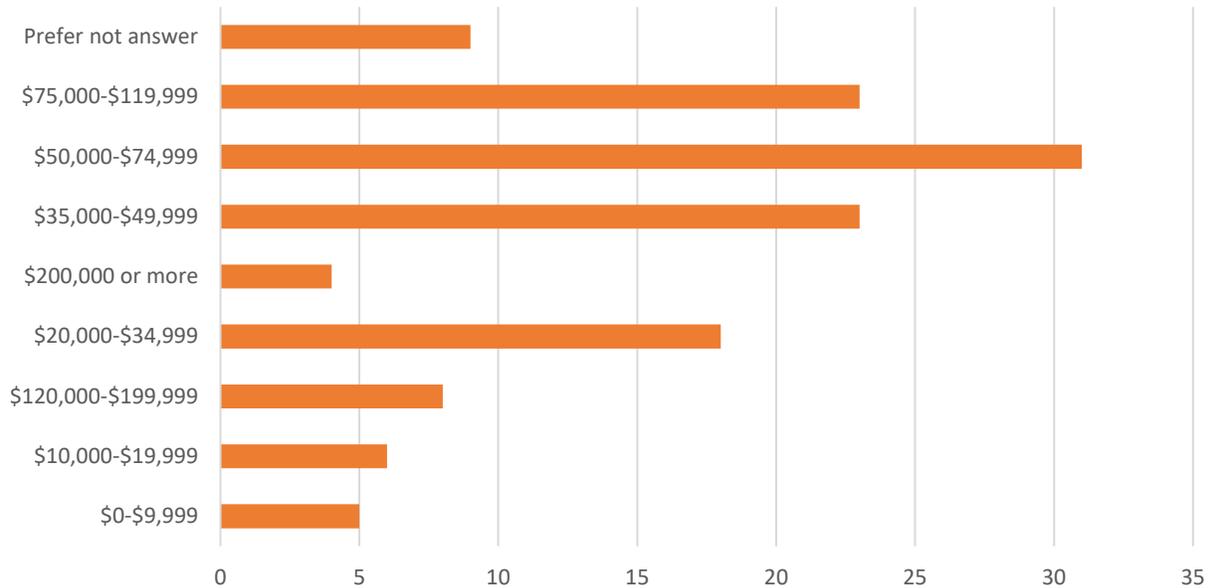


What race do you identify as?



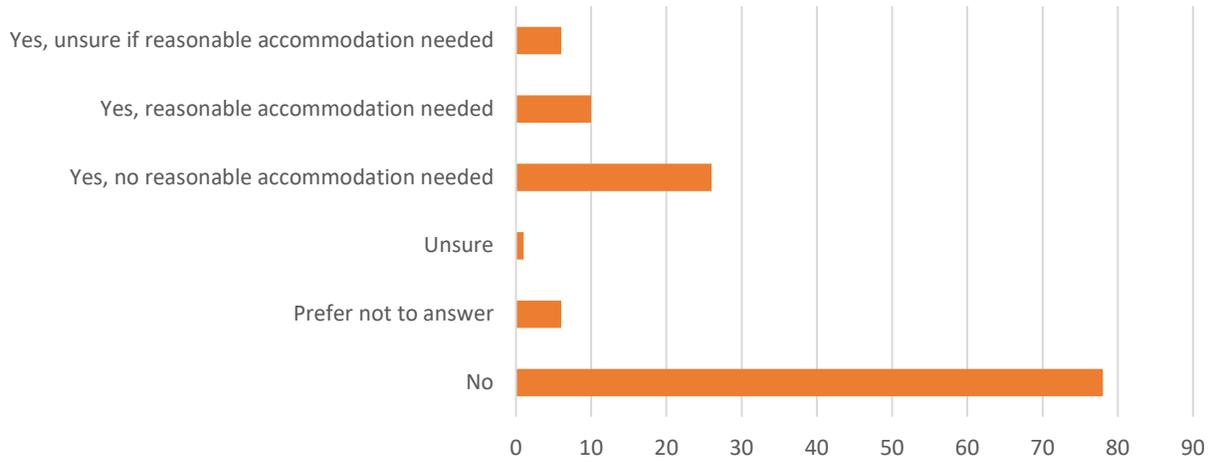
	AAPI	AAPI, Black, Indigenous, LatinX, White, Other	Black, White	Indigenous	LatinX	LatinX, Other	LatinX, White	Other	Prefer not to answer	White
Total	1	1	3	1	2	1	1	1	9	107

Annual Income



	\$0-\$9,999	\$10,000-\$19,999	\$20,000-\$34,999	\$35,000-\$49,999	\$50,000-\$74,999	\$75,000-\$119,999	Prefer not answer
Total	5	6	18	23	31	23	9

Does anyone in your household have a disability?



	No	Prefer not to answer	Unsure	Yes, no reasonable accommodation needed	Yes, reasonable accommodation needed	Yes, unsure if reasonable accommodation needed
Total	78	6	1	26	10	6

Are you a:



	Property owner	Tenant
Total	51	77

Why did you choose to live in the city? (Open-Ended Responses)

Summary of Responses	
Convenience/Walkability/Amenities	55
Education (PCSD/SUNY Plattsburgh)	15
Work	9
Other	8
Family/Friends/Community	7
Native to Area/Have always Lived Here	7
Affordability/Utility Rates	6
Housing Options/Availability	4
City was cheaper, but no longer is	3

- Walking distance to most everything
- Convenience
- Retirement near family
- The school system
- No car
- Spouse moved here for job at SUNY - I wanted to live in the city to be closer to the lake, restaurants, music, art, etc.
- Convenience
- The convenience of being close to stores and shopping, and the low electricity rates
- We moved to this city for my wife's work. We've stayed here because it is good place to live because in need subsidized housing because I am old and poor
- I love the convenience to stores, restaurants, the college and walkable areas.
- Looking to move b/c I don't agree with current City Hall politics
- No reason
- less travel
- Stores doctors
- Cheap electric
- Close to the college
- We love the area and enjoy the walkability. We're excited for the growth and hope things continue to be more accessible and walkable.
- Was hired at SUNY Plattsburgh
- Proximity
- Close to work and good school district
- Like to walk, great schools
- Close to work
- Work proximity
- Proximity to services and amenities. Also school district but I regret that now.
- Close to work, cheaper utilities

- School district, convenience to shopping and work
- To attend Plattsburgh city school
- Low cost of living, proximity to city services, ability to walk and bike downtown, proximity to Montreal
- To be closer to family and friends
- Transportation is an issue outside of the city and I have to be near my job.
- Family of my children
- Only place with available housing
- I love everything about it.
- my wife
- Have always lived in the city
- Closer to work
- Preferable location within walking distance of what we enjoy doing.
- Convenience, proximity to work and businesses
- More affordable
- Convenience
- Convenience
- To try and be close to the community and participate in events when possible.
- Convenience
- Walking access to downtown
- Grew up here
- Proximity to work, schools, shopping, restaurants
- Close to work. No driving license.
- Convenience
- Needed an apartment anywhere
- "grew up in the country
- At the time I needed something walkable to where I needed to go.
- It was the reasonable price but not anymore.
- Convenience
- Walkability, Proximity to locally owned businesses and groceries, sense of community, and bike able
- Close to relatives and best schools in the area.
- Originally because of job, now because I own and don't want to move!
- Close to work, walkable distance to parks and school, close to family, low cost of living.
- Water/City Electric, closer to work/stores
- cheap electricity
- Great neighborhood
- Proximity to schools and CVPH
- I've lived here all my life
- Convenience, amenities
- Closer to civilization, walking city, closer to work, drs and stores
- Because this is where I'm from
- Convenience

- Close to downtown, lake, schools
- Convenience of proximity to work.
- convenience to work and services - we also like to walk places throughout the city
- Close my children
- Convenience...near to caring neighbor's....
- I have lived here a good portion of my life. Rent has always been cheap until about 7 years ago. Now with prime rent us getting ridiculous and I'll be leaving.
- Closer to everything and having little kids I want to be able to do more things with them.
- Close to work, cheap electric rates
- Closer to work
- Convenience
- Near work
- Close to amenities. Safe for walking. Good school district. Close to work.
- I don't know, convenience
- Close proximity to work and shopping, didn't want to live in the sticks
- Cheaper utilities and convenience
- Convenience, the only availability
- At the time lower lights and taxes . Not now
- Location
- Work
- Schools and short commute
- Initially, I moved to Plattsburgh to attend SUNY Plattsburgh, and one of the reasons for choosing the college was due to it's location between Burlington, Montreal and the Adirondacks, and the many recreational activities the area offers. I also liked the small town feel and the shopping opportunities in the neighboring Town of Plattsburgh.
- Apartment fit all our needs
- Want kids in city schools
- Convenience
- Close to work and childcare
- Grew up in the city of Plattsburgh
- It is closer to everything. If we are without a vehicle we can take a bus, cab, or walk to get what we need.
- It's where my kids go to school
- The school district
- Convenience
- Convenient. Also employment
- Born here
- Close to ferry
- Special education friendly
- Moved here for grad school, price and location of apartment were within our budget
- Attending SUNY Plattsburgh
- Originally it was because it was cheaper to live there but I've since moved an hour and a half away because the cost has exceeded my income. I was paying \$1000 a

month for a small 2 bedroom and now pay, everything included, under 600 a month for a house with land.

- Don't have/want a car. Want to live close to things.
- I got dumped here from the air base!
- location and the school district
- walking access to shopping
- Where I could find an apartment
- Electric rates
- Downtown to access local business
- Convenience
- Do not want to change school district.
- Walking distance to work and businesses
- Lake view
- It's close by to my family and friends
- Good school when my kids were young. Now low electricity rates and convenience of grocery, pharmacy, church and restaurants.
- Yes, I love living in the City of Plattsburgh.
- Quiet and affordable

Is there anything else you want to tell us regarding housing that this survey did not address? (Please identify if you are a property owner, rental property owner, property developer, or tenant.)

- Landlords in Plattsburgh judge people when they have a HUD voucher, they expect you to pass a credit check, charge obscene amounts for unsafe/unclean housing. I'm looking into leaving the area now because I can't afford to live here and have a safe place for my son. Which would mean moving him to a different school district when he has severe anxiety and is happy and established well in Plattsburgh. Also I have a PTSD service animal and as soon as landlords find out they deny rental and claim it was for something else. Landlords also try to require some form of certification for my service dog but the ADA does not require any form of certification for her. She performs tasks that aid in my day to day quality of life. Currently I live in a building where my neighbors beat each other, the cops come frequently, the building itself is in disrepair, and my rent is nearly unaffordable. It's absolutely ridiculous. Try to find a 3 or more bedroom apartment in the city for less than \$1300 that's actually clean and updated. I guarantee you won't and if you do then your landlord will make you cut off your right arm to live there. I'm frustrated. We have been looking for almost a year.
- "Thank you for having this conversation. There are many ways the City of Plattsburgh could work to invite more development from local developers. Let's make sure that this conversation includes the voices of smaller developers who need access to capital in order to begin projects."
- I wish the residents would have some respect for their neighbors, unfortunately they do not. The quality of life here is poor and it really damages a person's well-being. Housing ignores complaints of harassment and they do not care about excessive noise. I guess because we are poor or low income we do not matter.
- Road conditions, sidewalk cleaning lack of parking. Too much off campus housing...
- I am a tenant, I wish there was a cap on what a landlord can charge a tenant based on what the amenities are and what condition they're in. I am paying a lot of money for amenities that do not work and are dirty.
- As a homeowner, I believe the city should look into creative ways to encourage property development that keeps in line with our local community and isn't just a copy of what is done other places. I believe all development and city projects should be reflective of the varying demographics we have in the city including but not limited to race, age, and income. I believe we need to take steps to better integrate our communities rather than having single family households so separate from multi-family or rental properties. I believe the city should take a much stronger and proactive step against vacant properties, dilapidated structures, and property owners who are neglecting their properties, especially those who are renting out those properties.
- Again, my sole concern is taxes. When I tell people in Plattsburgh that I just moved here, they often comment or joke that I made a poor choice. I'm very prepared for the weather—it's the mismatch between taxes paid and the poor state of our

parks/roads and lack of capacity in schools that frustrates me. I really want to love my new city, but the cost of property taxes is the subtlest biggest concern I have with living here.

- The property taxes in the city definitely discourage people from buying here as they are disproportionately higher than any other area I have been able to research.
- As a property owner, I do not approve of the excessive garbage on other streets than mine (especially after students' parties where bottles, cans, paper plates etc. are left on the lawns)
- All neighborhoods should be held to the same standards
- Tenant: Pets are an important part of for retirees and single people. Many rental owners refuse to allow pets. This policy is the opposite of the rest of the country. Also, many apartments, especially multi-unit properties are owned by a small number of people, creating a monopoly. It's great that affordable housing is being built for low income residents, but there is a lack of rentals for those who are middle income.
- The landlords are all in cahoots.
- I find rent to be incredibly high and almost out of reach for most families employed in Clinton County. With rent continuously going up, there is no way to move, make a change, or save money. it's devastating to see your landlord drive around in his beautifully polished vehicle and not have the same pride in the homes they own. it's unfortunate and the homes are not well tended to. I live in a 5 unit apartment. I pay 1,100 and I know my neighbor pays \$1,200. For a 5 unit home that is generating \$5,500 dollar for one home with little to no funds being put back in the home. This is after my landlord moved me into another property because the first one I moved into was not fit.
- I am a renter, I am aware of a NYS law that states landlords cannot charge more than first months rent and security deposit, however I was charged 3X the rent upon moving in (first, last month and security deposit equal to the rent).
- I'm a tenant for [REDACTED] and they want to raise my rent from 760 to 1200 as they are upgrading units and grounds work. When it is raised, I won't be able to afford it anymore and don't know where else I will be able to live.
- There needs to be more wheelchair accessible affordable family housing
- I have a great landlord at the moment, but he is an exception to the rule here in Plattsburgh. I have rented downtown for ten years and have had many horrible experiences with property owners. The majority of them are exploitative and petty while allowing their buildings to fall into disrepair.
- better inspections of the city mobile home parks, instead of hearing its private property
- [REDACTED] is a horrible landlord.
- My 2 bedroom is \$1,100. The fact that you didn't give higher options shows how little you know about the housing issue in Plattsburgh.
- Student housing has spread way too far across the city. Housing is either student or a dump that is no longer taken care of.

- I believe there should be a cap on rent. Working ppl an ppl on fixed incomes should not have to live in run down apartments that the landlords do not want to fix up. You don't need to have a updated fixtures or granite counter tops. We just need to have safe clean an working apts.
- [REDACTED] are crooks and should not be supported as landlords. Run down properties and sky high rents
- "We own a home close to Melissa Penfield Park and we go there almost daily. It's the biggest park in the city and it absolutely pales in comparison to parks in neighboring communities. Schuyler Falls and Morrisonville have 3 parks that each are better than any of the parks in the city. Literally every surrounding community has better parks than us. There are so many simple things that can be done to improve them starting with simple maintenance. For instance, cut down the apple tree above the playground. No parent wants to take their kid to a playground and spend half the time telling them to leave the rotten apples on the ground. Put mulch in the music area and cover up the concrete around the poles. Install an actual sandbox so the kids don't dig in the sand around the music area. Fence in the playground. Have someone fix the bell on the music area, I keep forgetting to bring my wrench. Repair the path so kids have a smooth area to ride bikes and scooters. Trim the trees around the racquet ball court so it doesn't look so sketchy. Have someone paint some murals on the walls of the racquet court. Fix the benches or install new ones, maybe let people advertise on them to cut costs? We don't have a dog but that dog park definitely leaves a lot to be desired as well. Empty the trash cans over the weekend when people are actually using the parks. Lastly, hire people who care about the city. Watching them mow the grass the day after a storm even though the ground is way too wet for the weight of their vehicles is infuriating and the wheel marks in the field will now be there forever. It's so disappointing to see such amazing potential be completely wasted.
- I also look forward to our city being more bike and pedestrian friendly. The sidewalks are not in great shape and there are many intersections that need crosswalks and lights installed. Bike lanes and free bike safety courses would be amazing as well as accountability for bicyclists who do not use the roads abs sidewalks safely. "
- Renter. I find it ridiculous that [REDACTED] raise rent every year. I have lived in my place for almost 3 years. And I pay my rent a year at a time and each time it is more expensive. As increases happen it makes it harder to move while also making it harder to continue to live in the city. Taxes here are ridiculous and make me want to buy a house outside of a city that wants to try and cater to a group of people that don't even live in the area.
- I am a property owner but would like to speak on rental availability There are not enough affordable decent apartments/houses that allow pets for local renters. My daughter has been looking for months. She owns 1 cat. The new affordable housing complex doesn't allow pets. I've never seen a more pet unfriendly city. College housing is abundant but year round residents/employees in the area can't find decent affordable peaceful housing.

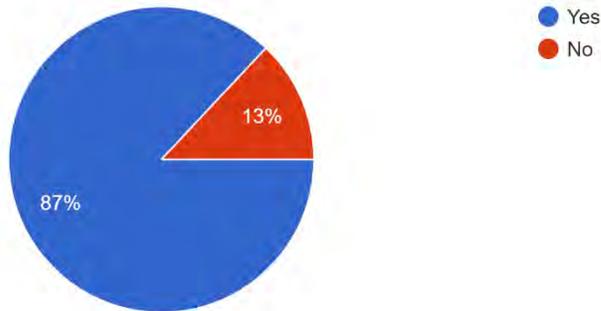
- Property Owner-outside public Trash cans should be placed throughout the city, including Brinkerhoff, Broad, And Court streets and emptied every few days to prevent the littering of our yards and disposal of pet waste.
- The town as a whole is not very disability friendly
- I am a tenant. The housing availability does not leave us any options. My family makes too much but no one will rent to us due to mediocre credit scores due to student debt. We make plenty to pay our bills.but we end up having to live in less than satisfactory conditions. The city inspectors need to do better making sure they get to everyone. I have lived where I am with landlords ignoring our complaints and BUGS for 3 years now. Never had an inspection. Plattsburgh is full of slum lords. And the only people being helped are the ones who live below a certain poverty line. Very sad.
- Why do some people purchase a home and have the land taxes lowered 13.7% as everyone else goes up? It took place in 2017 and never gone up.
- Tenant. I've looked at several apartments over the years, and most of them were trash. Also, the rental prices in Plattsburgh are absurd thanks to the high property taxes. I am literally disgusted when I visit friends' apartments and see how tiny they are, how poorly they are maintained and how landlords consistently half-ass repairs with the lowest quality parts they can find considering the high price of rent.
- I am a tenant. Last Spring the a value malfunctioned with prevented the regulation of heat in my rented home. This caused for the heat to be on full blast with the temperatures exceeding 85 degrees. My landlord took 4 days to get someone out. He asked if it was urgent as he didn't want to pay the after hours fee for the technician to come out. Once it was finally repaired we were advised that it was a fire hazard and that the temperature in the home was very unpleasant. When asking for more than one repair I have been asked to buy the property or threatened that it will soon be sold. Changes were made to my lease to include the cease of include garbage removal. Upon moving in, I discovered drug paraphernalia left by a previous resident. My home has chipping paint falling from the ceiling, water damaged floors, and leaking bathroom and light fixtures that don't work. My closet doesn't have a door knob on it and I pay 1150 per month. I am an educated, gainfully employed person who embarrassed to have people Over to this run down home.
- Property owner—we love to see that you are seeking feedback and working to improve our city. Kudos to you all!
- I'm a tenant who lives towards at the west end of brinkerhoff & Williams St. It would be nice if the building the strand owns was made to upkeep the outside of their building. Whoever owns the two buildings next door to legal aide on brinkerhoff should also be made to up keep their two buildings also. This is a very nice end of the street yet these 3 buildings at this end make it look raggedy. The other end of brinkerhoff st (east end) by the ex funeral home also have buildings that look raggedy. It's terrible these landlords get all the rent money and are not made to up keep their buildings and their property of debris example , trees overgrown, no paint on their buildings.... I can only wonder these landlords or

owners take care of tenants well. Of course the two buildings next to legal aide office always have the cops their.

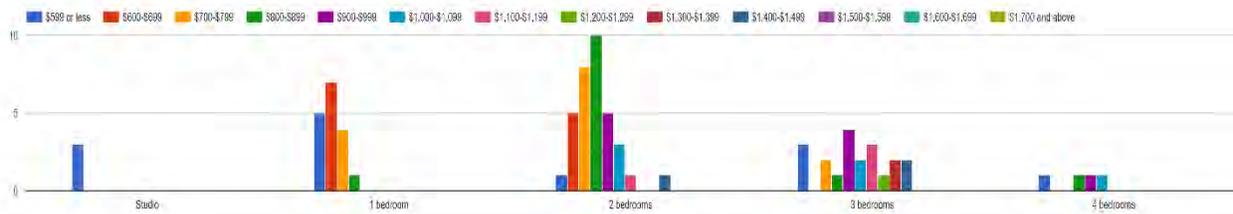
- As a tenant who is always on time with rent, responsible, quiet, pick up after my pets, the fact that my rent went up \$275 is absolutely insane. There should be a cap on how much a landlord can raise the rent. I realize i could move, i have pets and most landlords will not allow them. Can't buy a house in this market because of the price gouging, otherwise i would no longer be renting!
- We need affordable housing for families. And I mean affordable for our area.
- I am a tenant. I have a great landlord but this is the exception not the norm.
- Nope
- "Stop letting landlords refer to some apartments as only ""Student Housing."" Housing is housing, period. The downfall of housing in the City can largely be attributed to ""Student Housing.""
- Everyone deserves housing, not just students. Student housing is a sham for landlords to charge 4x the amount of rent and take advantage of barely-adults who are receiving all kinds of money from student loans and financial aid and handing it over to landlords without a care in the world.
- Not only that, but then the landlords never maintain or invest in the properties and all of them eventually become run down (just look at the housing marketed to students near the college). Because landlords recognize student housing as a cash cow, they buy up all of the property and when its become so rundown students choose other options, they let it sit vacant instead of renting to families, elderly, and young adults that need housing."
- People smoking pot in the building it smells up the hallways and other apartments!!
- "I am a property owner but may wish to sell my home and rent. I am also 61 yrs old. The rent in this city is pretty high. All the new housing being built is for either income based which I don't qualify for because I still work or luxury apartments which I can't afford because my income is not high enough. Those of us in the middle are once again forgotten. This issue needs to be addressed."
- There are great landlords in the City and there are some not-so-great ones - don't punish the goods ones just because of the bad ones. If you're a tenant and have issues with your Landlord...MOVE!
- I have 42 acres of property that is for sale that would be perfect for low income housing at [REDACTED].
- I'll likely be transitioning from home ownership to apartment living in the next few years. I love the apartments at Tall Pines Estates. Are more developments like that being planned in the City or Town of Plattsburgh?

Tenant Responses

Do you have a written lease?
77 responses



What is your rent?

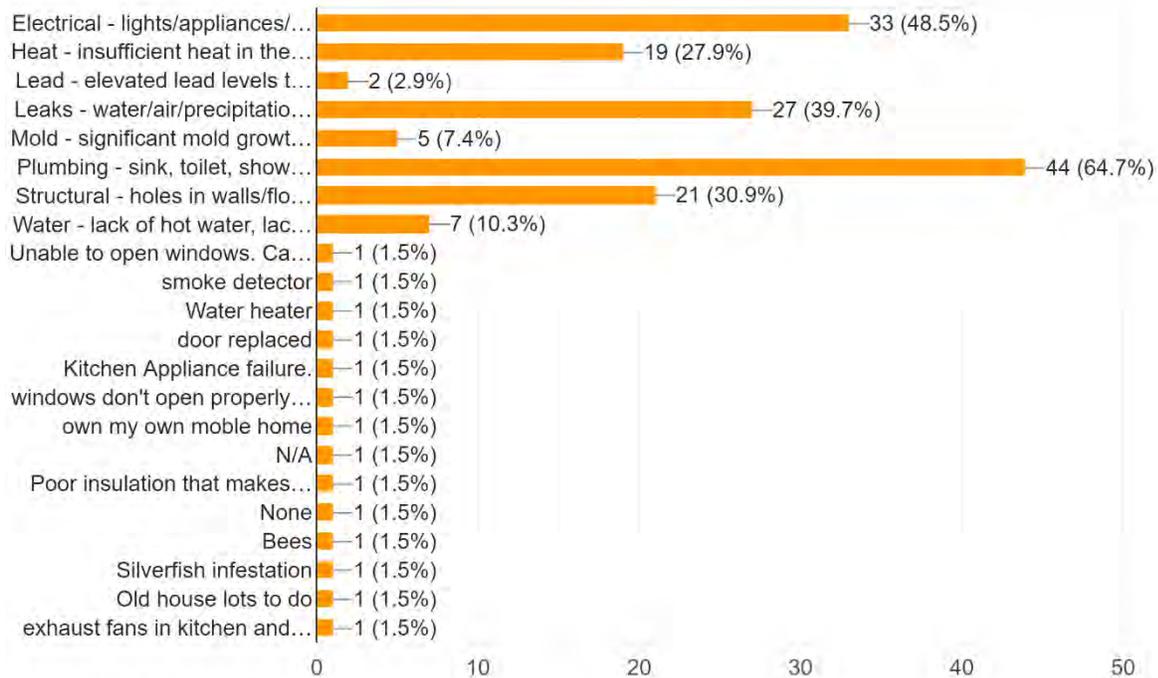


If you have needed repairs in your unit, has your landlord made those repairs?
77 responses



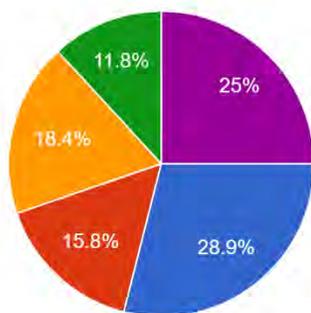
If you have needed repairs in your unit, please select the types of repairs you have needed:

68 responses



How much does transportation impact your housing decisions?

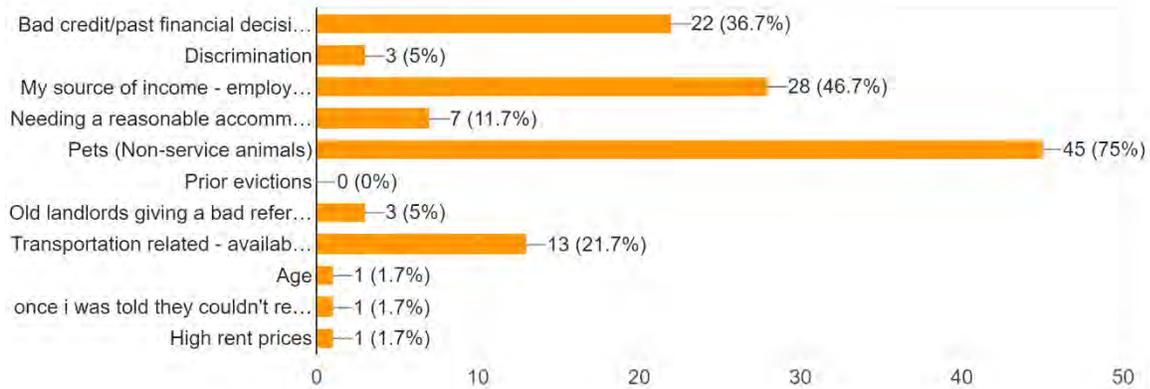
76 responses



- Transportation is one of the main factors I consider when finding housing
- Transportation is a major part but not a deciding factor
- Transportation is a consideration but not a major factor
- Transportation is not a big concern for me when finding housing
- I do not consider transportation when finding housing

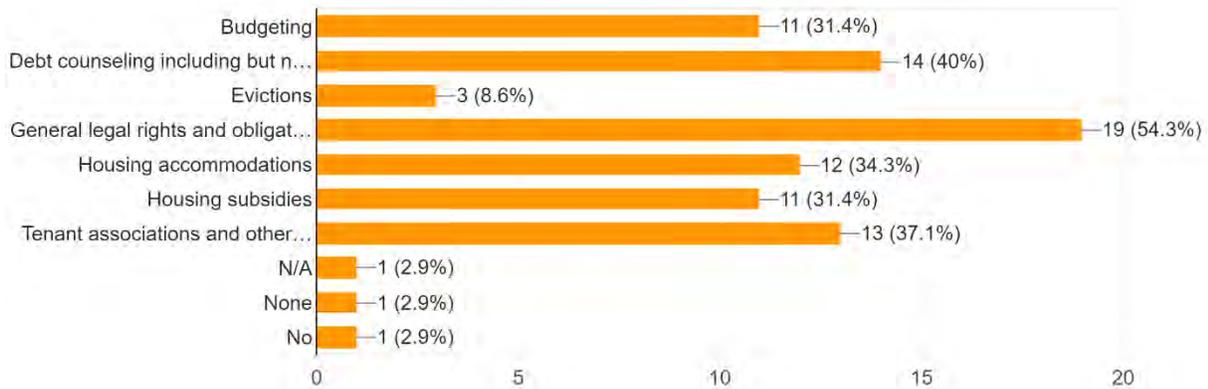
Have you ever faced barriers to housing because of any of the following:

60 responses



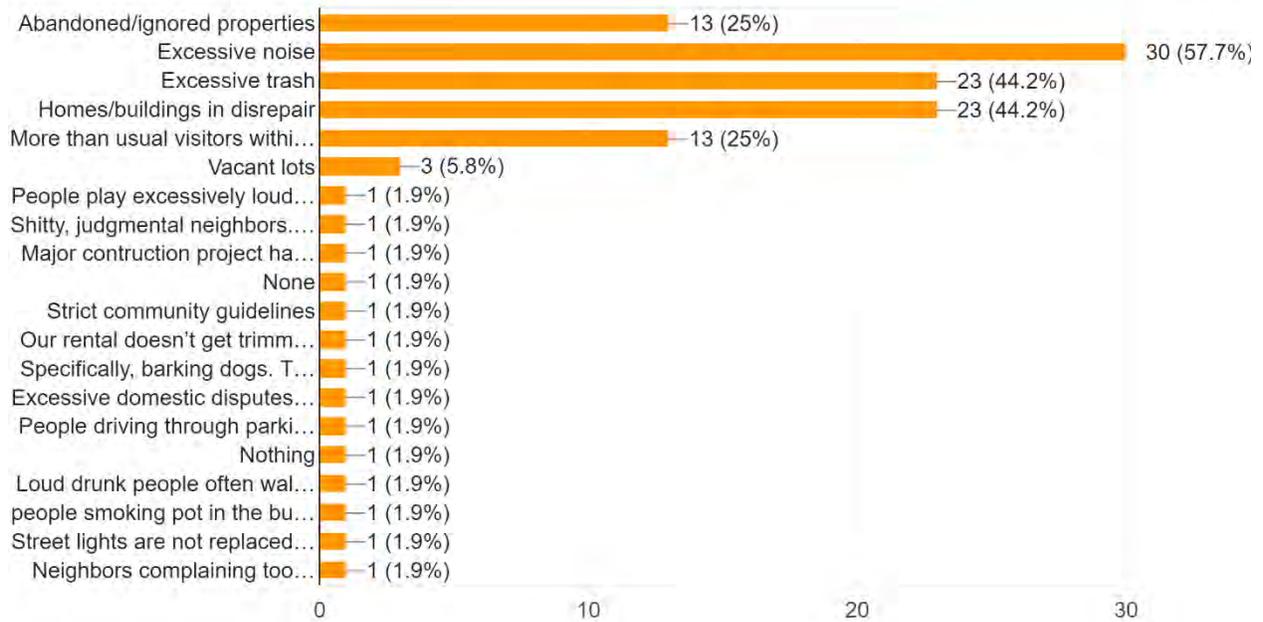
Would you benefit from education in any of the following:

35 responses

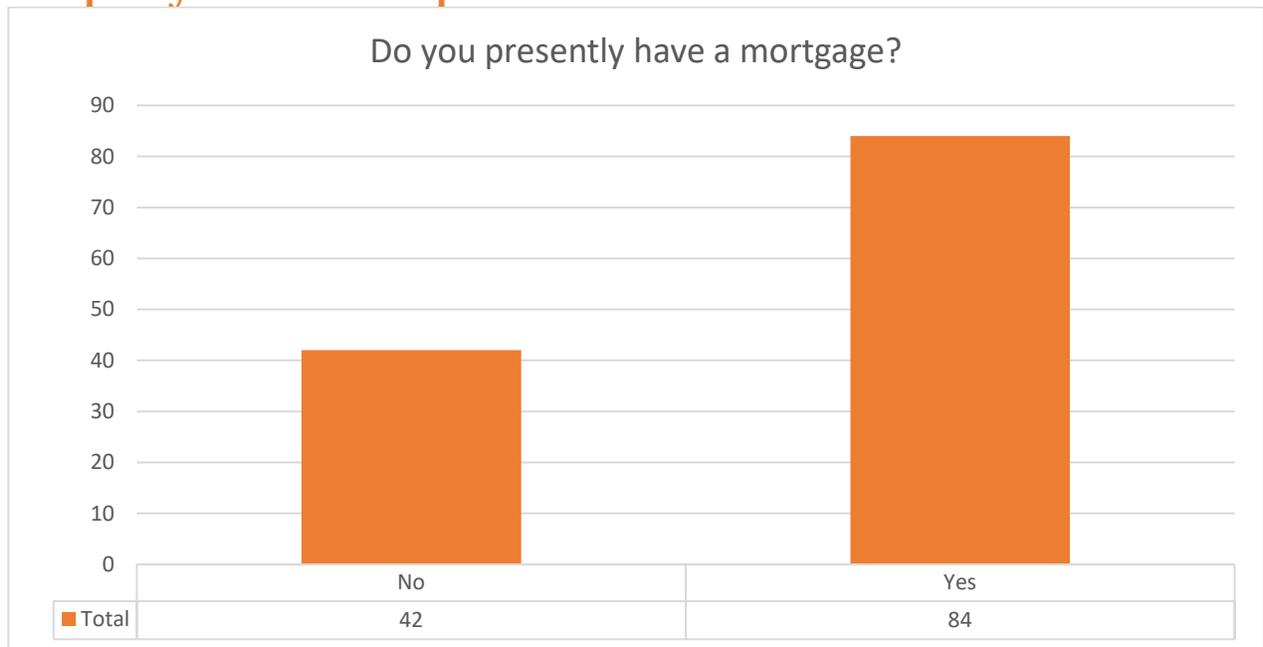


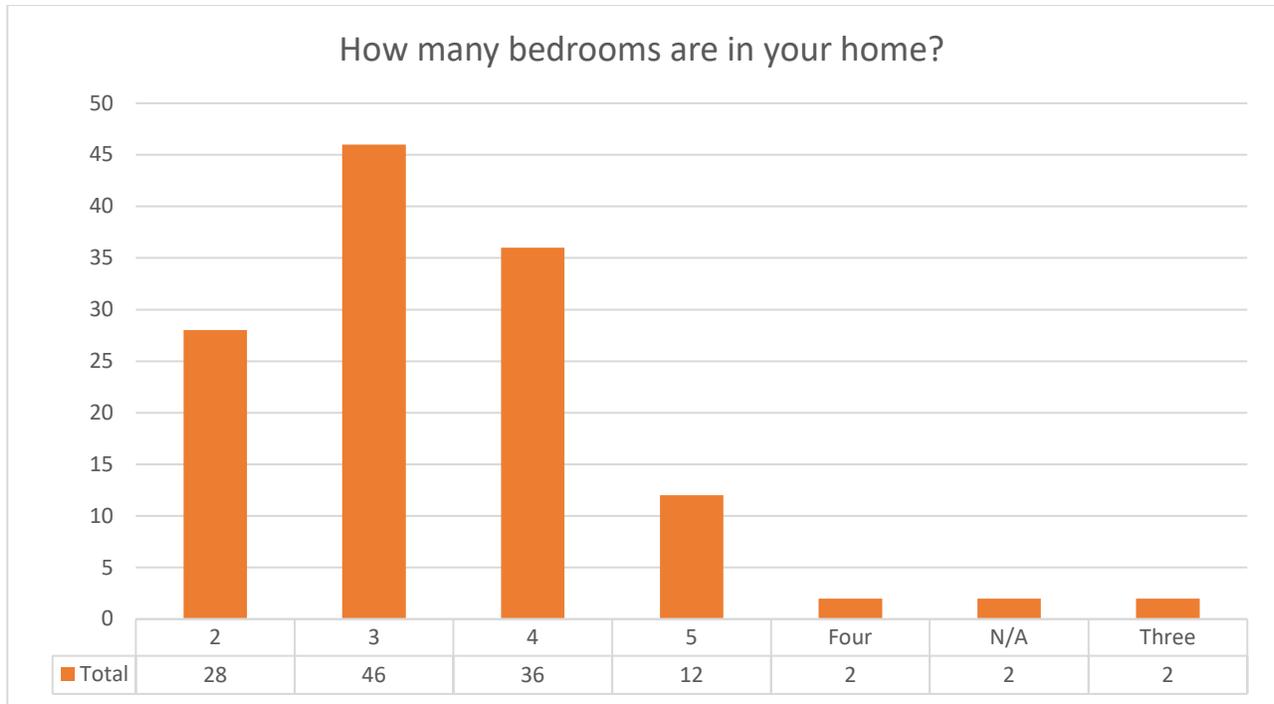
Do you have any of the following issues in your neighborhood or surrounding your rental:

52 responses



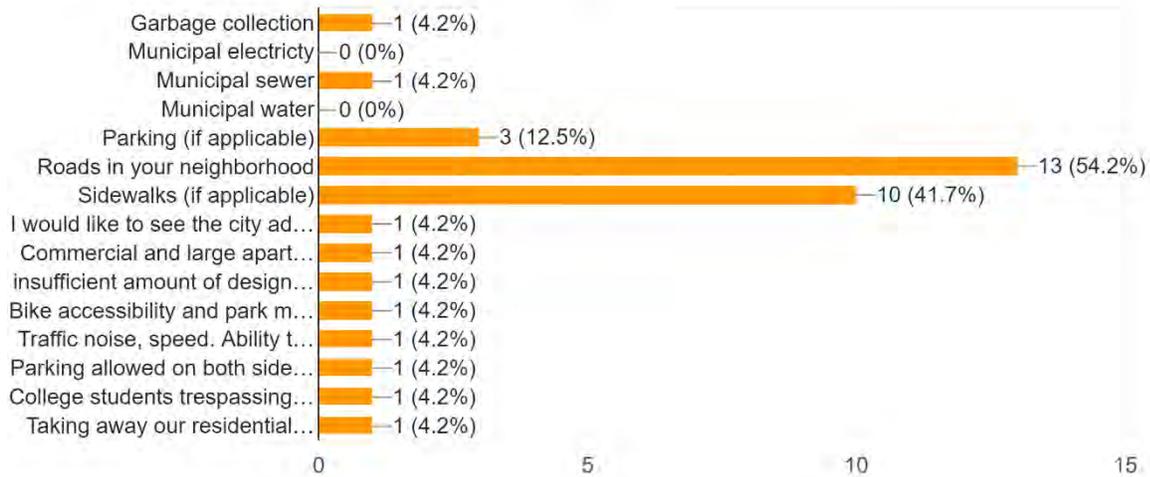
Property Owner Responses





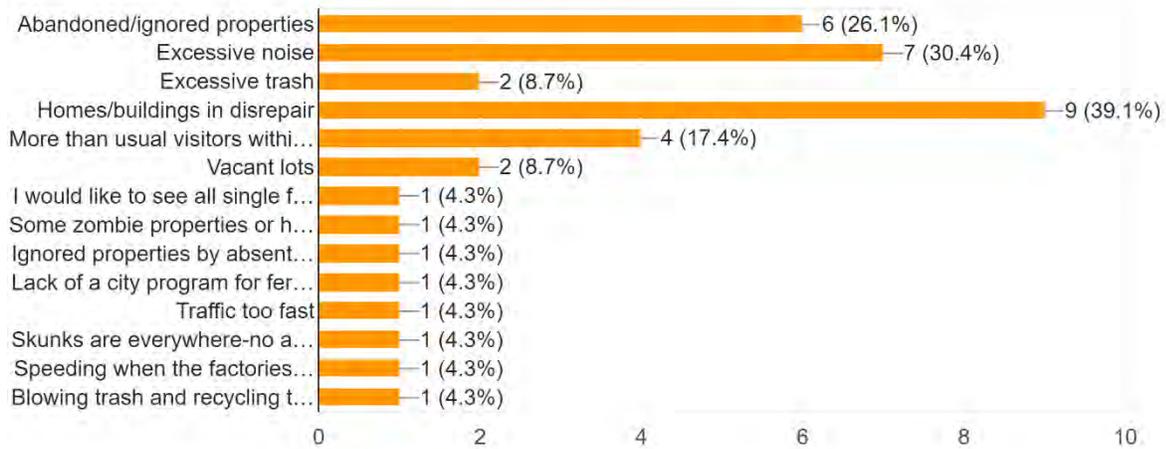
Do you have any issues with the following:

24 responses



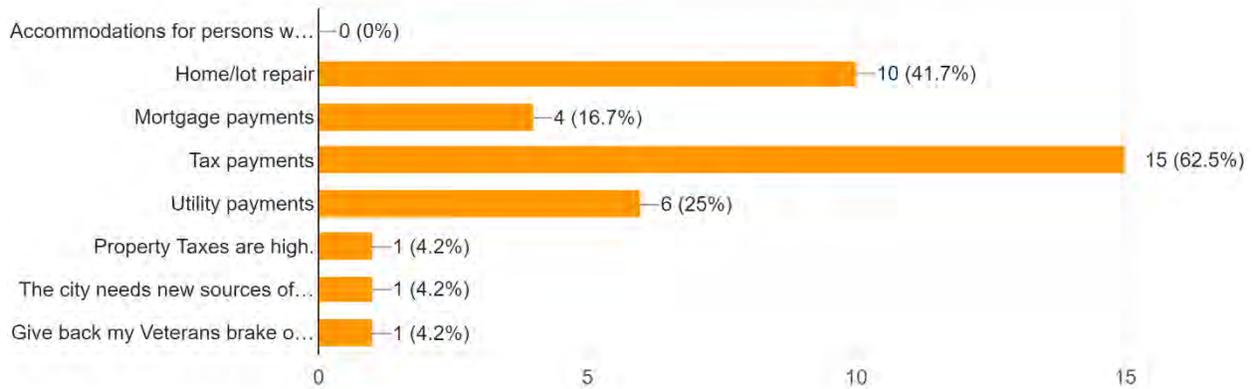
Do you have any of the following issues in your neighborhood or surrounding your home:

23 responses



Would you benefit from financial support in any of the following:

24 responses



Would you benefit from education in any of the following:

20 responses



Are there any other issues you would like to bring up related to your housing?

- City infrastructure projects, Taxes
- Lower property and school taxes or get rid of one of the taxes. It's crazy!
- Would like the city refuse collection service to offer better recycling options.... Right now they take very little of what should be recycled
- Parking minimums per property should be lifted and single family home neighborhoods should allow construction of 2, 3, and 4 plex apartment structures on single lots.
- City infrastructure projects
- Property Taxes are high.
- City infrastructure projects, Housing accommodations
- I would like to see the city address deferred maintenance issues in the City Parks.
- Abandoned/ignored properties, Vacant lots
- Taxes in the city are way too high for services provided. I'm paying, between city and school property taxes, three to four times the taxes for a property at a similar appraised value than I payed in my previous location. I really want to love living here, but I'm looking at other jobs solely because I'm losing thousands of dollars a year in taxes that many other states abs cities fo not charge. When I hear the city is thinking about charging residents to use the beach when I pay about \$4,000 in city taxes, and I'm on a waitlist to get my kid into pre-K at schools where I pay almost \$7,000 a year in taxes, it just further angers me.
- Less property tax maybe higher sales tax?
- Tax payments
- Tax payments
- City infrastructure projects

- Excessive noise, Excessive trash, Homes/buildings in disrepair
- Parking (if applicable), Roads in your neighborhood
- Budgeting, City infrastructure projects, Debt counseling, Home repair/maintenance, Landscaping, Legal rights and obligations, Taxes, Ways to improve property value
- Home/lot repair, Mortgage payments, Tax payments, Utility payments
- Some zombie properties or homes that need to be demolished in the neighborhood
- Taxes
- No
- Home/lot repair
- Abandoned/ignored properties, Excessive noise, Homes/buildings in disrepair
- More attention needs to be paid to preserving quality of life in neighborhoods with single family homes in the city. Many families are choosing to move to communities outside of the city (Saranac, Beekmantown, Peru, etc.) where taxes are lower and they don't have to worry about apartment complexes or commercial development next door.
- The city needs new sources of revenue. Too much of the burden is on property owners with large sections of the city (hospital, college, etc.) not paying taxes.
- Commercial and large apartment complexes adjacent to single family homes. Very high taxes for property owners and not enough regulation of development surrounding neighborhoods to preserve quality of life for families.
- Taxes
- Tax payments
- Excessive noise
- I appreciate and value living in a designated historic district, however present zoning and regulations appear outdated and impede upkeep of historic properties. Changes in zoning could present opportunities for historic, large homes to both be preserved and become greater assets to the community through bed and breakfasts, mixed use, or thoughtful conversion to multi-family units.
- City infrastructure projects, Home repair/maintenance, Legal rights and obligations, Taxes, Ways to improve property value
- Landscaping
- Roads in your neighborhood, Sidewalks (if applicable), Bike accessibility and park maintenance
- Sidewalk repair! All around city!
- Tax payments
- Traffic too fast
- Parking (if applicable), Roads in your neighborhood, Sidewalks (if applicable), Traffic noise, speed. Ability to get out of driveway
- Homes/buildings in disrepair
- Sidewalks (if applicable)
- Municipal sewer

- Home repair/maintenance, Landscaping, Ways to improve property value
- Home/lot repair, Mortgage payments, Tax payments, Utility payments
- Tax payments
- Parking allowed on both sides of street is dangerous in my opinion.
- Excessive noise, Excessive trash, More than usual visitors within the neighborhood, Skunks are everywhere-no animal control to remove them
- City infrastructure projects, Legal rights and obligations, Taxes, Ways to improve property value
- City playgrounds and parks are in disrepair, particularly in our neighborhood. Zero opportunities for children (sports)—we pay extremely high taxes to live in the city and have little benefit. All of our surrounding communities offer free or extremely affordable opportunities for youth.
- Home/lot repair
- Stop putting student housing in residential areas. Harder to keep families with children in the city because it's students housing on every street now.
- Speeding when the factories get out of work and the trailer park
- Give back my Veterans brake on land tax.
- Excessive noise, More than usual visitors within the neighborhood
- Debt counseling, Home repair/maintenance, Legal rights and obligations, Ways to improve property value
- Home/lot repair, Mortgage payments, Tax payments, Utility payments
- Budgeting, Home repair/maintenance, Landscaping, Legal rights and obligations, Ways to improve property value
- Home/lot repair
- Taxes, Ways to improve property value
- Home/lot repair
- Homes/buildings in disrepair
- Home repair/maintenance, Taxes
- Home/lot repair, Tax payments, Utility payments
- Homes/buildings in disrepair, More than usual visitors within the neighborhood
- Roads in your neighborhood
- Home/lot repair
- Blowing trash and recycling that is not secured
- Garbage collection
- NO
- Home repair/maintenance
- Utility payments
- Home repair/maintenance, Housing accommodations, Taxes
- Tax payments

Appendix C

GEG307 Urban Geography and Planning Report

Under the guidance of Dr. Liou Xie, upper-level students within the Fall 2021 GEG307 Urban Geography and Planning course conducted a study of housing conditions and the challenge of housing affordability within the City of Plattsburgh. Their findings and recommendations, which often parallel the recommendations of the Housing Advisory Committee, provide a unique perspective from which to consider vital housing matters.

Students were separated into six groups to study each of the 6 City Wards. The students were tasked with the following:

1. Conduct a visual external evaluation of residential housing quality;
2. Collect and analyze data on household income, rental prices, and transportation costs for the city; and
3. Brainstorm and propose actionable policy recommendations for the city based on the above research, and their own experience as renters.

The students considered it important to include livability into the affordability study. This is particularly relevant to the city as a large percentage of renters are college students. Having the students conduct this quality survey, while drawing from their own experience as home renters, will provide valuable insights for our policy makers in the city. The following sections summarize on their findings.

1. Visual Housing Quality Survey

After consulting with the City's Building Inspector's Office, the students compiled a list of 12 criteria for the non-invasive visual physical quality evaluation on walking/driving through (see Appendix D). Map 1 compiles all the addresses of houses/apartments that students consider to be lower quality or need some maintenance work immediately.



Figure 1: Visual Housing Quality Survey Result

Housing Quality Assessment by SUNY Students

The spatial patterns of these perceived-to-be lower quality housing are summarized as follows:

Ward 1:	Low-quality houses are observed to be on Sharron Avenue, South Peru Street, and Tyrell Avenue, which are near South Acres Park and Saint Peter's Cemetery on the southside of Plattsburgh. The lots seem to be smaller than many other higher quality neighborhoods. A few houses Sharron Avenue, while seem to be slightly older and of lower income, are in need of repair and have some overflow of items outside. The stretch along US Oval has relatively nicer houses that are well kept. However, most of the houses alongside the road seem to need some serious roof work. Louisiana St., and Maine Rd. seemed to contain several new construction homes that were in good condition and well maintained.
Ward 2:	There seems to be low quality houses scattered around in this ward, especially to the south of the Platts Bridge. Examples are houses on Hartwell St, Waterhouse St, Monty St, Bouyea St., and Underwood Ave.
Ward 3:	Overall, houses in this ward seem to be in good conditions with only a few houses showing some easy-to-fix issues. These houses seem to be randomly distributed without a spatial clustering pattern. Mostly on either the north or the south end of Prospect and Leonard Avenues, and Ollivetti Pl. A few are on Beas Way. Most houses had problems that were easily fixable, like chipped paint, dirty exteriors, driveways that needed to be repaved, and overgrowth. One of the houses on Broad Street was completely covered on one side with weeds. A couple of homes did have stone or brick steps that needed to be replaced as well.
Ward 4:	There seems to be a major divide between the west of Prospect Avenue (West part) and the east side of Champlain Valley Physicians Hospital (CVPH), or the East part. In the West part, houses seem to be very well kept, and occupied by prideful owners who are better off. But in the East part (between Beekman St and N Catherine St), housing quality seems to decrease as one moves towards the east from the hospital. Lots are smaller, with some properties having nonexistent yards. The majority of them have exterior wear-and-tear from improper upkeep, but very few homes are in major disrepair. Here the students observe a mix of rentals, small residential low-income homes, and businesses that are in overall a poorer condition. Champlain St, Montcalm St, and Stetson Ave seem to have more of these lower quality residential homes.
Ward 5:	The majority of low-quality houses is observed to be right north of Downtown Plattsburgh, on Streets Saily Ave, Miller St, and Oak St. Houses closer to the water are kept in excellent conditions. As one moves away from the water, the quality of housing seem to decrease, especially if it's closer to the train tracks. Some of the main issues observed are overgrown grass, cracked cement down the pathway to the porch, porches missing rails, abandoned structures, houses missing paint on the siding, and roof shingles that are missing or damaged.
Ward 6:	This is the main student housing "zone". All the students of this group are renting and living in this ward. Not surprising, there are a lot of rental properties aiming at students, with lower quality, especially along and around Brinkerhoff street and broad street. The general spatial pattern is that housing quality decreases moving towards east and away from the campus but improves slightly again once closer to downtown. The mentality is that students don't consider housing maintenance as part of their responsibilities. As long as the inside is functionally livable, they wouldn't mind if a deck was collapsing or other external components are dilapidated. The landlords, on the other hand, would only fix things up to a livable

	condition, expecting damages in the next semester. A few taller houses are observed to have windows higher up boarded, making it an eyesore. The students also find it surprising that quite a few low-quality student housing buildings along Broad St, a main road in the city connecting downtown and the campus. This is particularly damaging to the image and reputation of our college community and our city.
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2. Student Analysis of Income, Rental and Transportation Cost Data

The students compared household income data and found out that the overall poverty rate in Plattsburgh in 2021 was 21.1%, a very high rate. In Ward 1, this rate was even higher, at 35.5%. Coupled with higher than FMR market rents, many families are burdened with rental costs that far exceed the 30% affordability rate. In addition, according to the U.S department of transportation, the average annual cost of transportation for a family is \$9,826 in 2020. A few of the factors that play into this average are, total monthly payments = \$4,502, fuel and oil = \$1,568, insurance = \$1,575, and maintenance cost = \$875. This average turns into a monthly total of \$819 to own, maintain, and operate a personal vehicle. For a city lacking a public transportation system that meets the needs of its residents, such as Plattsburgh, private vehicle ownership becomes a significant contributor to the monthly cost burdens to the households. Some student groups used an alternative method of sampling 10 households and concurred with the above findings. The students concluded that transportation costs should be factored into determining true affordability factored in housing affordability indicators and cost burden. Therefore, effective policies that address the transportation needs and costs of our residents should be included in our recommendation for improving housing affordability.²⁴

The students found rental costs far exceed the 30% affordability rate with regard to median income within the City of Plattsburgh. This conclusion achieved a consensus determination across all six student groups. Further, the students found transportation costs, which are seldom discussed within the context of housing affordability, to be a significant contributor to general cost burdens to residents. A city lacking a public transportation system that meets the needs of its residents, such as Plattsburgh, results in a community dependent on private vehicle ownership and its associated costs (vehicle financing, insurance, and maintenance costs). The students concluded that transportation costs should be factored into determining true affordability and cost burden.

3. Actionable Policy Recommendations

The students concluded that the housing affordability crisis within the City of Plattsburgh is the result of the following factors: overpriced rental rates, reduced availability of suitable housing options, and transportation cost burdens borne from insufficient public transportation options. Their recommendations are provided in Table 3, with revision and complementary additions provided by Dr. Liou Xie.

²⁴ Bureau of Transportation Statistics, U.S. Department of Transportation, *available at* <https://data.bts.gov/stories/s/ida7-k95k> (last accessed 17 Jan. 2022).

Student policy recommendations are provided in consideration of the following principles:

1. There is a stratification of incomes among the lower-income households who are experiencing different affordability challenges. At the lower end, there are families who are barely making their ends meet and need a lot of assistances ranging from residence, food, transportation and beyond. This is more of a poverty issue. At the higher end, there are families who have stable jobs/income and can get by okay but are having problem finding well maintained residential units with reasonable rentals (or rental increases) or having little power when negotiating with their landlords in order to secure the tenure of their rental units.
2. There should be a diversity of affordable houses, townhouses, and apartments, corresponding to the above diversity of income levels. This diversity not only will help reduce the stigma of “public housing”, but also provides incentives/funding for keep up with the maintenance, hence improving the quality of life.
3. New development should be mixed-use. Building new residential units with houses/apartments only will generate more outward travel demand for groceries, shopping, dining, and so on. Including community-oriented commercial and entertainment uses (such as a small grocery store, a couple of restaurants, or a playground with food/snacks stands) within new residential developments will not only support lower-income tenants by reducing their transportation costs, but also generate more jobs and create a vibrant walkable and livable community.
4. Diversify the types of developers. It’s such a lack of imagination and creativity when only property developers are developing properties. Residents will benefit from living in buildings closer to commercial uses (groceries and shopping, etc.) or closer to their workplace, because either situation will remove half of their travel/driving needs.

We organize our policy recommendation into the following five categories:

a. On the supply/landlords side:

1. Increase the supply of affordable units, which could be achieved through offering incentives to homeowners and developers to convert or build new affordable units.
 - For homeowners converting units, incentives could include discounted utilities, assistance in teaching or helping them maintenance/repair skills, community tool-sharing program, community painting programs involving youth.
 - For developers, such development should follow the above diversity, mixed-income and mixed-use principles. So, incentives could include zoning reforms to allow mixed uses, tax incentives for having certain percentage as affordable units, assistance programs for small businesses (for opening small grocery stores, or obtainment of necessary licenses).
 - Expand the portfolio of developers to include non-polluting industrial/business employers to provide and maintain dormitories for their employees, charging discounted rentals as part of their benefit packages. Such development should be overseen by the Plattsburgh Housing Authority. Or even the TDC could become a residential developer specialized in subsidized employee housing.
 - The city’s rental registry should be expanded to include single-family and duplex units, to help the city understand the real rental supply/availability.

- Diversify affordable units to include more than just apartments. Examples are townhouses. The purpose is to serve the stratified income levels among the lower-income households.
2. Vigilant enforcement of building quality standards, alongside with maintenance assistance program. Holding landlords responsible for keeping up with the maintenance according to the city's building codes can sometimes be a process full of tension. If coupled with maintenance assistance, landlords may be more incentivized. Such assistance could include:
 - Tax breaks or discounted utilities. For example, for a period of 365 days post-renovation, all city services would be at a reduced price for the renovated property with the potential for an additional city tax break for the property owner.
 - Education on the current standards, for both the landlords and the tenants;
 - Some skill training on simple home repairs;
 - Create a community tool-sharing program;
 - Creating a mandatory class at SUNY Plattsburgh for students who plan to move off campus, about house rental responsibilities.

Note: It's important to include common area maintenance outside of the house (such as sidewalks and pavement) to create and maintain a good community environment.

3. The city/state could provide a grant that may only be used to renovate existing affordable housing in order to improve the quality of life of the current, and potential residents.

4. Rental stabilization equivalent scheme. The main purpose is to set the rental price within certain affordable levels. Such scheme could include one or several of the followings:

- Limiting the frequency and amount of rent increases. A good reference could be rent-stabilized apartments in NYC. Obviously, a tiered program would make more sense here, which applies different restrictions on various properties depending on the sizes, maintenance quality, number of units within the same building and amenities inside the houses and in the surrounding area (i.e., the location).
- For multiple-unit rental properties, a certain percentage (say 20%) should be kept under certain rental prices with annual market and household income studies.

- b. On the demand/tenant's side:

1. Higher minimum wage/package. Data shows that there is zero county in the United States where residents making minimum wages could afford the average rental price. This is alarming. And obviously such policy will have to be devised at the state level.
2. New programs could be implemented to make it easier for families in need to qualify for affordable housing benefits. Such programs could include:
 - Creating and regularly delivering educational sessions to inform the tenants all the resources they have access to, including their legal rights, and paperwork assistance.
 - Setting up an information center in the city hall and on the city's website, with brochures and booklets to facilitate information distribution.
 - Identifying a city staff as the liaison for such information exchange.

3. Clean and repair incentives. The tenants should be respectful when living in the units which will further incentivize the landlords to take better care of the property. This is particularly important for student housing. So, we'll provide more details in the next category of policies.
 4. Assisted homeownership program, to help households who have stable income but only one step away from homeownership. It is known to many residents that monthly mortgage payments in Plattsburgh are much lower than the market rentals for housing of equivalent sizes. And homeownership provides a much better incentive for residents to take care of their housing than rentals, producing a much healthier property market. Such assistance can be:
 - Allow state/county/city level rental subsidies of these carefully identified families to be allowed to be used for such starter homeownership;
 - Specified new subsidies programs at state/county/city for such purpose, such as subsidizing fees for initiating mortgages;
 - Assistance in accessing good and low-interest mortgages;
 - Training programs teaching home maintenance/repair skills to the new homeowners;
 - Create a community tool-sharing program;
 - Policy makers in the city should learn about and consider the “Half a good house” initiative, where starter homeownership can begin with a shell and the essentials (good location, infrastructure, kitchen and bathroom, and one bedroom), with space for expanding to two or more bedrooms investing in their own labor and on their own savings schedule. (Reference: <https://www.archdaily.com/797779/half-a-house-builds-a-whole-community-elementals-controversial-social-housing>).
- c. Transportation related. Again, data shows that for a car-dependent community, increasing monthly transportation costs are eating further into a family's income and reducing their affordability and stability. Sometimes, a car repair could leave the family without feasible travel methods, especially in the cold winters. The city of Plattsburgh, and the whole Clinton County, do not have reliable or frequently enough public transportation services. Potentially, we could help our residents through:
1. Reducing some of the travel needs by encouraging more mixed-use development. Currently, a grocery shopping trip could be quite a hassle for people whose car just died. Having mixed-use in a residential development could reduce the needs for traveling to outside of the community, and help saving some transportation costs.
 2. Emergency transportation program for families in need. Such needs could be for doctor's appointments, to work, to school or to grocery stores. Maybe this could be as simple as subsidized Uber rides for low-income families.
 3. Completely reinvent our public transit system. Here is an interesting example called “Uber's Transit Partnership” in Innisfil, Ontario, Canada. This is a town with a total area of 101.4 sq. mi. with 36,566 people (2016). Instead of continuing to subsidize their low frequency public transit, they use the subsidies to negotiate discounted fares with Uber. This partnership transformed their transit system to a 24/7 ridesharing-based Uber trips. Certain hotpots of trip destinations are identified, where people pay \$4-6 to go to, depending on the distance; while other trips simply get \$4 off their fares. Considering that the travel hotspots in and outside of the city of Plattsburgh (such as the mall, the Consumer Square, and most of the TDC industrial parks) are within an area of 25 sq. mi., with a smaller

population size, such transit partnership could potentially be duplicated here. The hotspot trip fare may be negotiated to the \$2-3 range. Reference to the Innisfil's experience is here: <https://www.uber.com/ca/en/u/innisfil/>

- d. Student Housing specifically, as students account for a large percentage of the tenants in the city with very different dynamics from regular tenants. They are on tighter budget and need to have easy access to the campus and jobs. They are also younger with specific lifestyles and less knowledge about property care. So, policy recommendations are proposed to tackle these issues:
 1. Evaluation of apartments/multiple-unit houses leased to students should also be conducted to hold the landlords responsible for complying to the building codes and standards. This would be more effective if coupled with the abovementioned maintenance assistance program, and below program that help increase the students' sense of reasonability.
 2. There should be a rent stabilization scheme particularly designed for student housing. This work should be done with collaboration with SUNY Plattsburgh.
 3. Educational program to increase responsible behavior among the students. Learning to act as an adult tenant should also be part of the college education. Maybe SUNY Plattsburgh can create a mandatory class for students who intend to move off campus. Currently, they only need to fill out a survey with 5-8 simple questions, with no information about how to live independently, how to run a household, how to manage your time when living by yourself, or simply how to cook and clean up. Making it a Cardinal Core Seminar (the revised General Education program) with 2 credits should be appropriate. In this course, the students will learn about house hunting, paperwork and their legal rights, and all the necessary resources we want to teach all tenants in our community (see above b.2).
 4. A subsidized "Karma" program should be included in the student housing lease. Basically, if the student acts irresponsibly, such as breaking a door, they should be held responsible and put in time and labor to fix it, while the landlord only provide the materials. Obviously, this should be coupled with the abovementioned subsidized educational program where training is provided for teaching repair skills, the community tool-sharing program, and all.
- e. Other Important Policies. In this section, we include all the helpful policies that may not fit in any of the above categories.
 1. The city could invest into more public facilities for people, and families to enjoy that would stimulate more people to build and invest in the area leading to more available homes.
 2. More funding and support for the code enforcement office to hold landlords responsible for fixing their violations.
 3. TDC Employers building and maintaining dormitories for their employees, charging rentals, as part of their employee benefit packages. Not only would they becoming more attractive on the hiring market, but also wouldn't worry about their employees not able to show up at work due to a car breakdown.

4. Limitations and Contributions

This study was conducted by students, some of whom were not familiar with data analysis or affordability research when the semester started. Dr. Xie provided necessary training and facilitated the study throughout the semester. The summary here is based on the

students' interpretation of their findings. Therefore, reader discretion is advised. On the other hand, students are an important group of renters in the City of Plattsburgh, faced with specific challenges in their own experiences. This report also provides valuable insights from their perspectives.

Appendix D

GEG307A Urban Geography and Planning (Fall 2021)

Worksheet for Housing Quality Survey

Property: _____ Date: _____

Evaluation: (on a scale of 1~5, 5 being the worst. Ignore the ones of 1~2. Only mark down 3~5)

- _____ 1. Broken/Inoperable windows or doors
- _____ 2. Leaking/Damaged/Tarped roof
- _____ 3. Rodent/Pest harborage
- _____ 4. Flaking paint/Deteriorating surface or sidings
- _____ 5. Improperly stored garbage
- _____ 6. Overgrown grass or weeds
- _____ 7. Dilapidated/Damaged accessory structure
- _____ 8. Damaged/Failing porches, decks, stairways & balconies
- _____ 9. Broken handrails and guards
- _____ 10. Deteriorated decorative features
- _____ 11. Chimneys and Towers not properly maintained
- _____ 12. Sidewalk and Driveways improperly maintained
- _____ Other: _____

Other remarks: _____

Property: _____ Date: _____

Evaluation: (on a scale of 1~5, 5 being the worst. Ignore the ones of 1~2. Only mark down 3~5)

- _____ 1. Broken/Inoperable windows or doors
- _____ 2. Leaking/Damaged/Tarped roof
- _____ 3. Rodent/Pest harborage
- _____ 4. Flaking paint/Deteriorating surface or sidings
- _____ 5. Improperly stored garbage
- _____ 6. Overgrown grass or weeds
- _____ 7. Dilapidated/Damaged accessory structure
- _____ 8. Damaged/Failing porches, decks, stairways & balconies
- _____ 9. Broken handrails and guards
- _____ 10. Deteriorated decorative features
- _____ 11. Chimneys and Towers not properly maintained
- _____ 12. Sidewalk and Driveways improperly maintained
- _____ Other: _____

Other remarks: _____

Appendix E

Good Cause Eviction Law in Albany, NY

Council Member Balarin introduced the following, which was approved: LOCAL LAW F OF 2021 (As Amended 07/08/2021)

LOCAL LAW AMENDING PART 2 (COURTS AND LEGAL PROCEDURES) OF CHAPTER 30 (COURTS AND LEGAL PROCEDURES) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO EVICTION PROCEEDINGS

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Article XXII (Rules of Practice of the City Court of Albany) of Part 2 (City Court Act) of Chapter 30 (Courts and Legal Procedures) of Part I (Administrative Legislation) of the Code of the City of Albany is hereby amended by adding a Section 30-323, to read as follows:

§30-323 Special rules for eviction proceeding

Filing of Residential Occupancy Permit Required. No action for eviction may be commenced without the Petitioner's having submitted to the Court a copy of the most recently-issued Residential Occupancy Permit issued according to Part 4 of Chapter 231 of this Code for the rental dwelling unit of which the Petitioner is seeking possession or an allegation that deregistration and suspension of said Residential Occupancy permit was done in violation of this Chapter.

Section 2. Part 2 (City Court Act) of Chapter 30 (Courts and Legal Procedures) of Part I (Administrative Legislation) of the Code of the City of Albany is hereby amended by adding an Article XXIII, entitled "Prohibition of Eviction Without Good Cause," to read as follows:

Article XIII Prohibition of Eviction Without Good Cause

§ 30-324 Short Title.

This article shall be cited as the "Prohibition of Eviction Without Good Cause Law."

§30-325 Definitions.

- A. The term "housing accommodation," as used in this article, shall mean any residential premises located in the City of Albany.
- B. The term "landlord," as used in this article, shall mean any owner, lessor, sublessor, assignor, or other person receiving or entitled to receive rent for the occupancy of any housing accommodation or an agent of any of the foregoing.
- C. The term "tenant" as used in this article shall mean a tenant, sub-tenant, lessee, sublessee, assignee, manufactured home tenant as defined in paragraph one of subsection (A) of section two hundred thirty-three of the NYS Real Property Actions and Proceedings Law, an occupant of a rooming house or hotel as defined in section seven hundred eleven of the Real Property Actions and Proceedings Law or any other person entitled to the possession, use or occupancy of any housing accommodation.
- D. The term "rent" as used in this article shall mean any consideration, including any bonus, benefit or gratuity demanded or received for or in connection with the possession, use or occupancy of housing accommodations or the execution or transfer of a lease for such housing accommodations.
- E. The term "disabled person" as used in this article shall be applied according to the definition set forth at NY Public Housing Law §14(4)(c)(iii).

§ 30-326 Applicability.

This article shall apply to all housing accommodations except:

- A. Owner-occupied premises with four or less units;
- B. Premises sublet pursuant to section two hundred twenty-six-b of the Real Property Law or otherwise, where the sublessor seeks in good faith to recover possession of such housing accommodation for their own personal use and occupancy;
- C. Premises where the possession, use or occupancy of which is solely incident to employment and such employment is being lawfully terminated; and
- D. Premises otherwise subject to regulation of rents or evictions pursuant to state or federal law to the extent that such state or federal law requires “good cause” for termination or non-renewal of such tenancies.

§ 30-327 Necessity for good cause.

No landlord shall, by action to evict or to recover possession, by exclusion from possession, by failure to renew any lease, or otherwise, remove any tenant from housing accommodation except for good cause as defined in section three hundred twenty-eight of this article.

§ 30-328 Grounds for removal of tenants

- A. No landlord shall remove a tenant from any housing accommodation, or attempt such removal or exclusion from possession, notwithstanding that the tenant has no written lease or that the lease or other rental agreement has expired or otherwise terminated, except upon order of a court of competent jurisdiction entered in an appropriate judicial action or proceeding in which the petitioner or plaintiff has established one of the following grounds as good cause for removal or eviction:
 - (1) The tenant has failed to pay rent due and owing, provided, however, that the rent due and owing, or any part thereof, did not result from a rent increase or pattern of rent increases which, regardless of the tenant's prior consent, if any, is unconscionable or imposed for the purpose of circumventing the intent of this article. In determining whether all or part of the rent due and owing is the result of an unconscionable rent increase or pattern of rent increases, the Court may consider, among other factors, i) the rate of the increase relative to the tenant's ability to afford said increase, ii) improvements made to the subject unit or common areas serving said unit, iii) whether the increase was precipitated by the tenant engaging in the activity described at section 223-b (1(a)-(c) of the Real Property Actions and Proceedings Law, iv) significant market changes relevant to the subject unit, and v) the condition of the unit or common areas serving the unit, and it shall be a rebuttable presumption that the rent for a dwelling not protected by rent regulation is unconscionable or imposed for the purpose of circumventing the intent of this article if said rent has been increased in any calendar year by a percentage exceeding five percent;
 - (2) The tenant is violating a reasonable obligation of their tenancy, other than the obligation to surrender possession, and has failed to cure such violation after written notice that the violation cease within ten days of receipt of such written notice, provided however, that the obligation of tenancy for which violation is claimed was not imposed for the purpose of circumventing the intent of this article;
 - (3) The tenant is committing or permitting a nuisance in such housing accommodation, or is maliciously or by reason of negligence damaging the housing accommodation;

- or the tenant's conduct, including but not limited, smoking inside the residential unit where smoking inside the residential unit has been prohibited by the landlord and such prohibition has been communicated to the tenant, failing to dispose of waste created by the tenant's pet(s) from the property on which the residential unit is located in accordance with relevant laws, and causing the accumulation of excessive rubbish and/or garbage in the residential unit and common areas, is such as to interfere with the comfort of the landlord or other tenants or occupants of the same or adjacent buildings or structures;
- (4) Occupancy of the housing accommodation by the tenant is in violation of or causes a violation of law and the landlord is subject to civil or criminal penalties therefor; provided however that the City of Albany or other qualified governmental entity has issued an order requiring the tenant to vacate the housing accommodation. No tenant shall be removed from possession of a housing accommodation on such ground unless the court finds that the cure of the violation of law requires the removal of the tenant and that the landlord did not, through neglect or deliberate action or failure to act, create the condition necessitating the order to vacate. In instances where the landlord does not undertake to cure conditions of the housing accommodation causing such violation of the law, the tenant shall have the right to pay or secure payment in a manner satisfactory to the court, to cure such violation provided that any tenant expenditures shall be applied against rent to which the landlord is entitled. In instances where removal of a tenant is absolutely essential to their health and safety, the removal of the tenant shall be without prejudice to any leasehold interest or other right of occupancy the tenant may have and the tenant shall be entitled to resume possession at such time as the dangerous conditions have been removed. Nothing herein shall abrogate or otherwise limit the right of a tenant to bring an action for monetary damages against the landlord to compel compliance by the landlord with all applicable laws;
- (5) The tenant is using or permitting the housing accommodation to be used for an illegal purpose;
- (6) The tenant has unreasonably refused the landlord access to the housing accommodation for the purpose of making necessary repairs or improvements required by law or for the purpose of showing the housing accommodation to a prospective purchaser, mortgagee, or other person having a legitimate interest therein;
- (7) The landlord seeks in good faith to recover possession of a housing accommodation located in a building containing fewer than twelve units because of immediate and compelling necessity for their own personal use and occupancy as their principal residence, or the personal use and occupancy as principal residence of their partner, spouse, parent, child, stepchild, father-in-law or mother-in-law, when no other suitable housing accommodation in such building is available. This paragraph shall permit recovery of only one housing accommodation and shall not apply to a housing accommodation occupied by a tenant who is sixty-two years of age or older or who is a disabled person;
- (8) The landlord seeks in good faith to recover possession of any or all housing accommodations located in a building with less than five units to personally occupy such housing accommodations as their principal residence;
- (9) The owner-landlord has in good faith entered into a contract for the sale of the housing accommodation and such contract requires that the housing

- accommodation be transferred free and clear of any and all residential tenancy obligations as a condition of such sale where the owner-landlord has no shared financial or other interest with the potential buyer other than the sale of the housing accommodation in question and submitted sufficient proof to the court thereof
- (10) Where the tenant has refused in bad faith to enter into a written lease which has been offered in good faith to the tenant by the landlord, subject to the following.
- (a) The proposed written lease must have been offered to the tenant in writing on at least two occasions at least two weeks apart, which such written offer to include,
- (i) an original and one copy of the proposed written lease, executed by the landlord or their designee;
- (ii) notice of the landlord's intention to pursue eviction within 120 days pursuant to this article if the tenant rejects the proposed written lease and/or does not enter into said lease within forty-five days of the initial offer;
- (iii) clear instructions to the tenant concerning the manner in which the tenant is to communicate to the landlord acceptance or rejection of the written lease; and
- (iv) Notice of any proposed increase equal to or greater than 5% shall be provided in compliance with RPL sect 226-C
- (b) the proposed written lease shall not supersede an existing, active lease to which the landlord and the tenant are parties;
- (c) The terms of the proposed written lease may not:
- (i) be unconscionable and/or mandate or proscribe activities not rationally related to the regulation of activities which would create a nuisance at the property or cause discomfort to the tenants or occupants of the same or adjacent buildings or structures as described at section A(3) above; or
- (ii) substantially alter the terms any of any existing lease;
- (d) the proposed written lease shall not be offered for the purposes of circumventing this article;
- (e) the tenant shall be entitled to dismissal of any eviction petition brought for the tenant's refusal to enter into a lease according to these terms if
- (i) the tenant consents to enter into the proposed written lease presented in the first offer pursuant to subsection 10(a) at any time prior to the execution of the warrant of eviction regardless of landlord's willingness to accept said consent at the time it is communicated; and/or
- (ii) prior to the commencement of the eviction proceeding the tenant attempted in good faith to negotiate the terms of the proposed written lease and that the landlord refused in bad faith to engage in such negotiation; and/or
- (iii) the tenant's failure to enter into the proposed written lease was due to a good faith failure to comprehend the terms of the proposed written lease;
- (iv) the tenant is a victim of domestic violence as defined by NY Social Service Law §459-A and is unable to safely enter into the proposed written lease due to good faith concerns for the tenant's personal safety; and/or
- (v) the proposed written lease includes an increase in rent or increase in the tenant's responsibility for recurring payments associated with the tenancy which is unconscionable or imposed for the purposes of circumventing the intent of this article per subsection (A)(1), above
- (f) that any proceeding for eviction pursuant to this subsection shall have been commenced within 120 days of the proposed written lease first having been offered to the tenant

- B. A tenant required to surrender a housing accommodation by virtue of the operation of paragraph (7), (8), or (9) of subsection A of this section shall have a cause of action in any court of competent jurisdiction for damages, declaratory, and injunctive relief against a landlord or purchaser of the premises who makes a fraudulent statement regarding a proposed use of the housing accommodation. In any action or proceeding brought pursuant to this provision a prevailing tenant shall be entitled to recovery of actual damages, and reasonable attorneys' fees.
- C. Nothing in this section shall abrogate or limit the tenant's right, pursuant to section seven hundred fifty-one of the Real Property Actions and Proceedings Law, to permanently stay the issuance or execution of a warrant or eviction in a summary proceeding, whether characterized as a nonpayment, objectionable tenancy, or holdover proceeding, the underlying basis of which is the nonpayment of rent, so long as the tenant complies with the procedural requirements of section seven hundred fifty-one of the Real Property Actions and Proceedings Law.

§ 30-329 Preservation of existing requirements of law.

No action shall be maintainable and no judgment of possession shall be entered for housing accommodations pursuant to this article, unless the landlord has complied with any and all applicable laws governing such action or proceeding and has complied with any and all applicable laws governing notice to tenants including, without limitation, the manner and the time of service of such notice and the contents of such notice. Nothing in this article shall preclude individuals from the voluntary dissolution of a lease agreement on such permissible terms as both parties may agree to, though such agreement may not provide a basis for the issuance of a warrant of eviction or provide the Albany City Court with authority to intervene in such voluntary dissolutions entered into outside of and not properly brought before the Albany City Court's jurisdiction.

§ 30-330 Waiver of rights void.

Any agreement by a tenant heretofore or hereinafter entered into in a written lease or other rental agreement waiving or modifying their rights as set forth in this article shall be void as contrary to public policy.

§ 30-331 Severability.

If any provision of this act, or any application of any provision of this article, is held to be invalid, that shall not affect the validity or effectiveness of any other provision of this act, or of any other application of any provision of this article, which can be given effect without that provision or application; and to that end, the provisions and applications of this article are severable.

Section 3. This local law shall take effect ninety days after final passage, public hearing and filing with the Secretary of State.

APPROVED AS TO FORM THIS 8Th DAY OF JULY, 2021

Corporation Counsel

To: Danielle Gillespie, City Clerk

From: Laura Gulfo, Esq., Assistant Corporation Counsel

Robert Magee, Esq., Deputy Corporation Counsel

Brett Williams, Esq., Senior Assistant Corporation Counsel

Re: Request for Common Council Legislation

Supporting Memorandum

Date: March 1, 2021

Sponsor: Council Member Balarin

LOCAL LAW F OF 2021

TITLE

LOCAL LAW AMENDING PART 2 (COURTS AND LEGAL PROCEDURES) OF CHAPTER 30 (COURTS AND LEGAL PROCEDURES) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO EVICTION PROCEEDINGS

GENERAL PURPOSE OF LEGISLATION

Section 1:

The purpose of this proposal is to make evictions in City Court more efficient by requiring the filing of an ROP a requirement of commencing an eviction proceeding.

ACC §30-323(A) – Special Rules for Eviction Proceedings, Filing of Residential Occupancy Permit Required – requires that a party seeking to recovery property in the course of an eviction proceeding to file a copy of the active ROP with the City Court along with the petition for eviction.

Section 2:

To prohibit residential evictions within the City of Albany without good cause.

The following additions are made to Chapter 30 of the Albany City Code:

§30-324 Short Title: Adds short title which shall be cited as the “Prohibition of Eviction Without Good Cause Law.”

§30-325 Definitions: Adds definitions of “housing accommodation,” “landlord,” “tenant,” “rent,” and “disabled person.”

§30-326 Applicability: Adds exceptions to the applicability of the law, which, in general, applies to all housing accommodations.

§30-327 Necessity for good cause: Prohibits landlords from removing tenants from

housing accommodations except for good cause, as defined in §30-328.

§30-328 Grounds for removal of tenants: Subsection 1 illustrates, in detail, the nine grounds that landlords may establish to meet the “good cause” standard for lawful eviction; landlords are required to satisfy only one of these grounds. Subsection 2 provides tenants with a cause of action (seeking damages, declaratory, and injunctive relief as well as reasonable attorney’s fees) against landlords or purchasers of the housing accommodation who have made fraudulent statements regarding the proposed use of housing accommodation. Subsection 3 reiterates tenants’ protections under the real property actions and proceedings law (“RPAPL”) §751 to permanently stay an eviction, the underlying basis for which is the nonpayment of rent.

§30-329 Preservation of existing requirements of law: Provides a tenant with a basis to pursue dismissal of an eviction proceeding where the landlord has failed to comply with all applicable laws governing such a proceeding, including, but not limited to, the laws governing notice to tenants and the provisions under the New York State Housing Stability and Tenant Protection Act (“HSTPA”) of 2019. **§30-330 Waiver of rights**

void: Voids, as contrary to public policy, any agreement wherein a tenant has waived or modified rights afforded under this article.

§30-331 Severability: Allows severability of provisions of this article in that if any provision is held to be invalid, said holding shall not affect the validity or effectiveness of any other provision of this article.

§30-332 Effective Date: Provides that this article shall take effect immediately and shall apply to actions and proceedings commenced on or after the effective date.

NECESSITY FOR LEGISLATION

Section 1:

Eviction proceedings are usually delayed while it is determined whether an ROP is active for the building in question. This will save significantly on administrative costs by making the filing of an active ROP part of what the landlord files at the outset of the eviction proceedings. This also protects tenants whose rent is subject to a levy by the City for repair costs. Though the Building Department does not do this, it may in the future and if it does it will be important to ensure that tenants subject to a levy are protected.

Section 2:

The New York State Housing Stability and Tenant Protection Act (“HSTPA”) passed in 2019 provide protections for tenants that have the effect of delaying the initiation of an eviction proceeding. Excluded from the HSTPA is any requirement for the landlords or property owners to provide a justification for said eviction or removal of tenants from housing accommodations in the City of Albany. This legislation seeks to bridge that gap. Good cause eviction law shall prohibit a landlord from removing a tenant from a housing accommodation without an order from a judge who decides whether or not the eviction is for a good cause. The proposed legislation identifies nine grounds which a landlord may cite when pursuing an eviction or removal of a tenant from a housing accommodation; a landlord must only satisfy one of the nine available grounds. Briefly, those nine grounds contemplate (a) tenant’s failure to pay rent, with consideration to a rental increase, if any; (b) tenant’s violation of an obligation of the tenancy and failure to cure said violation; (c) nuisance in the housing accommodation either caused or permitted by the tenant; (d) tenant’s occupancy of the housing accommodation, which is in violation or causes a violation of law and the landlord is subject to civil or criminal penalties, with considerations; (e) tenant uses or permits the housing accommodation to be used for an illegal purpose; (f) tenant’s unreasonable refusal to allow the landlord access to the housing accommodation for the purpose of making necessary repairs or improvements required by law or for the purpose of showing the housing accommodation, subject to notice requirements under the HSTPA; (g) landlord’s good faith recovery of the housing accommodation in a building with fewer than twelve units, subject to conditions; (h) landlord’s good faith recovery of the housing accommodation in a building with fewer than five units for the landlord’s personal occupancy, such as their principal residence; and (i) landlord’s good faith contract for the sale of the housing accommodation wherein the housing accommodation shall be transferred free and clear of all residential tenancy obligations as a condition of the sale.

To satisfy one of these grounds in an eviction proceeding, the landlord is required to first identify the ground or grounds pursuant to which the landlord seeks

removal of the tenant, which will likely require statements from the landlord filed with the complaint or petition in court. As such, this legislation provides tenants with a cause of action for damages, including reasonable attorney's fees, if the landlord has submitted or made fraudulent statements regarding the proposed use of the housing accommodation.

This proposed legislation is generally applicable to housing accommodations within the City of Albany. Notably, however, this proposed legislation excludes owner-occupied units with less than four units, i.e. the property owner's primary residence. Other housing accommodations excluded are sublease arrangements where the sublessor, in good faith, seeks to recover possession for their own personal use and occupancy; and premises where the possession, use, or occupancy which is solely incidental to employment and the employment is lawfully terminated.

FISCAL IMPACT

None.

Matter in brackets and ~~[strikethrough]~~ to be deleted. Matter underlined is new material.

Passed by the following vote of all the Council Members elected voting in favor thereof:

** Local Law F of 2021 (As Amended 07/08/2021) was co-sponsored by Council Members Anane, Fahey, Frederick, Johnson, and Kimbrough*

Affirmative – Anane, Balarin, Conti, Fahey, Farrell, Frederick, Johnson,
Kimbrough, Love, O'Brien,

Negative - Flynn, Igoe

Abstain - Doesschate, Hoey, O'Brien

Affirmative 9 Negative 2 Abstain 3

Clerk of the Common Council

President of the Common Council

Mayor

Date

I, Danielle Gillespie, City Clerk and Clerk of the Common Council, do hereby _____ certify that Local Law F of 2021 (*As Amended 07/08/2021*) was passed at a meeting of the Albany Common Council on July 19, 2021.

In Affirmation thereof, I hereto set my hand and affix The Seal of the City of Albany this _____ day of _____ 2021.

Clerk of the Common Council

Good Cause Eviction Bill Pending before NYS Legislature STATE OF NEW YORK

3082

2021-2022 Regular Sessions

IN SENATE

January 27, 2021

Introduced by Sens. SALAZAR, BRISPORT, STAVISKY, BAILEY, BENJAMIN, BIAGGI, BRESLIN, GIANARIS, HARCKHAM, HOYLMAN, JACKSON, KAVANAGH, KRUEGER, LIU, MAY, MAYER, MYRIE, RAMOS, RIVERA, SANDERS, SEPULVEDA, SERRANO -read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the real property law, in relation to prohibiting eviction without good cause

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The real property law is amended by adding a new article
2 6-A to read as follows:

3 ARTICLE 6-A

4 PROHIBITION OF EVICTION WITHOUT GOOD CAUSE

5 Section 210. Short title.

6 211. Definitions.

7 212. Applicability.

8 213. Necessity for good cause.

9 214. Grounds for removal of tenants.

10 215. Preservation of existing requirements of law.

11 216. Waiver of rights void.

12 § 210. Short title. This article shall be cited as the "Prohibition
13 of

13 eviction without good cause law".

14 § 211. Definitions. 1. The term "housing accommodation", as used in
15 this article shall mean any residential premises, including a mobile
16 home or land in a mobile home park.

17 2. The term "landlord" as used in this article shall mean any
18 owner,

18 lessor, sublessor, assignor, or other person receiving or entitled
19 to

19 receive rent for the occupancy of any housing accommodation or an agent
20 of any of the foregoing.

21 3. The term "tenant" as used in this article shall mean a tenant,
22 sub-tenant, lessee, sublessee, assignee, manufactured home tenant
23 as

EXPLANATION--Matter in italics (underscored) is new; matter in brackets

[] is old law to be omitted.

LBD02924-01-1

1 defined in paragraph one of subdivision a of section two hundred thir-
2 ty-three of this chapter, an occupant of a rooming house or hotel as
3 defined in section seven hundred eleven of the real property actions and
4 proceedings law or any other person entitled to the possession, use or
5 occupancy of any housing accommodation.

6 4. The term "rent" as used in this article shall mean any consider-
7 ation, including any bonus, benefit or gratuity demanded or received for
8 or in connection with the possession, use or occupancy of housing accom-
9 modations or the execution or transfer of a lease for such housing
10 accommodations.

11 5. The term "disabled person" as used in this article shall mean a
12 person who has an impairment which results from anatomical, physiolog-
13 ical or psychological conditions, other than addiction to alcohol,
14 gambling, or any controlled substance, which are demonstrable by
15 medically acceptable clinical and laboratory diagnostic techniques, and
16 which are expected to be permanent and which substantially limit one or
17 more of such person's major life activities.

18 § 212. Applicability. This article shall apply to all housing accommo-
19 dations except:

20 1. owner-occupied premises with less than four units;

21 2. premises sublet pursuant to section two hundred twenty-six-b of
22 this chapter, or otherwise, where the sublessor seeks in good faith to
23 recover possession of such housing accommodation for his or her own
24 personal use and occupancy;

25 3. premises the possession, use or occupancy of which is solely inci-
26 dent to employment and such employment is being lawfully terminated; and

27 4. premises otherwise subject to regulation of rents or evictions
28 pursuant to state or federal law to the extent that such state or feder-
29 al law requires "good cause" for termination or non-renewal of such
30 tenancies.

31 § 213. Necessity for good cause. No landlord shall, by action to evict
32 or to recover possession, by exclusion from possession, by failure to
33 renew any lease, or otherwise, remove any tenant from housing accommo-
34 dations covered by section two hundred twelve of this article except for

35 good cause as defined in section two hundred fourteen of this article.

36 § 214. Grounds for removal of tenants. 1. No landlord shall remove a
37 tenant from any housing accommodation, or attempt such removal or exclu-
38 sion from possession, notwithstanding that the tenant has no written
39 lease or that the lease or other rental agreement has expired or other-
40 wise terminated, except upon order of a court of competent jurisdiction
41 entered in an appropriate judicial action or proceeding in which the
42 petitioner or plaintiff has established one of the following grounds as
43 good cause for removal or eviction:

44 (a) The tenant has failed to pay rent due and owing, provided however
45 that the rent due and owing, or any part thereof, did not result from a
46 rent increase which is unreasonable or imposed for the purpose of
47 circumventing the intent of this article. In determining whether all or
48 part of the rent due and owing is the result of an unreasonable rent
49 increase, it shall be a rebuttable presumption that the rent for a
50 dwelling not protected by rent regulation is unreasonable if said rent
51 has been increased in any calendar year by a percentage exceeding either
52 three percent or one and one-half times the annual percentage change in
53 the Consumer Price Index for the region in which the housing accommo-
54 modation is located, as established the August preceding the calendar year
55 in question, whichever is greater;

1 (b) The tenant is violating a substantial obligation of his or her
2 tenancy, other than the obligation to surrender possession, and has
3 failed to cure such violation after written notice that the violation
4 cease within ten days of receipt of such written notice, provided howev-
5 er, that the obligation of tenancy for which violation is claimed was
6 not imposed for the purpose of circumventing the intent of this article;

7 (c) The tenant is committing or permitting a nuisance in such housing
8 accommodation, or is maliciously or by reason of negligence damaging the
9 housing accommodation; or the tenant's conduct is such as to interfere
10 with the comfort of the landlord or other tenants or occupants of the
11 same or adjacent buildings or structures;

12 (d) Occupancy of the housing accommodation by the tenant is in
13 violation of or causes a violation of law and the landlord is subject to
14 civil or criminal penalties therefore; provided however that an agency
15 of the state or municipality having jurisdiction has issued an order
16 requiring the tenant to vacate the housing accommodation. No tenant
17 shall be removed from possession of a housing accommodation on such
18 ground unless the court finds that the cure of the violation of law
19 requires the removal of the tenant and that the landlord did not through
20 neglect or deliberate action or failure to act create the condition
21 necessitating the vacate order. In instances where the landlord does not
22 undertake to cure conditions of the housing accommodation causing such
23 violation of the law, the tenant shall have the right to pay or secure
24 payment in a manner satisfactory to the court, to cure such violation
25 provided that any tenant expenditures shall be applied against rent to
26 which the landlord is entitled. In instances where removal of a tenant
27 is absolutely essential to his or her health and safety, the removal of
28 the tenant shall be without prejudice to any leasehold interest or other
29 right of occupancy the tenant may have and the tenant shall be entitled
30 to resume possession at such time as the dangerous conditions have been
31 removed. Nothing herein shall abrogate or otherwise limit the right of a
32 tenant to bring an action for monetary damages against the landlord to
33 compel compliance by the landlord with all applicable state or municipal
34 laws or housing codes;

35 (e) The tenant is using or permitting the housing accommodation to be
36 used for an illegal purpose;

37 (f) The tenant has unreasonably refused the landlord access to the
38 housing accommodation for the purpose of making necessary repairs or
39 improvements required by law or for the purpose of showing the housing
40 accommodation to a prospective purchaser, mortgagee or other person
41 having a legitimate interest therein;

42 (g) The landlord seeks in good faith to recover possession of a hous-
43 ing accommodation located in a building containing fewer than twelve
44 units because of immediate and compelling necessity for his or her own
45 personal use and occupancy as his or her principal residence, or the
46 personal use and occupancy as principal residence of his or her spouse,
47 parent, child, stepchild, father-in-law or mother-in-law, when no other
48 suitable housing accommodation in such building is available. This para-
49 graph shall permit recovery of only one housing accommodation and shall
50 not apply to a housing accommodation occupied by a tenant who is sixty-
51 two years of age or older or who is a disabled person;

52 (h) The landlord seeks in good faith to recover possession of any or
53 all housing accommodations located in a building with less than five
54 units to personally occupy such housing accommodations as his or her
55 principal residence.

1 2. A tenant required to surrender a housing accommodation by virtue
2 of
3 the operation of paragraph (g) or (h) of subdivision one of this
4 section
5 shall have a cause of action in any court of competent jurisdiction for
6 damages, declaratory, and injunctive relief against a landlord
7 or
8 purchaser of the premises who makes a fraudulent statement regarding
9 a
10 proposed use of the housing accommodation. In any action or
11 proceeding
12 brought pursuant to this provision a prevailing tenant shall be
13 entitled
14 to recovery of actual damages, and reasonable attorneys' fees.
15
16 3. Nothing in this section shall abrogate or limit the tenant's
17 right
18 pursuant to section seven hundred fifty-one of the real property
19 actions
20 and proceedings law to permanently stay the issuance or execution of a
21 warrant or eviction in a summary proceeding, whether characterized as a
22 nonpayment, objectionable tenancy, or holdover proceeding, the underlying
23 basis of which is the nonpayment of rent, so long as the tenant
24 complies with the procedural requirements of section seven hundred
25 fifty-one of the real property actions and proceedings law.
26
27 § 215. Preservation of existing requirements of law. No action shall
28 be maintainable and no judgment of possession shall be entered for
29 housing accommodations pursuant to section two hundred fourteen of this
30 article, unless the landlord has complied with any and all
31 applicable
32 laws governing such action or proceeding and has complied with any and
33 all applicable laws governing notice to tenants, including without
34 limi-
35 tation the manner and the time of service of such notice and the
36 contents of such notice.
37
38 § 216. Waiver of rights void. Any agreement by a tenant heretofore
39 or

26 hereinafter entered into in a written lease or other rental
27 agreement

27 waiving or modifying his or her rights as set forth in this article

28 shall be void as contrary to public policy.

29 § 2. Severability. If any provision of this act, or any application
of

30 any provision of this act, is held to be invalid, that shall not affect
31 the validity or effectiveness of any other provision of this act, or of
32 any other application of any provision of this act, which can be given
33 effect without that provision or application; and to that end, the
34 provisions and applications of this act are severable.

35 § 3. This act shall take effect immediately and shall apply to
actions

36 and proceedings commenced on or after such effective date.