



AFFORDABLE HOUSING TASK FORCE

October 2024 Report

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Executive Summary

Background

The Buffalo Common Council established the Affordable Housing Task Force (AHTF or Task Force) to develop policy recommendations that address the lack of affordable housing in the City of Buffalo. AHTF members draw on their personal experiences as landlords, tenants, landlord advocates, tenant advocates, housing developers, and policy experts to propose and discuss relevant policy recommendations.

This is the second of two reports that the AHTF has released. The Task Force issued its first report in November 2023. It is available at <https://bit.ly/AHTFReport1>.

This executive summary highlights key proposals in five areas: (1) housing court, (2) land use, (3) zoning, (4) opting in to newly available tenant protections under state law, and (5) promoting homeownership. These recommendations are the culmination of research and public input and reflect the AHTF's collaborative effort to make affordable housing a reality for all residents of the City of Buffalo.

Recommendations

RECOGNIZE A RIGHT TO COUNSEL FOR EVICTION CASES IN CITY COURT

Pass legislation on the right to counsel in eviction cases. The Common Council should pass legislation recognizing a right to legal counsel in eviction cases in Buffalo City Court.

Pass a resolution encouraging a statewide right to counsel. The Common Council should adopt a resolution encouraging the State of New York to adopt a statewide right to legal counsel in eviction cases.

IMPROVE BUFFALO'S LAND DISPOSITION POLICIES

Create an easy-to-use online map for all city-owned land. The Common Council should pass legislation requiring the City to provide an up-to-date interactive map of all city-owned vacant land and that this map be made available on the City's website.

Increase transparency and public access. The Common Council should pass legislation requiring that the process to lease or purchase a city-owned vacant lot be written clearly on the City's website.

Establish a timeline and appeals process. The Common Council should pass legislation requiring that the Office of Real Estate provide an approval or denial to purchase and lease

inquiries within 30 days of receiving the inquiry. The Council should also pass legislation outlining an appeals process for people who receive denials from the Office of Real Estate.

Dedicate land to equitable, sustainable purposes. The Common Council should pass legislation requiring the City to lease at least 5% and sell at least 5% of publicly owned land annually for equitable, sustainable uses.

Conduct a neighborhood planning and decision-making process. Each Council Member should work with the constituents in their district and the Office of Strategic Planning to come up with a comprehensive, neighborhood-led plan for publicly owned vacant land within their district.

ADOPT INCLUSIONARY ZONING

Establish a mandatory inclusionary zoning law. The Common Council should establish a mandatory Inclusionary Zoning (IZ) law. This law should include quality standards for affordable units. It should apply to both major rehab projects and vacant building conversions.

Assign oversight responsibilities to the zoning board. The Common Council should task the Zoning Board with monitoring development projects and ensuring that developers adhere to the IZ law.

OPT IN TO “GOOD CAUSE” TENANT PROTECTIONS FROM EVICTION

Pass a “Good Cause” ordinance. The Buffalo Common Council should pass an ordinance opting the City of Buffalo into the New York State Good Cause Eviction law. As part of this ordinance, the Council would define which units would be exempted from the law based on how they defined a small landlord.

EXPAND OPPORTUNITIES FOR AFFORDABLE HOMEOWNERSHIP

Establish parameters for the sale of city-owned property. The Common Council should set clear parameters for the sale of any city-owned property to ensure that affordable housing continues to be developed in perpetuity.

Local hiring and workforce development. The Common Council should improve the RFP selection process.

Ensure perpetual affordability. The Common Council should require that properties sold by the City have deeds that mandate that the housing remains affordable in perpetuity.

Expand homeownership programs. The Common Council should prioritize pathways to homeownership.

Develop a comprehensive manual. The Common Council should create a comprehensive manual to guide citizens through the homeownership programs.

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

Introduction

Housing In Buffalo

Many of Buffalo's affordable housing challenges stem from the following difficult circumstances: The low incomes of its residents, increasing rents, poor housing quality due to age and neglect, thousands of empty lots, and a limited supply of habitable housing. These challenges demand immediate action from policymakers that goes beyond improving existing laws and policies, which was the focus of the Task Force's first report in 2023. This second report focuses on new policies and initiatives, including recommendations on the use of vacant lots, the development of affordable housing, and policies intended to increase housing stability, particularly among low-income renters and homeowners. These recommendations are an important step toward solving the dire problems associated with affordability, gentrification, and quality, accessible housing for all Buffalonians.

None of these recommendations should be considered alone. These recommendations should be incorporated into an affordable housing plan. While these recommendations have the potential to positively impact housing issues, there is no single solution. Comprehensive planning is necessary to address this challenge.

Creation of Task Force

On January 10, 2023, the Common Council established the Task Force¹ to develop policy recommendations for the Common Council that would address the affordable housing crisis in the City of Buffalo. Through a resolution² on February 7, 2023, the Common Council appointed members to the Task Force made up of a variety of stakeholders. Among them are landlords, tenants, policy experts, housing advocates, and community members. Drawing on their diverse backgrounds, Task Force members have met regularly since early 2023. The Task Force has issued one prior report.

First Report

In November 2024, the Task Force released its first report.³ It focused on implementing existing policies and making improvements in the following areas: (1) Buffalo's fair housing law, (2) transparency of Limited Liability Companies (LLCs) in the business of renting and managing residential housing, (3) vacancy rates in Buffalo, and (4) the City's Proactive Rental Inspections Program.

Council members then submitted two proposed resolutions based on the Task Force's recommendations: Wyatt-Nowakowski - BASH (Buffalo Affordable & Safe Housing) Initiative: Report Request (Resolution 24-149)⁴ and Wyatt - BASH Initiative: Immediate Actions &

Directives.⁵ These proposed resolutions expressed these Council Members' intentions to move forward with the recommendations. However, resolutions do not change the City's law. This was merely a first step. Both proposed resolutions were received and filed.

These proposed resolutions prompted a formal response from Mayor Byron Brown, which began a public dialog between the mayor and members of the Common Council. On March 28, 2024, the mayor's office submitted a document titled "Response to Resolution 24-149,"⁶ that addressed the AHTF's recommendations.

The mayor said that his 2024-2025 budget proposal would not include new positions for the Fair Housing Office, but instead would shift the Fair Housing Officer position into the Department of Citizens' Services, providing additional administrative resources. The mayor questioned the usefulness and cost of a vacancy study because he believes that the study may yield a high vacancy rate, citing the City of Rochester's experience. The mayor also discussed the City's Proactive Rental Inspections (PRI) Law but did not address the AHTF's recommendations regarding the law. Instead, he emphasized the Commissioner of the Department of Permits and Inspections Services' request that the Common Council change the law. However, the mayor did not specify what changes to the law should be made.

In the 2024-2025 budget process, the Commissioner of the Department of Permits and Inspections Services asserted that the City will be hiring seven inspectors to help with PRI inspections. However, the Commissioner explained that the hiring process will take months and training an additional six months. Therefore, an increase in PRI inspections is not expected until mid-2025.

On April 16, 2024, the Common Council followed through on two of the AHTF's recommendations by officially changing two laws. The Common Council (1) updated Buffalo's fair housing law by changing the "source of income" discrimination definition,⁷ and (2) mandated that LLC-owned single and double rental properties disclose ownership information in the City's rental registry.⁸ These changes are now in effect, and they represent a significant step forward for our City.

That said, the Task Force hopes that the Common Council will continue to make the remaining recommended changes outlined in the first report, including: increasing penalties for fair housing violations, upgrading technology for housing inspectors, and ensuring funding for a vacancy study and additional fair housing staff in the 2025-2026 budget cycle.

Future of the Task Force

When the originally appointed Task Force members convened, they voted to issue two reports to the Common Council. As this is the second report, the original Task Force members have completed their goal. Nevertheless, given the complexity and ongoing nature of the housing

crisis, Task Force members recognize the continued relevance of their work. Some members are willing to continue to serve on the Task Force. Those members are open to working with the Common Council to determine if and how the Task Force might continue to advise the Common Council.

Community Input

Background

The AHTF employed multiple methods to gather community input for its reports. For the first report, the AHTF held two public meetings to directly engage with the community. For the second report, the AHTF conducted an online survey, receiving 231 responses, which exceeded the attendance at the public meetings. Some AHTF members also distributed paper versions of the survey to address the digital divide.

Survey Results

The survey provided valuable information and insights into residents' perspectives and priorities regarding affordable housing. The survey results and demographics are available in Appendix A.

Common themes that emerged include:

- Concern about long-term affordability.
- Desire for improved community engagement and outreach.
- Emphasis on the need for collaboration with community organizations.
- Strong support for repair programs, such as grants for resident homeowners and loans for landlords to maintain and improve existing housing stock.
- Concerns about property rights, particularly the challenges property owners face in managing their properties.
- Issues with the Department of Permits and Inspection Services, highlighting the need for stricter enforcement of building codes.
- Advocacy for balancing community input on land use with practical considerations.
- Support for small-scale developers through streamlined approval processes and funding assistance.

Policy Recommendations

Recognize a Right to Counsel for Eviction Cases in Buffalo City Court

BACKGROUND

Unequal Access to Legal Advice

Across the country, there is a stark disparity in access to legal counsel in housing cases. Landlords are significantly more likely than tenants to have access to legal counsel in eviction cases.⁹ Locally, this is also a problem. While local nonprofits have developed a system to provide legal representation to many low-income tenants, this system is temporary because it depends on limited funding, currently available through the State of New York.¹⁰ The Common Council has authority to address this needless disparity between landlords and tenants by recognizing a right to legal counsel in eviction cases.

Access to trained legal counsel is essential to fundamental fairness in the legal process. Legal counsel can inform tenants of their fundamental rights related to their housing so they can make informed decisions. Legal counsel also reduces the risk that a landlord unlawfully evades the legal process by engaging in illegal “self-help” evictions, such as changing locks, turning off utilities, or simply telling a tenant to be out by the weekend. The involvement of legal counsel helps the City to enforce its existing laws, honoring the City’s commitment to its residents, and provides tenants with a sense of security and dignity as they navigate the potentially embarrassing and shameful process of losing their home.

To date, 17 cities have established a right to counsel, including Cleveland, Detroit, Baltimore, Louisville, Denver, Toledo, and New York City.¹¹ Many of these jurisdictions document positive outcomes, demonstrating the effectiveness of the right to counsel on individual lives and the greater community.¹² For instance, in Cleveland, 81% of tenant clients avoided an eviction judgment or involuntary move because of the right to counsel.¹³ In Boulder, 63% of represented clients avoided eviction, which was a 26% improvement.¹⁴ In Toledo, nearly 88% of represented tenants avoided eviction.¹⁵ This is not to say that tenants “won” and landlords “lost” those cases. Rather, in many of those cases the parties reached outcomes that allowed a tenant to either continue paying or otherwise move out on terms that all parties could accept, after the tenant received legal counsel to inform the tenant’s decision-making.

Defining the “Right to Counsel”

The “right to counsel” means that a tenant has the right to free counsel in certain fundamental legal proceedings, like eviction cases, if they choose. It does not mean that landlords lose their ability to evict tenants. It simply assures that if a tenant asks for legal counsel, the tenant may access legal information, advice, and a representative to speak on their behalf in eviction

proceedings before the court. Tenant eligibility for such programs varies across the country. Some programs are limited by income, such as households living below 200% of the U.S. Federal Poverty Guidelines.¹⁶ In the case of nonprofit legal services providers receiving federal funding, some are limited to serving households living at or below 125% of the Federal Poverty Guidelines. However, such strict limitations may fail to reach many households that cannot afford legal counsel.¹⁷ Accordingly, a more effective right to counsel would provide counsel regardless of the tenant's income level or at least extend to households living at or below 200% of the U.S. Federal Poverty Guidelines.

Benefits of Recognizing a Right to Counsel

There are three primary advantages to establishing a right to counsel: ensuring the protection of basic legal rights, reducing the long-term consequences of eviction on community health and economic well-being, and remedying well-documented racial inequity in the eviction process.

First, the right to counsel ensures that basic rights are protected, in and out of court. In court proceedings, attorneys are critical watchdogs to unlawful landlord practices. They are trained to detect and remedy unlawful practices. Legal counsel involvement can also change the incentive structure, leading landlords to change their practices outside of court, either as a remedy in a legal proceeding or as a deterrent. Attorneys are necessary for the protection of fundamental legal rights. The vast majority of landlords are represented by counsel, but very few tenants have legal counsel.¹⁸ In fact, because LLCs cannot appear without counsel, legal representation for landlords is often an assumed cost of doing business for landlords. Additionally, the legal system operates more effectively when tenants are represented by counsel. Attorneys better understand the process and therefore aid the courts in managing and processing cases, thus freeing up court resources for other priorities.

Second, the right to counsel can reduce the long-term negative consequences of eviction on community health and economic well-being. With counsel, tenants tend to receive a fairer, more equitable experience at court and are less likely to leave with a negative eviction record, which can have life-long consequences. Typically, landlords are able to negotiate payment plans or other types of stipulations that resolve the eviction case amicably, often in a manner that avoids significant income gaps for the landlord as loss of rent. Eviction involves severe consequences: tenants may lose not only their immediate housing, but they risk their physical and mental health, child custody, employment, educational attainment, and physical property.¹⁹ The potential of homelessness poses additional, harsh consequences, including an increased threat of incarceration and criminal prosecution and civil fines based on a variety of laws that criminalize aspects of homelessness often referred to by terms like unlawful "loitering" or "camping."²⁰

There are many other costs associated with losing housing, moving, and trying to find new housing. These include everything from rental application fees, moving and transportation costs,

security deposit expenses, increased childcare costs, and potentially loss of income due to missing work to go to court and seek new housing. New housing also requires a new security deposit, which may not be returned to the tenant, and even if it is, may be returned too late to be used to secure new housing. Additionally, in the case of government-subsidized tenants—such as tenants living in public housing or using vouchers—eviction means the potential loss of their housing subsidy, the lifeline that makes their housing affordable.

By contrast, the right to counsel has positive long-term economic impacts—some measurable and some more difficult to measure—but nonetheless fundamentally important for community well-being. As detailed in *The Economic Impact of an Eviction Right to Counsel in Baltimore City*,²¹ adopting a right to counsel can: decrease the need for short-term and emergency shelters; increase housing stability; decrease negative impact on a tenant’s employment, credit score, and eviction record; decrease negative impact on a tenant’s physical and mental health; decrease negative impact on children, including their health, education, and potential future earnings; increase family and community stability; decrease the negative impact of law enforcement; and increase civic engagement and trust in the justice system.²² Finally, the Economic Impact report showed that the annual cost of funding a right to counsel program is substantially less than the costs to social services, child welfare agencies, shelters, Medicaid, and court and law enforcement resources that the government incurs when people are disruptively displaced through eviction.²³ For example, in Baltimore, an annual investment of approximately \$5.7 million in the right to counsel program is estimated to have reduced or avoided costs related to disruptive displacement by \$17.5 million annually, a savings of over three-times the cost.²⁴

Third, the right to counsel is a matter of racial equity, especially in racially segregated cities like Buffalo. Time and again, researchers and government commissions have documented that eviction disproportionately affects people of color, with black female renters experiencing some of the most severe consequences, such as facing eviction twice as often as white tenants.²⁵ In 2022, the New York Advisory Committee to the U.S. Commission on Civil Rights released a 200-page report, *Racial Discrimination and Eviction Policies and Enforcement in New York*, which documents how eviction policies and their uneven enforcement disproportionately affect people of color across New York State.²⁶ This report calls upon cities like Buffalo, and elected officials like Common Council members, to take swift action to reduce the well-documented racial inequity in the eviction process.²⁷

RECOMMENDATIONS

Recognize a right to counsel in eviction cases. The Common Council should pass an ordinance recognizing a right to legal counsel in eviction cases for Buffalo residents facing eviction in Buffalo City Court.

Pass a resolution encouraging a statewide right to counsel. Additionally, recognizing the importance of uniformity of the right to counsel across the state, the Common Council should adopt a resolution encouraging the State of New York to adopt a statewide right to legal counsel in eviction cases.

Improve Buffalo's Land Disposition Policies

BACKGROUND

Many streets in Buffalo are lined by vacant lots. This is the result of both urban sprawl, disinvestment, and the racist, discriminatory public policies that encouraged it. As the City's population dropped beginning in the 1950s, many homes were left vacant and abandoned. Eventually, the City of Buffalo demolished many of these homes, leaving behind thousands of vacant lots.

There are 16,851 vacant lots in the City of Buffalo, and the City itself owns about half of those lots—7,654.²⁸ Most of these lots are located on the East Side of Buffalo—primarily in the Fillmore, Ellicott, and Masten districts.²⁹ For the purpose of this report, the Task Force defines city-owned vacant lots as parcels of land owned by the City of Buffalo that do not have physical structures, gardens, or any other intentional formation on them.

Given the scope of the City's vacant lot portfolio, it is easy to understand why maintenance is a problem. Neighbors of these vacant lots often report that the City rarely mows them. It is common for residents living nearby these lots to spend their own time and resources to take care of them.

Neglected vacant lots can lead to many negative consequences for neighbors—lower property values, illegal dumping, litter, unwelcome rodents, and even increased crime. Publicly owned vacant lots are also a burden on *all* City residents because they do not contribute to the tax base. Instead, City residents must pay a higher proportion of the City's tax budget to fill the gap.

While the number of lots that the City owns presents a challenge, it also presents a major opportunity. Instead of allowing the land to remain neglected, the City could use these lots for equitable, sustainable spaces—such as affordable housing, community gardens, pocket parks, green infrastructure, walking and bicycling paths, fitness spaces, and public art.³⁰ Decisions about these uses should be made by and for the residents who live in those neighborhoods.

The Task Force observes that the City is taking steps to make use of vacant land in Buffalo and to make it more accessible. Buffalo's relatively new Legacy Cities program aims to build homes on vacant lots in Masten Park and Hamlin Park. The City's Real Estate department now hosts an online map with vacant lots and structures that are for sale. While the Task Force applauds these steps forward, it recognizes that many problems remain.

There are many ongoing challenges concerning land disposition. First, there are unclear priorities. The City has not provided a public plan for its vacant lots, leaving potential buyers or

lessees uncertain about the criteria or motivations that would lead the City to sell or lease the land.³¹

Another issue with land disposition is a lack of transparency. While the City owns 7,654 lots, the City's new online map of available lots currently includes only 650 properties (9% of all lots).³² We know from speaking with individuals who have successfully purchased land from the City that, in some cases, the parcels they purchased were *not* listed on the map. Why are some parcels listed and others not? It is concerning that the City is advertising only a small portion of available lots. The public technically owns these lots, so the City has a duty to make that information publicly accessible.

An uncertain purchasing process is another issue concerning land disposition. Residents often report that the process for purchasing land from the City is ambiguous and challenging.³³ One example of this is the Urban Homesteading program. Historically, the program allowed residents to purchase certain lots for \$1—for example, if they lived directly next to the lot. It is unclear whether the City's urban homesteading program still exists or not. The City still has a webpage up for the program, but the link to the application has been broken for over two years.³⁴ Further, the webpage says that properties are eligible “at the sole discretion of the Office of Strategic Planning” without describing how the Office makes those decisions. Ideally, a clear process would be outlined here.

Lots are expensive, which poses another issue for land disposition. Real estate costs in Buffalo have grown rapidly in recent years, and in most cases, the City has refused to sell lots for less than market value—even if the purpose is affordable housing. This makes it more difficult for local affordable housing developers to produce subsidized units. For example, a local non-profit was able to purchase vacant lots for \$500 from the City but is now being charged tens of thousands of dollars per lot.³⁵

The unclear acquisition process³⁶ also causes many issues for land disposition. As the Vacant Lots Taskforce's 2022 report explains well: “The East Side of Buffalo has historically been redlined and disinvested in due to structural racism and classism. Many people of color in these communities are also due reparations for the historic impact of American slavery and land theft from Indigenous nations. The families who have lived on the East Side for generations—who have borne the brunt of these discriminatory policies and historic practices—have plans and hopes for many of the vacant lots in their neighborhoods. Yet, City officials do not prioritize residents in these neighborhoods as owners for vacant land or even as influencers when it comes to how the land will be used. In practice, the City seems to sell land in a way that prioritizes tourism and commercial development over neighborhood residents and community needs. There is also little to no accountability for speculators from out of the City who have been able to purchase vacant land and then leave it abandoned and blighted.”

RECOMMENDATIONS

Create an easy-to-use online map for all city-owned land. The Common Council should pass legislation requiring the City to provide an up-to-date interactive map of all city-owned vacant land, and this map must be available on the City's website. Each lot should be listed as either available for sale or unavailable for sale. Once neighborhood planning is completed, each vacant parcel on the map should also list the neighborhood's preferred type of development (e.g. park, locally owned business, community garden, affordable housing) for that given lot.

Increase transparency and public access. The process to lease or purchase a city-owned vacant lot should be written clearly on the City's website. The Common Council should legislate this requirement.

Establish a timeline and an appeals process. The Common Council should pass legislation requiring the Office of Real Estate to provide an approval or denial to a vacant lot purchase or lease inquiry within 30 days. The Common Council should also pass legislation outlining an appeals process for residents to follow if they feel that their request was unjustly denied.

Dedicate land to equitable, sustainable purposes. The Common Council should pass legislation requiring the City to lease at least 5% and sell at least 5% of publicly owned land annually³⁷ for equitable, sustainable uses, such as: green affordable housing, community gardens, passive green spaces for carbon sequestration, urban farming, green infrastructure, renewable energy, parks and recreation, walking, bicycling and fitness paths, and public art. This legislation should specify that land sold for these equitable, sustainable uses should be done for less than market value (\$1), using a passthrough like the local land bank.

Conduct a neighborhood planning and decision-making process. Each Council Member should work with the constituents in their district and the Office of Strategic Planners to come up with a comprehensive, neighborhood-led plan for publicly owned vacant land within their district. This plan should permanently reserve a minimum of 30% of city-owned vacant land for equitable, sustainable uses such as: green affordable housing, community gardens, passive green spaces for carbon sequestration, urban farming, green infrastructure, renewable energy, parks and recreation, walking, bicycling and fitness paths, and public art.³⁸

Require Inclusionary Zoning

BACKGROUND

Inclusionary zoning (IZ) laws require developers to set aside a certain number of units in a new development for affordable housing. IZ has the potential to address not only access to quality affordable housing, but address Buffalo's ongoing challenges related to job access, access to transit, segregation and equity.

IZ is not a radical or new concept. It was created to address the "exclusionary zoning" practices adopted in the early 1900s. Exclusionary zoning is a practice of using zoning codes to promote segregation and prevent people of color from moving into middle- and upper- income communities. IZ is yet another practical tool Buffalo has at its disposal to continue to dismantle racial and economic segregation and to discourage ongoing exclusionary practices. It would also help low to moderate-income families find housing in their neighborhoods of choice, which could curb the increasing gentrification many communities are experiencing.

Buffalo has an opportunity to learn from the experiences of other. Over 170 communities in California have passed IZ policies since 1999, leading to 30,000 more available affordable housing units (impacting over 80,000 people). Baltimore, Maryland adopted IZ in 2023, Portland, Oregon passed IZ in 2017, Boston, Massachusetts in 2000, and Fairfax County, Virginia in 1971, as well as many other municipalities. In 2017, Hamburg, NY passed an inclusionary zoning policy requiring that projects with 8 units or more designate at least 10% of the units as "affordable."

In 2016, the City of Buffalo updated its development and zoning policies through the Green Code Unified Development Ordinance. The passage of the "Green Code" in 2017 marked an overhaul of the zoning policies last amended in 1954 and set out a new guide for the City's physical development over the next 20 years. This overhaul—in conjunction with increasing rents, a shifting housing market, and calls from affordable housing proponents—opened a conversation about IZ and its ability to address the desperate need for quality affordable housing.

The Common Council has explored the potential of inclusionary zoning as a tool at various points in the last seven years. The Common Council has passed several resolutions related to IZ, signaling its interest in this approach to increase the availability of affordable housing.

On May 16, 2017, the Common Council adopted a resolution titled "Request for Inclusionary Zoning Ordinance (ELL)."³⁹ This resolution called on the City's law department to draft a comprehensive IZ ordinance. The adoption of this resolution marked a significant step in

formalizing the Common Council's intent to pursue IZ as a strategy to promote affordable housing and manage gentrification pressures.

The law department then sent the Council an “Inclusionary Zoning Checklist.”⁴⁰ This framework was meant to help the Common Council make decisions about what they would want in an IZ policy (e.g. how many units in a planned development should trigger the IZ law’s affordability requirement). It appears that the Common Council did not take further action on the checklist. This stalled effort exemplifies the challenges in moving from conceptual support for inclusionary zoning to tangible policy implementation.

Further discussions took place on November 13, 2018, when Council Member Scanlon filed a draft Inclusionary Housing Law for the City, prepared by the Partnership for the Public Good (PPG).⁴¹ The draft aimed to initiate conversations on the potential application of IZ in Buffalo. However, it remained in committee without further progress and was eventually received and filed on April 2, 2024.

The "Halton-Pope - Progress Update on Inclusionary Zoning Ordinance for Affordable Housing" resolution was adopted on February 6, 2024.⁴² This resolution recalled that the Council’s 2017 resolution had asked the City’s law department to come up with an IZ draft law in collaboration with the Office of Strategic Planning and Buffalo developers. In the 2024 resolution, the Council asked for an update from the law department on the progress of the draft law. However, despite the Common Council's adoption of the update request, there has been no subsequent progress report or substantial movement on a draft ordinance.

These efforts reflect the Common Council’s recognition of the importance of affordable housing in Buffalo. The Common Council's ongoing consideration of inclusionary zoning underscores the need for further action to ensure that the City's housing policies effectively address affordability and equity concerns.

RECOMMENDATIONS

Establish a mandatory inclusionary zoning law. Utilizing the checklist provided by the City’s law department the Common Council should establish a mandatory IZ law. The law must include the following:

- **Enforcement of quality standards for affordable units.** Require that all affordable units within a development be constructed using the same quality of materials and finishes as market-rate units. This ensures that affordable housing meets high standards and promotes equity and avoiding the creation of substandard housing.
- **Application of IZ law to major rehabilitation projects.** Include any rehabilitation project with a cost of \$350,000 or more under the Inclusionary Zoning law. Such projects

must comply with all IZ requirements, ensuring that significant renovations contribute to the affordable housing supply and adhere to the same standards as new developments.

- **Application of IZ law to vacant building conversions.** Extend the IZ law to cover projects that convert vacant buildings into housing. These conversions must comply with IZ requirements, ensuring that they contribute to the affordable housing stock and meet the same standards as new developments.
- **Biannual reviews and adjust the IZ law.** To ensure the Inclusionary Zoning program remains effective and relevant, the Common Council should assess its impact on the housing market every two years. Based on these evaluations, the Common Council should modify the law as needed to adapt to changing market conditions and address any emerging challenges. This regular review process will help maintain the program's effectiveness in promoting affordable housing and ensure that the law continues to meet the community's needs.
- **Assign oversight responsibilities to the Zoning Board with annual reporting requirements.** The Common Council should task the Zoning Board with monitoring development projects and ensuring developers adhere to the IZ law. The Zoning Board will be responsible for verifying compliance and providing guidance to developers on their obligations. Developers subject to the IZ law must submit annual reports to the Zoning Board, including proof that affordable housing units are being rented as required. If the Zoning Board is unable to effectively oversee the law's implementation, the Common Council should establish an independent body comprised of community members, developers, and other relevant stakeholders to ensure comprehensive oversight and support for the IZ program.

Opt In to “Good Cause” Tenant Protections from Eviction

BACKGROUND

The housing crisis poses a particular threat to tenants. One primary concern is landlord abuse of power at the expense of vulnerable tenants. This occurs in multiple ways, particularly when landlords increase rent significantly—a common occurrence—and when landlords end tenancies without “cause,” effectively forcing the removal of tenants.

Rents are rising nationwide, particularly since the country began recovering from the economic effects of the COVID-19 pandemic. While nationally the average rise in rental prices has slowed from its peak last year, it is still higher than it had been for decades prior to the pandemic.⁴³ Simultaneously, wage growth is not keeping up with the rise in rents, with average wage growth in WNY slowing.⁴⁴ When unscrupulous landlords engage in price gouging, tenants face rental increases that far exceed wage growth. This is entirely unsustainable for the City’s housing market, and is something governments can address through policymaking.

Relatedly, housing instability is exacerbated by short leases and turnover. One contributing factor is that tenants cannot expect that their leases will be renewed. Many tenants in Buffalo do not have up-to-date leases, meaning that they rent month-to-month. This can be for a variety of reasons, such as a verbal rental agreement, a tenant’s desire for increased flexibility, or the consequence of a year-long lease ending. When a tenant rents month-to-month, they can be asked to leave with as little as 30 days’ notice for no reason at all. This is true even if the tenant is paying their rent on time, taking care of the home, and being a good neighbor. This can make month-to-month tenants very vulnerable to displacement.

This uncertainty contributes to a host of housing-related challenges, including higher eviction rates and poor physical and mental health outcomes related to housing insecurity. This instability can also make tenants afraid to speak out about poor housing conditions.⁴⁵

To address this, in 2024, New York State adopted a new law to prevent tenant exploitation.⁴⁶ This law, known as “good cause,” eviction and applies automatically to only New York City. The statute allows municipalities in New York State to opt in to good cause protections.⁴⁷ So far, five cities in New York State have opted in to Good Cause, including Albany.⁴⁸ This section describes the law and options available to the City of Buffalo.

Under the Good Cause Eviction Law, landlords are prohibited from evicting tenants without “good cause.”⁴⁹ A landlord has good cause to evict a tenant when that tenant is not paying rent, breaking rules outlined in the lease, being or permitting a nuisance, damaging the property, making other tenants uncomfortable or unsafe, using the unit for an illegal purpose, required by a state or municipal agency to move out, or is unreasonably refusing landlord access to the unit.⁵⁰

Additionally, the landlord has “good cause” to not renew a lease if the landlord wants to live in the unit, wants a family member to live in the unit and the family member doesn’t have other housing options, is demolishing the house, or wants to take the unit off the market.⁵¹

Under the Good Cause Eviction Law, landlords may not evict tenants for failure to pay “unreasonable” rent increases. A rent increase is reasonable if it is no greater than either a 10% increase or the Consumer Price Index plus 5%.⁵² For our region, the CPI increased 3.45%, meaning that a reasonable rent increase would be an 8.45% increase in 2024.⁵³ Therefore, a landlord charging \$1,000 in rent could increase the rent to \$1,084.50 without question in 2024. This means that landlords will be able to keep up with the cost of inflation and maintenance for the property.

That said, judges may still decide that an increase higher than that amount is also reasonable. Under the law, judges may consider “all relevant facts” when deciding if an increase is reasonable or not. This can include the cost of utilities, insurance, maintenance, property taxes, and significant repairs.⁵⁴

The Good Cause Eviction Law excludes “small landlords” from these requirements. It allows municipalities that opt-in to define what it means to be a “small landlord” based on the number of units a landlord owns.⁵⁵ “Small landlord” is defined by statute for New York City as any landlord with ten (10) or fewer units in the state of New York. However, each municipality may define “small landlord” in a manner that fits its housing market. For instance, the City of Albany has defined “small landlord” as any landlord with no more than one unit in the state.⁵⁶

RECOMMENDATION

Pass a good cause ordinance. The Common Council should pass an ordinance opting the City into the New York State Good Cause Eviction law. As part of this ordinance, the Common Council would define which units would be exempted from the law based on how it defines a small landlord.

Good cause is a basic form of protection for tenants that has existed in some other states and cities for decades. In the Task Force’s majority opinion, good cause should apply to as many tenants in the City as possible. Albany and Ithaca have accomplished this by defining small landlords as owning one unit, which ensures that tenants are not denied basic protections based simply on the number of units their landlord owns.

The Task Force recommends a small landlord definition of *three (3) or fewer units*. In other words, if a landlord has four (4) or more units, that landlord’s tenants would be entitled to good cause protection from eviction.

The Common Council should consider the following when determining who qualifies as a “small landlord”

First, some landlords may try to avoid being subject to good cause by breaking their property ownership out into various LLCs. The higher the small landlord unit ownership number is, the more likely that individual landlords can hide behind LLCs and deny their tenants the right to good cause protections.

Second, there is reason to believe that the ten-unit carve-out was a political compromise enacted, at least in part, to exclude state legislators who are landlords. New York Focus reports that part of the legislature’s decision to define small landlords as those who own ten units or fewer was due to lawmakers’ desire to carve themselves out of the law.⁵⁷ While the original version of the law would have covered 87% of landlord legislators, the ten-unit exemption means that only 4% of landlord legislators are now subject to the law.⁵⁸ As such, the ten-unit carve out does not represent a benchmark or otherwise represent a sound public policy reason to define “small landlord” at an owner of fewer than ten (10) units. The Task Force cannot base what is best for the City on a self-interested decision of NYS lawmakers.

Third, the Task Force believes that three units or fewer is a reasonable number by which to define small landlords as it exempts landlords who own one double or triple-unit property. Doubles and triples represent a significant portion of Buffalo’s housing market, so the Task Force can see the benefit of exempting landlords who own only one of these buildings; perhaps they purchased the building to live in and are simply renting out the other units. While this report does not address the issue of owner occupancy as part of its recommendations, the Task Force recognizes that owner-occupied properties pose their own policy considerations.

We note that Good Cause Eviction protections could play an important role in the City’s Proactive Rental Inspection (PRI) program. The PRI program aims to increase rental housing quality by requiring inspections of single and double investor-owned rental units. One critical piece of the PRI law is a restriction against evicting tenants for non-payment of rent if the unit fails inspection and does not have a certificate of rental compliance. This is to encourage landlords to make necessary repairs to the property.

However, unscrupulous landlords may simply try to skirt around this penalty by evicting tenants via a “holdover” case rather than a non-payment case. Holdover eviction cases happen when landlords ask tenants to leave—generally without stating a purpose. Right now, landlords can file holdover eviction cases without any sort of justification. This would make it a popular route for bad landlords who want to file for eviction in a unit that is in disrepair. This loophole would mean that irresponsible landlords could get away with refusing to make repairs and still evicting their tenants as they please.

Good Cause eviction protections would force landlords to have a reason to file a holdover eviction. They could not simply file for eviction without reason as they can right now. In addition to the other benefits of Good Cause we've discussed, opting in to the program would also provide this critical fix for the PRI program.

DISSENTING OPINION ON GOOD CAUSE

The Task Force has made significant progress in promoting housing affordability and equity. It has recommended several important tenant protections to the Common Council, often with unanimous support. However, the Task Force remains divided on one key issue: Good Cause Eviction. The following statement reflects the view of a minority of voting members of this Task Force.

The New York legislature wisely limited the Good Cause Eviction law to New York City, allowing other municipalities to "opt-in," recognizing the state's diverse rental markets. In NYC, where average rents are \$3,803, landlords with 10 or more units can often sustain their business despite the law's restrictions. However, the situation differs in Buffalo and other regions. Here, landlords with 10 units might be supplementing their income from another job, and sometimes even losing money on their properties.

Small landlords should be exempted under Buffalo's law. Including small landlords in the law could lead to unintended consequences like landlord disinvestment, delayed maintenance, stricter rental criteria, more frequent rent increases, and purposeful vacancy—opposite to the law's intention. Forcing landlords to maintain relationships with tenants against their wishes also raises concerns.

Homeowners need to retain control over their properties. Existing tenant protections already make it difficult for landlords to evict problem tenants, sometimes taking six to nine months. If every tenant could litigate every rent increase or lease termination, it would overwhelm small landlords with legal challenges.

The proposal to lower the definition of "small landlord" in Buffalo to three or fewer units for the law's applicability exacerbates these issues. It would disproportionately impact small landlords, many from marginalized communities. It is unreasonable to hold local landlords to a stricter standard than those in NYC, one of the world's most expensive housing markets.

New York's Housing Stability and Tenant Protection Act of 2019 already makes it one of the most tenant-friendly states. The Task Force's recommendations, including the right to counsel, language access, proactive rental inspections, and inclusionary zoning, further support tenants. However, Good Cause Eviction oversteps, restricting small property owners' rights and

jeopardizing their financial stability. Laws suited for a booming metropolis like NYC shouldn't be applied uniformly across the state.

A balanced approach is needed, combining tenant protections and increased housing supply. Good Cause Eviction laws only regulate existing landlord-tenant relationships, without addressing the housing shortage that drives up rents and housing insecurity. By focusing on both tenant protections and new housing development, Buffalo can promote long-term housing stability and affordability, reduce competition for rental units, and stimulate regional economic growth.

Expand Opportunities for Affordable Homeownership

BACKGROUND

Homeownership is beneficial for building community, improving quality of life, maintaining a healthy tax base, and promoting the financial well-being of residents. As rehabilitated properties and newly built properties enter the market, property tax revenues will rise, benefiting the City's budget.

As the AHTF understands it, the City of Buffalo has several ongoing infill projects. The AHTF outlines its understanding of these projects and other City housing initiatives in Appendix B.

There is room for improvement when it comes to keeping residents informed about these initiatives and in making them more effective. While these programs are run through the City's departments, which are controlled by the mayor's office—not the Common Council—the Task Force recognizes that the Common Council must approve the sale of all city-owned vacant lots. Therefore, the Common Council can influence the requirements of the programs before it approves the sale of the city-owned land. By setting parameters for the sale of any city-owned property used and maximizing these investments in low-income and long ignored communities, the City has the potential to decrease the financial burden of maintaining vacant properties, enjoy increased property taxes as new builds enter the market, and create strong communities.

RECOMMENDATIONS

Establish parameters for the sale of city-owned property. The Common Council should establish clear parameters for the sale of any city-owned property to ensure that affordable housing continues to be developed in perpetuity. This includes specifying that rental properties should be accessible to low-income families at 50% of the Area Median Income (AMI). For affordable housing available for purchase, household income should not exceed 300% of the AMI.

Local hiring and workforce development. The Common Council needs to develop a comprehensive plan to increase inclusivity in the RFP process, including enhanced outreach.

Implement annual overviews of developments. The Common Council should establish an annual overview of the status of housing related developments in the City. This process would assess and compile the progress of each project, including at least one presentation per district, providing the public with regular updates without the need to sift through hours of Council meetings.

Ensure perpetual affordability. The deed for residences sold by the City should include language mandating that the housing remains affordable in perpetuity. This legal requirement will help preserve the affordability of these homes for future generations.

Expand homeownership programs. New York State and Buffalo both have programs that support homeownership. These should be expanded to build generational wealth, rather than solely funding affordable housing without a path to ownership. While affordable housing projects are important, more focus is needed on increasing pathways to homeownership.

Develop a comprehensive manual. The Common Council should create a comprehensive manual to guide citizens through the homeownership programs. This detailed guide will help potential homeowners navigate the process with ease and confidence. It should be designed as a resource to help individuals begin their journey to homeownership. The manual should be completed by February 2025, with quarterly updates published on a website.

Conclusion

The Task Force thanks the public for its valuable input in shaping these recommendations. Addressing the affordable housing crisis in Buffalo is a complex issue that requires a coordinated effort from all stakeholders. As a group of people consisting of landlords, developers, housing advocates, tenant advocates and community members, the Task Force recognizes that housing issues cannot be resolved swiftly, but it nonetheless hopes that the recommendations in this report will lead to a more affordable and equitable housing market.

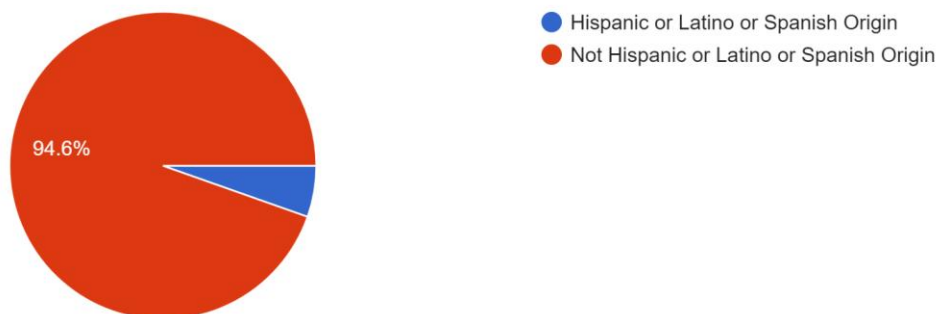
These recommendations, informed by diverse community experiences, represent important steps toward making safe and affordable housing a reality for all Buffalo residents. Key proposals include recognizing a right to counsel for tenants facing eviction in Buffalo City Court, improving transparency and accessibility in the City's land disposition policies, and implementing mandatory inclusionary zoning to integrate affordable housing into new developments. The Task Force also recommends opting into the New York State Good Cause Eviction law, and expanding opportunities for homeownership, especially for first-time buyers and low-income residents.

The Task Force urges the Common Council to seriously evaluate these recommendations. The Task Force's first report initiated some change, and the AHTF hopes the Council will make further progress in the coming months. The Common Council established this task force, and the AHTF has now delivered two reports with well-researched recommendations from a diverse group of thinkers. Now, it is time for the Common Council to adopt these recommendations and deliver for the community.

Appendix A: Detailed Survey Results

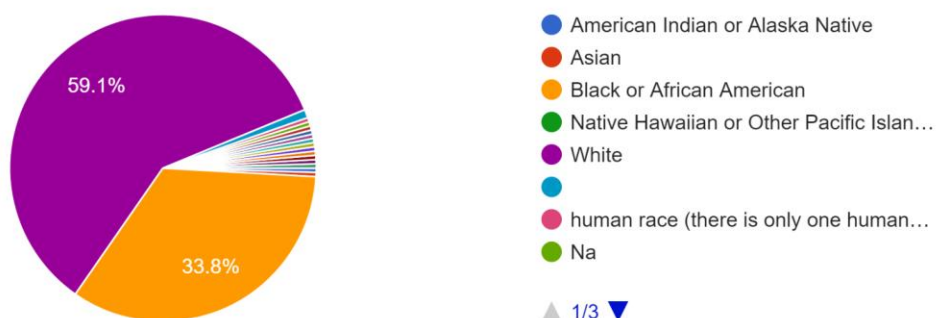
What is your ethnicity?

223 responses



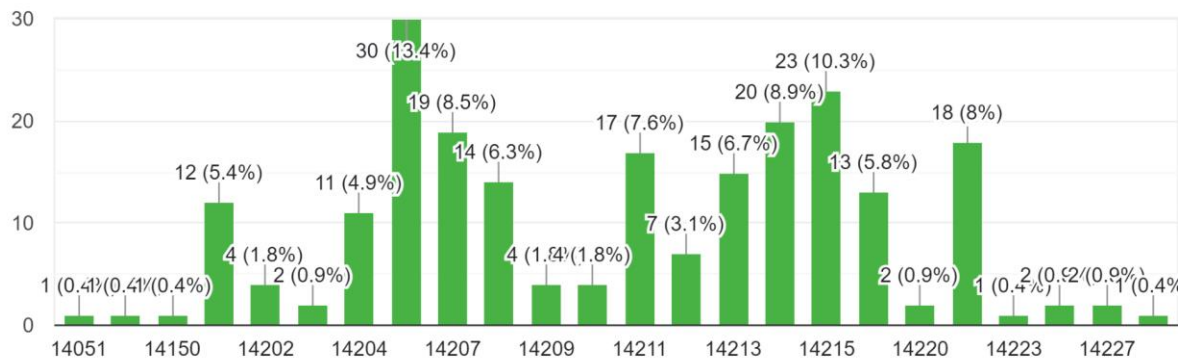
What is your Race?

225 responses



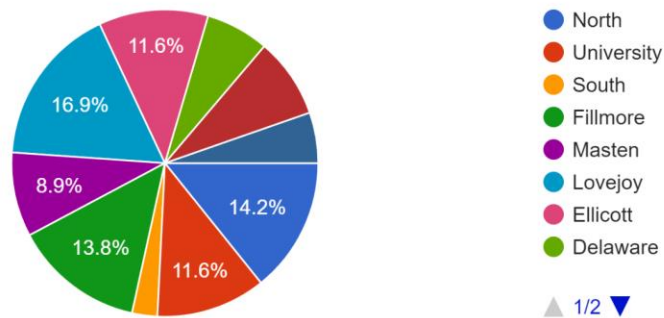
What is your zip code

224 responses



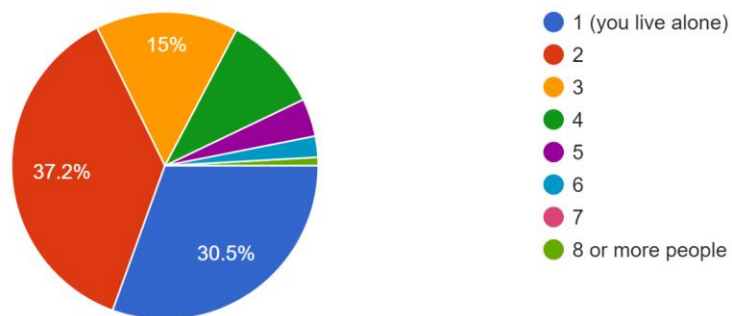
What district do you reside in? To find out follow this link.

225 responses



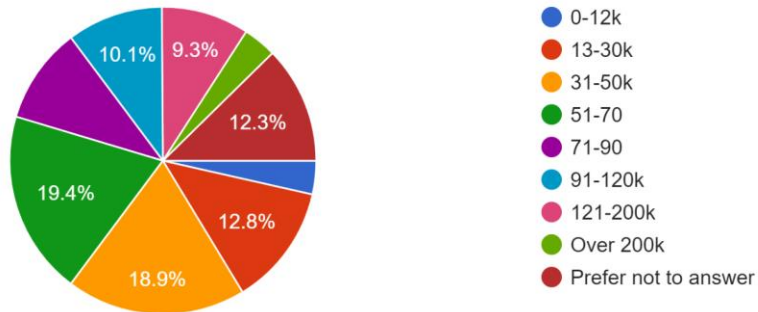
What is your household size (including you)?

226 responses



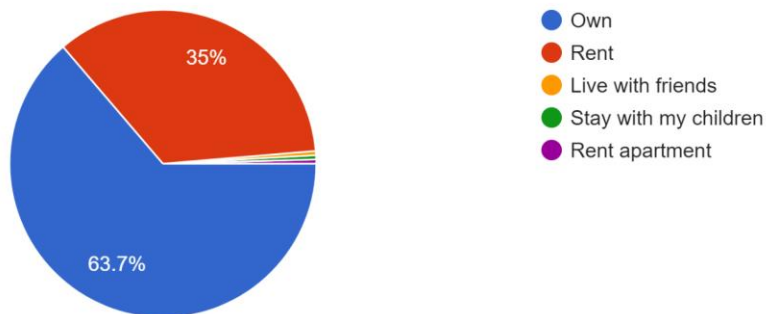
What is your household income?

227 responses



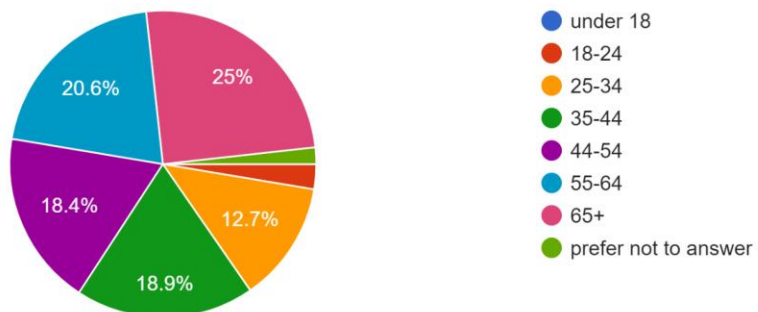
Do you own or rent your home?

226 responses



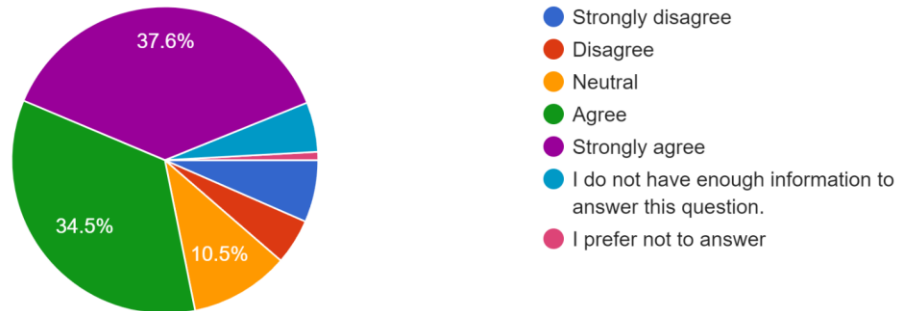
What is your age?

228 responses



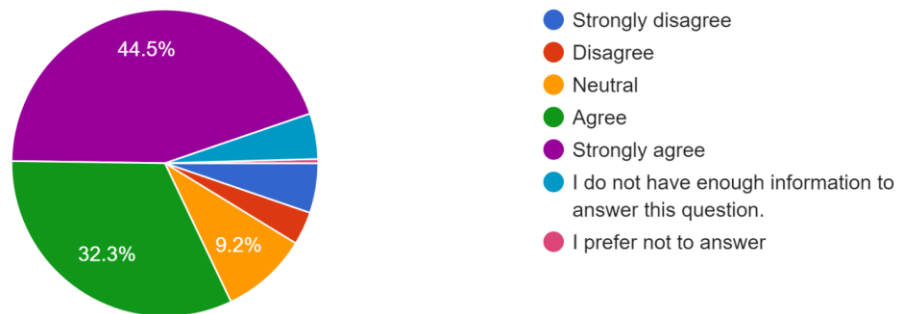
The City should reserve 30% of city-owned vacant land for sustainable uses that benefit the public (such as energy-efficient affordable housing, community gathering spaces, parks, and walking paths).

229 responses



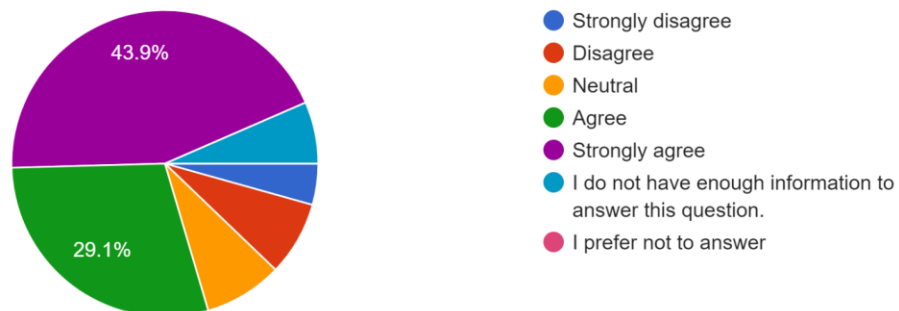
Neighborhood residents should be able to decide how city-owned vacant lots in their neighborhood are used.

229 responses



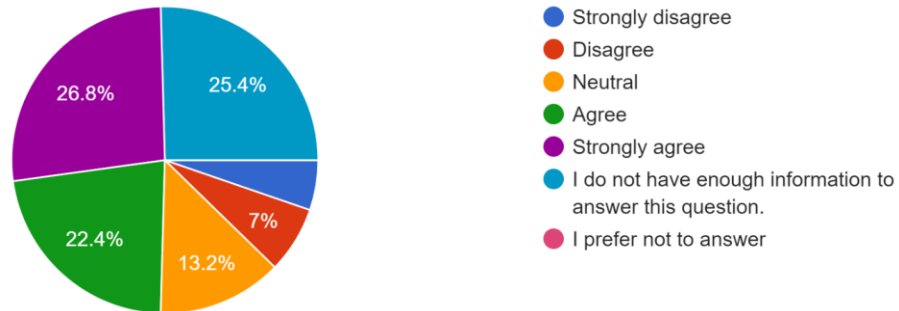
The city should sell vacant land for below-market value if the buyer is going to do something with the land that will benefit the neighborhood and is selling paths, and energy-efficient affordable housing).

230 responses



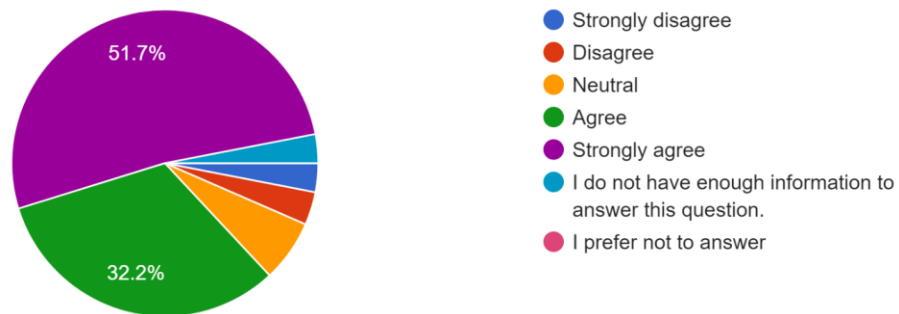
The city should lease and sell vacant land at a set percentage annually for sustainable uses at below-market values.

228 responses



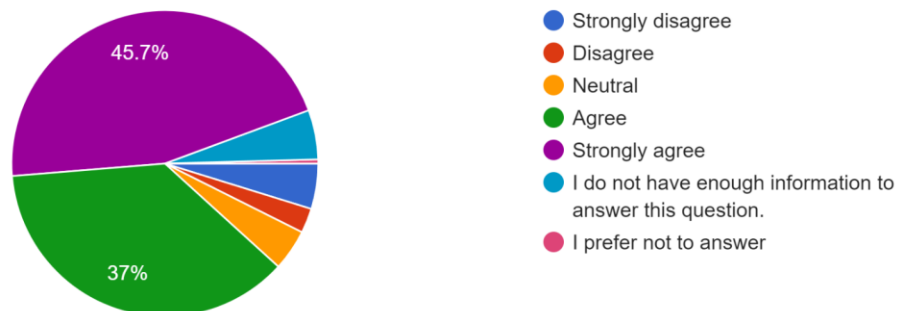
The City should have an online, interactive map of all city-owned vacant land. This map should show what neighborhood residents want each lot to be used for.

230 responses



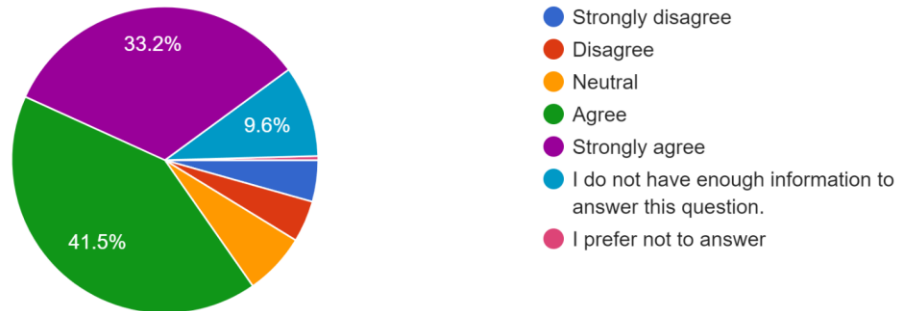
If someone is applying to buy or lease a city-owned lot, the city should respond to them within 30 days.

230 responses



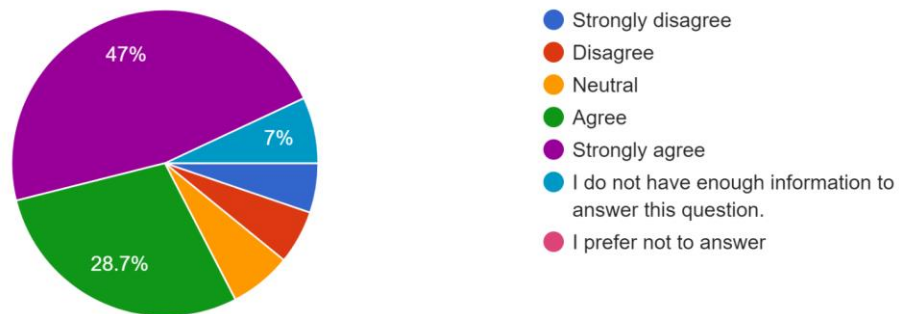
If the city denies someone's request to buy or lease a city-owned lot, there should be an appeals process.

229 responses



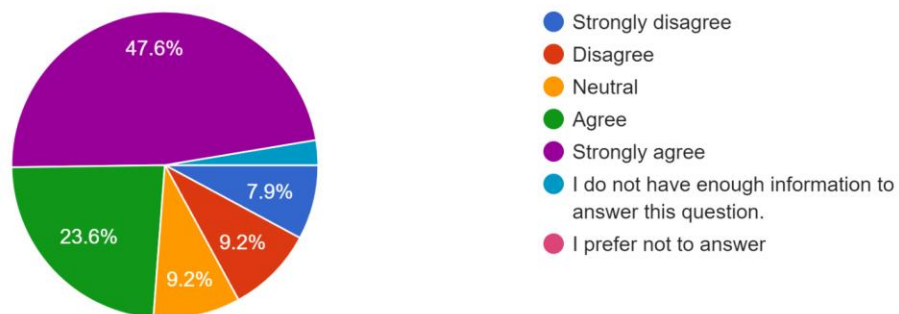
When the city sells some of its vacant lots for affordable housing, it should require that the housing stay affordable for many years into the future. (The "...eed restrictions" on the lots before selling them.)

230 responses



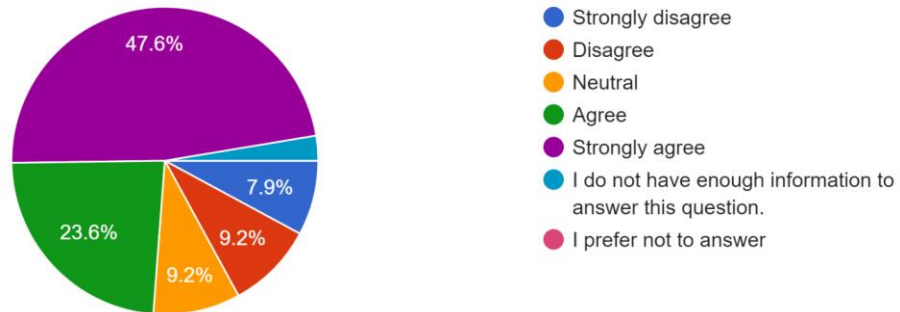
The City should require new housing developments to include affordable housing units.

229 responses



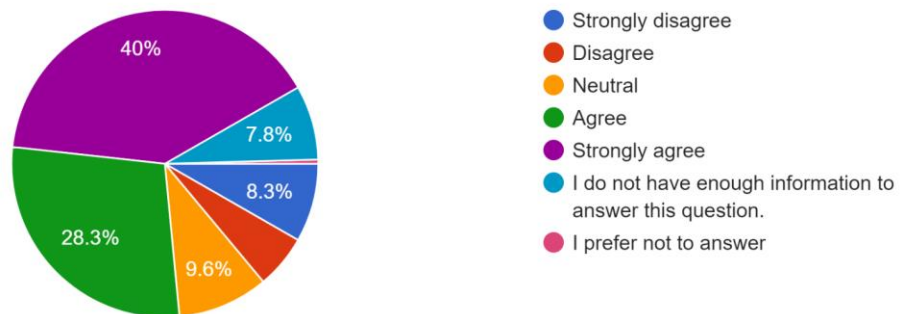
The City should require new housing developments to include affordable housing units.

229 responses



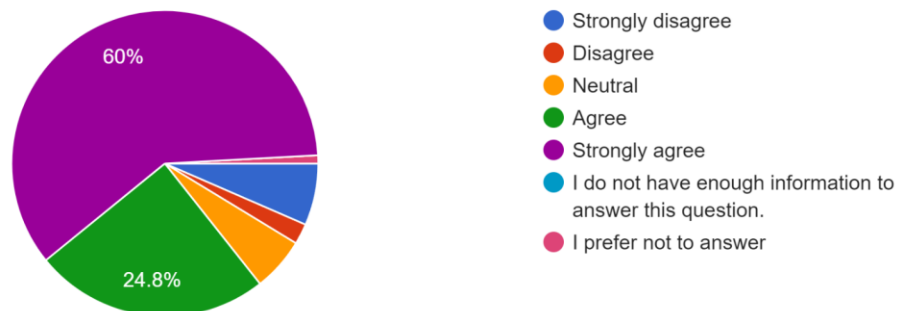
Tenants in danger of eviction should have a right to an attorney.

230 responses



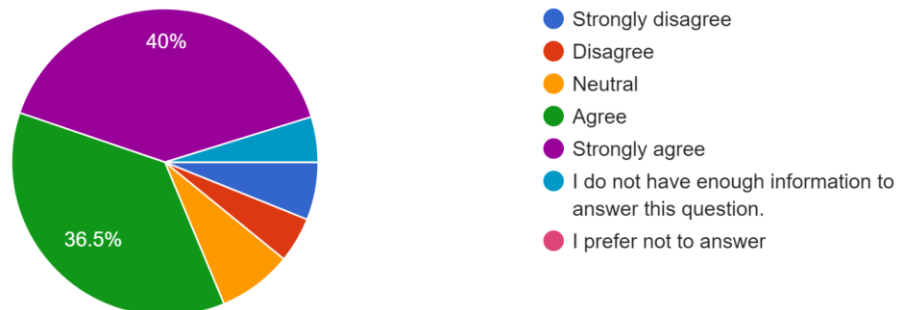
When someone is being evicted, they should be able to get the eviction paperwork in a language they understand.

230 responses



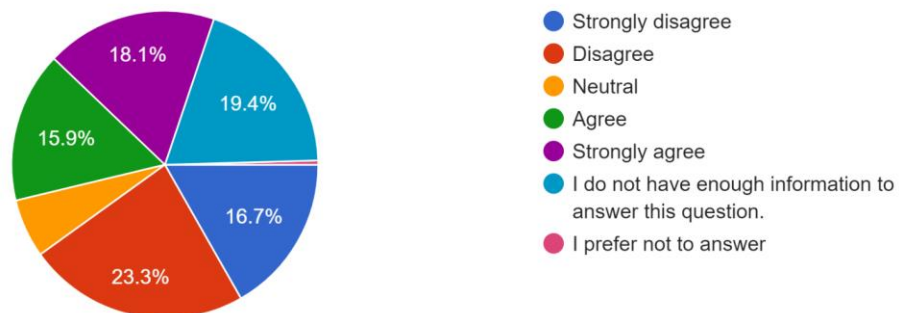
The City should encourage banks to prioritize affordable housing projects, business development, or other community-oriented programs.

230 responses



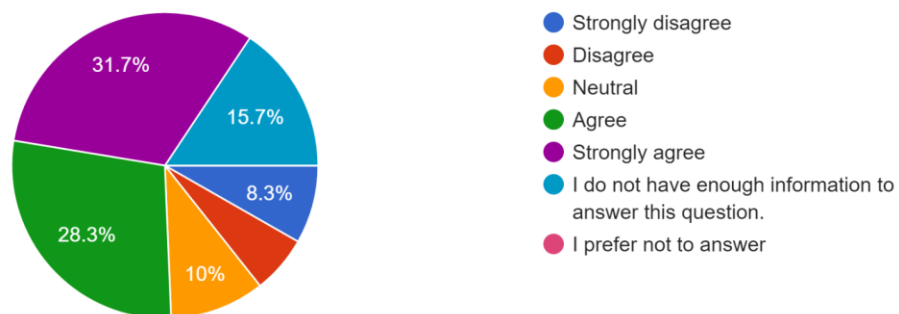
The City should offer city-owned vacant lots for \$1 to affordable housing developers.

227 responses



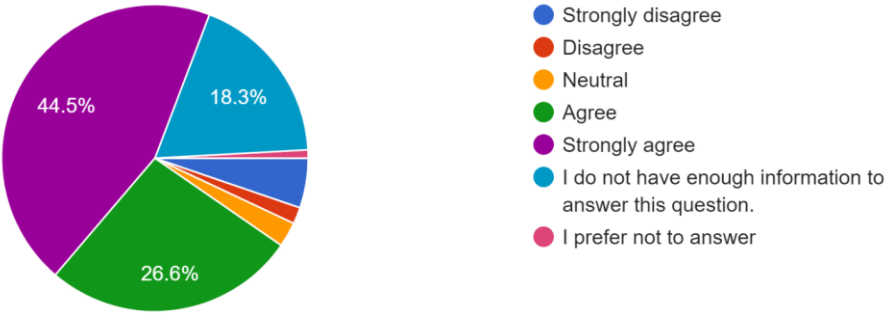
The City should make it easier for affordable housing developers to build affordable housing (for example, by making the licensing process easier).

230 responses



The City should assist in actualizing certain goals of the Affordable Homeownership Opportunity Program to promote affordable homeownership.

229 responses



Appendix B: Current Housing Projects and Services

For interested residents, we've included our understanding of existing housing initiatives in the City of Buffalo. We hope that this is relatively comprehensive, but there are many non-profits as well as other government agencies that operate housing programs that are not included here.

Infill Projects

There are several infill development projects happening in Buffalo currently:

- **Legacy Cities Community of Practice:** The City of Buffalo is one of five cities participating in the 2023-2024 Legacy Cities Community of Practice program through the Lincoln Institute of Land Policy. The Community of Practice is an 18-month long program that aims to support cities in understanding land use issues and implement equitable place-based solutions. With support from a team of interdisciplinary experts, the City of Buffalo and its partners will produce a neighborhood development strategy focused on infill housing within the Hamlin Park and Masten Park neighborhood. The City is currently preparing to release an Request for Proposals to developers for this project. It is unclear at this juncture, how many houses will be built, what the eligibility requirements for purchasing a home will be, and how much the homes will be sold for. The explicit goal of this project is to revitalize residential neighborhoods, create homeownership opportunities, bridge the racial wealth gap through homeownership and stabilize the project areas neighborhoods.
- **Adams Street Infill Housing Initiative:** The land bank has partnered with a Lancaster-based development company to build 12 single-family homes on vacant lots on Adams Street. The homes will be sold for \$237,000 - \$265,000 to buyers who meet income qualifications.
- **\$10 million for Infill Development:** The Buffalo News reports that the City of Buffalo and Erie County are partnering to develop infill housing on publicly-owned vacant lots. The City of Buffalo will contribute \$10 million, and Erie County will contribute \$13.5 million. City of Buffalo will see 47 single family homes built using these funds. Most of the County dollars roughly over \$10 million will be spent within the City of Buffalo, with the remainder being spent in Cheektowaga to build five single family homes. All funds are from American Rescue Plan dollars. The houses will be available to purchase for people at up to 300% of the federal poverty level (e.g. \$93,600 for a family of four). Based on the City's power point presentations, it looks like this funding and development is tied in with the Legacy Cities development program.

City of Buffalo Initiatives:

- **Queen City Plan:** Develops long-term urban planning strategies focusing on sustainable development and inclusive growth. Queen City Plan includes engagement through initiatives like Envision Neighborhoods.

- **Buffalo Green Code:** Implements a modern zoning ordinance to promote smart growth, sustainability, and neighborhood revitalization. This initiative has been successful in fostering more sustainable urban development.
- **Neighborhood Revitalization Initiative:** Targets resources to improve housing, infrastructure, and quality of life in distressed neighborhoods. Reports indicate positive impacts on local communities, though some areas require additional focus.
- **East Side Avenues Initiative:** Oversees significant projects and investments to revitalize Buffalo's East Side. The initiative has attracted \$7 million in assets in 2023 alone.
- **Buffalo Billion II:** Coordinates efforts across various departments to ensure alignment with strategic goals and leveraging state funding for economic development. This program has facilitated over \$12 million in economic development projects.
- **Inclusive Growth Strategy:** Implements initiatives to ensure all residents benefit from Buffalo's economic resurgence. This strategy has led to the creation of 500 new jobs in 2023.
- **Federal American Rescue Plan (ARP) Funds:** Buffalo receives \$319 million in federal ARP funds for pandemic recovery, including housing investments and economic development on the East Side. These funds have reached the spending deadline and are applied in the 2023-24 City budget allocated to various projects, including infrastructure improvements, small business support, and affordable housing initiatives.

Buffalo Urban Renewal Agency Initiatives:

- **Affordable Housing Development:** Administering federal, state, and local funding to develop and preserve affordable housing. BURA has been instrumental in increasing the availability of affordable housing units, with over 100 new units developed in 2023.
- **Community Development Block Grants (CDBG):** CDBG funds are allocated to the City to improve housing quality and public facilities and support economic development. In 2023, BURA allocated \$20 million towards these efforts, resulting in significant infrastructure improvements.
- **HOME Investment Partnerships Program:** Providing grants to create affordable housing for low-income families. BURA's initiatives have helped over 200 families secure affordable housing.
- **East Side Avenues Initiative:** Focusing on economic development and infrastructure improvements in Buffalo's East Side. This initiative has received significant funding and is showing promising early results.
- **Buffalo Erie Niagara Land Improvement Corporation (BENLIC):**
 - **Property Acquisition and Rehabilitation:** BENLIC has a proven track record of success in acquiring and rehabilitating vacant, abandoned, and tax-delinquent properties. In 2023 alone, BENLIC rehabilitated 50 properties, significantly reducing neighborhood blight and increasing homeownership rates.
 - **Neighborhood Stabilization Program:** BENLIC works with community partners to return properties to productive use and increase homeownership. Its efforts have resulted in a 20% increase in property values in targeted areas.
- **Zombie Property Initiative:** Addressing the issue of abandoned and vacant homes to prevent blight and neighborhood decline.

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- ¹ Resolution, Pridgen – Creation of the City of Buffalo Affordable Housing Task Force (Resolution 20-2066) (adopted Feb. 20, 2023), available at https://buffalony.igm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=2533&MediaPosition=&ID=20555&CssClass=.
- ² Resolution, Pridgen – Appointment of Members to the City of Buffalo Affordable Housing Task Force (Resolution 23-207) (adopted Feb. 7, 2023), available at https://buffalony.igm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=2730&MediaPosition=&ID=20797&CssClass=.
- ³ Affordable Housing Task Force, November 2024 Report, available at <https://www.buffalony.gov/DocumentCenter/View/12416/Buffero-Common-Council-Affordable-Housing-Task-Force---November-2023-Report>.
- ⁴ Resolution, Wyatt, Nowakowski – BASH (Buffalo Affordable & Safe Housing) Initiative: Report Requests (Resolution 24-149 (received and filed April 16, 2024), available at https://buffalony.igm2.com/Citizens/Detail_LegiFile.aspx?ID=23753&highlightTerms=BASH.
- ⁵ Resolution, Wyatt – BASH (Buffalo Affordable & Safe Housing) Initiative: Immediate Actions & Directives (received and filed April 16, 2024), available at https://buffalony.igm2.com/Citizens/Detail_LegiFile.aspx?ID=23751&highlightTerms=BASH.
- ⁶ Response to Resolution (Agenda Item 24-467) (received and filed April 16, 2024), available at https://buffalony.igm2.com/Citizens/Detail_LegiFile.aspx?ID=24265.
- ⁷ Ordinance, Wyatt – Ordinance Amendment: Chapter 154 – Fair Housing (Agenda Item 24-533) (approved April 16, 2024), available at https://buffalony.igm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=2940&MediaPosition=&ID=24261&CssClass= (codifying in Article IV Fair Housing, Chapter 154 an amendment to the definition of “source of income.”).
- ⁸ Ordinance, Wyatt – Ordinance Amendment: Chapter 264 (Agenda Item 24-534) (approved April 16, 2024), available at https://buffalony.igm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=2940&MediaPosition=&ID=24262&CssClass= (codifying in Chapter 264 an amendment to the requirements for application for registration to include an LLC’s address of principal residence).
- ⁹ See Eviction Representation Statistics for Landlords and Tenants Absent Special Intervention, National Coalition for a Civil Right to Counsel, http://civilrighttocounsel.org/uploaded_files/280/Landlord_and_tenant_eviction_rep_stats_NCCRC_.pdf (March 2024). According to this data, nationwide, 83% of landlords are represented by an attorney by only 4% of tenants are represented. *Id.* at 2 (tallying the percentage by City or state, where data is available).
- ¹⁰ Currently, low-income tenants in the City of Buffalo may receive free legal representation under the Western New York Eviction Prevention Project, a program funded by the New York State Office of Temporary and Disability Assistance (OTDA), under a short-term legislative appropriation. It is a partnership between Neighborhood Legal Services, the Center for Elder Law and Justice, ECBA Volunteer Lawyers Project, Legal Aid Bureau of Buffalo, the University at Buffalo School of Law Clinical Legal Education Program, VIA 211 WNY, and the Western New York Law Center. This funding is not guaranteed into the future.
- ¹¹ The Right to Counsel for Tenants Facing Eviction: Enacted Legislation, National Coalition for a Civil Right to Counsel (April 2024), http://civilrighttocounsel.org/highlighted_work/organizing_around_right_to_counsel (last accessed June 10, 2024).
- ¹² See *id.* at 1.
- ¹³ See *id.*
- ¹⁴ See *id.*
- ¹⁵ See *id.*
- ¹⁶ U.S. Federal Poverty Guidelines, U.S. Dep’t of Health and Human Services, <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines> (last accessed June 10, 2024); 14-1 Advancing Tenant Protections: The Right to Counsel for Tenants Facing Eviction, John Pollock <https://nlihc.org/resource/14-1-advancing-tenant-protections-right-counsel-tenants-facing-eviction> (last accessed June 12, 2024).
- ¹⁷ See 45 C.F.R. 1611.3(c)(1).
- ¹⁸ See Eviction Representation Statistics for Landlords and Tenants Absent Special Intervention, National Coalition for a Civil Right to Counsel,

http://civilrighttocounsel.org/uploaded_files/280/Landlord_and_tenant_eviction_rep_stats_NCCRC_.pdf (March 2024).

¹⁹ Prevalence and Impact of Eviction, U.S. Department of Housing and Urban Development Office of Policy Development and Research, <https://www.huduser.gov/portal/periodicals/em/Summer21/highlight2.html> (last accessed June 12, 2024); The Right to Counsel for Tenants Facing Eviction: Enacted Legislation, National Coalition for a Civil Right to Counsel (April 2024),

http://civilrighttocounsel.org/highlighted_work/organizing_around_right_to_counsel (last accessed June 10, 2024).

²⁰ Criminalization of Homelessness, Eric S. Tars, https://nlihc.org/sites/default/files/AG-2021/06-08_Criminalization-of-Homelessness.pdf (last accessed June 12, 2024).

²¹ The Economic Impact of an Eviction Right to Counsel in Baltimore City Report (May 2020), www.baltimorerentersunited.org/evictions-data (open “Stout Report”) (last accessed June 10, 2024).

²² See generally *id.*

²³ See *id.* at 34-58.

²⁴ See *id.* at 11-12; 79-81.

²⁵ See *id.* at 1; Sandra Park & Linda Morris, Clearing the Record: How Eviction Sealing Laws Can Advance Housing Access for Women of Color, American Civil Liberties Union (January 10, 2020), <https://www.aclu.org/news/racial-justice/clearing-the-record-how-eviction-sealing-laws-can-advance-housing-access-for-women-of-color> (last accessed June 10, 2024).

²⁶ Racial Discrimination and Eviction Policies and Enforcement in New York, New York Advisory Committee to the U.S. Commission on Civil Rights (March 2022), www.usccr.gov/files/2022-03/New-York-Advisory-Committee-Evictions-Report-March-2022.pdf.

²⁷ See *id.*, at 126-29; 134; 138; 141; 162; 164; 170; 174.

²⁸ Keith Lucas (Planning Director at the Buffalo Urban Renewal Agency), personal communication with author, June 20, 2024.

²⁹ Hailey Whitney, Alexis Duwe, Regan Flemming, and Alan Araujo, *Lots of Lots: An Inventory and Assessment of Vacant Lots in the City of Buffalo* (policy report, n.p., 2020), https://www.grassrootsgardens.org/files/ugd/a89e08_f0931f8e6f8f425c9ef0764a9c111277.pdf.

³⁰ Vacant Lots Taskforce, *Policy Framework for Vacant Lots Disposition: Recommendations from the Public Land for Public Benefit Vacant Lots Taskforce* (policy report, n.p., 2022) https://ppgbuffalo.org/files/documents/housing_neighborhoods/general/housingneighborhoods-vacant_lot_disposition_policy_framework.pdf.

³¹ Vacant Lots Taskforce, *Policy Framework for Vacant Lots Disposition: Recommendations from the Public Land for Public Benefit Vacant Lots Taskforce* (policy report, n.p., 2022)

https://ppgbuffalo.org/files/documents/housing_neighborhoods/general/housingneighborhoods-vacant_lot_disposition_policy_framework.pdf; Sam Magavern, *Using Publicly-Owned Vacant Land to Advance Sustainability and Equity in Buffalo, New York* (policy report, n.p., 2023), https://ppgbuffalo.org/files/documents/housing_neighborhoods/general/using_publicly-owned_land_to_advance_sustainability_and_equity_in_buffalo.pdf.

³² City of Buffalo Inventory, available at <https://buffalo-ny-inventory.tolemi.com>

³³ Vacant Lots Taskforce, *Policy Framework for Vacant Lots Disposition: Recommendations from the Public Land for Public Benefit Vacant Lots Taskforce* (policy report, n.p., 2022) https://ppgbuffalo.org/files/documents/housing_neighborhoods/general/housingneighborhoods-vacant_lot_disposition_policy_framework.pdf

³⁴ Urban Homestead Program, City of Buffalo, accessed July 12, 2024, <https://www.buffalony.gov/306/Urban-Homestead-Program>.

³⁵ Sam Magavern, *Using Publicly-Owned Vacant Land to Advance Sustainability and Equity in Buffalo, New York* (policy report, n.p., 2023), https://ppgbuffalo.org/files/documents/housing_neighborhoods/general/using_publicly-owned_land_to_advance_sustainability_and_equity_in_buffalo.pdf, p.9.

³⁶ Vacant Lots Taskforce, *Policy Framework for Vacant Lots Disposition: Recommendations from the Public Land for Public Benefit Vacant Lots Taskforce* (policy report, n.p., 2022)

https://ppgbuffalo.org/files/documents/housing_neighborhoods/general/housingneighborhoods-vacant_lot_disposition_policy_framework.pdf

³⁷ The 5% calculation should be done on an annual basis. For example, in 2024, 5% of the City's existing 7,654 vacant lots would be 382 lots. If the City then has about 7,000 lots in 2025, 5% of the inventory would be 350 lots.

³⁸ Vacant Lots Taskforce, *Policy Framework for Vacant Lots Disposition: Recommendations from the Public Land for Public Benefit Vacant Lots Taskforce* (policy report, n.p., 2022)

https://ppgbuffalo.org/files/documents/housing_neighborhoods/general/housingneighborhoods-vacant_lot_disposition_policy_framework.pdf

³⁹ Request for Inclusionary Zoning Ordinance (ELL) (Agenda Item 17-878), available at

https://buffalony.igm2.com/Citizens/Detail_LegiFile.aspx?ID=3970&highlightTerms=Inclusionary%20Zoning

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https://buffalony.igm2.com/Citizens/Detail_LegiFile.aspx?ID=4910&highlightTerms=Inclusionary%20Zoning

⁴¹ Scanlon - PPG Draft Inclusionary Zoning Law for the City of Buffalo (Agenda Item 18-55) available at

https://buffalony.igm2.com/Citizens/Detail_LegiFile.aspx?ID=5683&highlightTerms=Inclusionary%20Zoning

⁴² Halton-Pope - Progress Update on Inclusionary Zoning Ordinance for Affordable Housing (Agenda Item 24-214), available at

https://buffalony.igm2.com/Citizens/Detail_LegiFile.aspx?ID=23817&highlightTerms=Progress%20Update%20on%20Inclusionary%20Zoning%20Ordinance

⁴³ Anna Helhoski, *Rental Market Trends in the U.S.—Inflation Data Continues to Show Some Rent Growth Slowdown*, NERDWALLET (Jun. 14, 2024, 10:08 AM), https://www.nerdwallet.com/article/finance/rental-market-trends?ajs_uid=bbfcda0135b2464633bdb53e741383f44ac4e2c1ac7189ff2d37b169a0526c4b&event_id=0a710415-7d72-4a61-b588-3611567f1f1c®_gate_return=true

⁴⁴ David Robinson, *Spotlight/economy: Wage Growth is Slowing*, THE BUFFALO NEWS (Apr. 26, 2024), https://buffalonews.com/news/local/business/employment/spotlight-economy-wage-growth-is-slowing/article_6e3c6460-0185-11ef-86c6-c7aeb201e6ee.html.

⁴⁵ See, e.g., Racial Discrimination and Eviction Policies and Enforcement in New York, New York Advisory Committee to the U.S. Commission on Civil Rights (March 2022), at 79, 165, 167, 171, 173, 175, 176, www.usccr.gov/files/2022-03/New-York-Advisory-Committee-Evictions-Report-March-2022.pdf.

⁴⁶ N.Y. Real Prop. Law § 210 *et seq.*

⁴⁷ N.Y. Real Prop. Law § 213(2); see also HOMES AND COMMUNITY RENEWAL, GOOD CAUSE EVICTION, <https://hcr.ny.gov/good-cause-eviction> (last visited Jul 2, 2024).

⁴⁸ Austin C. Jefferson, *Which upstate cities are adopting 'good cause' eviction and rent control?*, City & State (July 29, 2024), www.Cityandstateny.com/policy/2024/07/which-upstate-cities-are-adopting-good-cause-eviction-and-rent-control/398404/.

⁴⁹ N.Y. Real Prop. Law § 215.

⁵⁰ N.Y. Real Prop. Law § 216.

⁵¹ *Id.*

⁵² *Id.*

⁵³ See New York Homes and Community Renewal, *Good Cause Eviction Law Required DHCR Notice*, May 2024, available at https://hcr.ny.gov/system/files/documents/2024/05/good-cause-eviction-law-may-2024-final_.pdf (last accessed July 22, 2024).

⁵⁴ *Id.*

⁵⁵ N.Y. Real Prop. Law §§ 213, 214.

⁵⁶ N.Y. Real Prop. Law §§ 211; Albany, N.Y., Local Law E (2024).

⁵⁷ See Peter Tomao & Sam Mellins, *Landlord Legislators Carved Themselves Out of Good Cause Eviction*, NY Focus (May 13, 2024), <https://nysfocus.com/2024/05/13/good-cause-eviction-landlord-legislators>.

⁵⁸ See *id.*