

**ROCHESTER CITY COUNCIL
GOOD CAUSE EVICTION REPORT
November 2024**



**City of Rochester, NY
Rochester City Council**

Prepared by Rochester City Council Staff

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Miguel A. Meléndez, Jr. Council President, Councilmember At-Large

Housing stability is among the largest factors contributing to successful outcomes for each of our neighbors and their families. New York State's recent passage of Good Cause Eviction (GCE) legislation allows cities to consider use of this new legal tool and has the potential to give Rochester an important opportunity to provide greater housing stability for our citizens.

With the passage of GCE by New York State, the Rochester City Council took on the responsibility to investigate how this tool might best be used to benefit our citizens locally. This is particularly important in communities within our city who have often been marginalized, specifically in the area of access to quality, affordable, and stable housing.

On June 4, 2024, I introduced Introductory No.251 and the opportunity to consider opting into the so-called "Good Cause Eviction" (GCE) legislation, as prescribed by the state alongside all my colleagues. My intent was to initiate a community conversation related to the state legislation, and move forward a process to hear from constituents, tenants, and property owners alike about the potential impact this could have within the City.

If Good Cause is going to work as many hope, we need to fully understand it and be sure we get it right from the start. This has led us to be very deliberate and methodical in our process, which I know can be frustrating to those who want to see immediate action.

However, the cities in New York who have passed Good Cause to date have all been relatively small by comparison to Rochester. Even the City of Albany, which is smaller than Rochester's suburban town of Greece, has far less than half of Rochester's total rental units. Therefore, Rochester would be the first of the State's larger cities (outside NYC) to pass Good Cause if we decided to move forward.

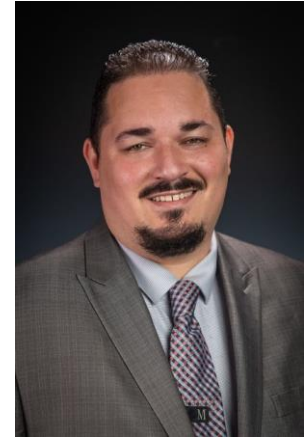
My goal is always to provide leadership and governance from City Council that embraces Safer Neighborhoods, Quality Housing, and Equitable Access to Opportunity for everyone. To that end, I am proud to guide City Council's efforts to engage in meaningful outreach with our citizens while doing additional due diligence with other stakeholders. This report is the culmination of those efforts and reflects City Council's willingness to investigate good cause in partnership with the people we all serve.

In this report, you will find a summary of the outreach we conducted; input received from citizens; data collected; information compiled; and, most importantly, recommendations on how we might move forward. I want to thank all of those who engaged City Council in this effort and who came forward in good faith to help us fully explore the opportunities presented to our city by this legislation.

Now the time has come to act. I look forward to working with my colleagues on City Council to debate the merits of Introductory 251 as a tool for greater housing stability along with other important measures that will help to ensure this legislative initiative works as intended to the benefit of the city and its people.

Sincerely,


Miguel A. Meléndez, Jr.



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Overview: Good Cause Eviction legislation

On April 20, 2024 the New York State (NYS) Legislature enacted the Good Cause Eviction Law. The law applies to all new leases and renewal leases (unless exempted) in New York City and to any other villages, towns, or cities which choose to opt-in to the law. **Appendix-1** contains the NYS law.

It is important to note that, while municipalities outside of New York City (NYC) can opt-in to the law with their own legislation, state law does require all landlords to share information about Good Cause with their tenants.

There are two provisions that cities, villages, and towns can amend when opting in to Good Cause Eviction legislation:

1. The **definition of “small landlord”** who would be exempt from Good Cause Eviction
2. The percentage above **fair market rent** at which a unit would be exempt from Good Cause Eviction.

If adopted, Good Cause (unless an exemption applies) will impact nearly all lease agreements within the City of Rochester. Under the legislation, landlords will be prohibited from taking any action to evict, fail to renew a lease, or otherwise seek to remove a tenant from housing accommodation except for Good Cause.

As defined by the State Statute, the State legislation defines “Good Cause” under the following parameters:

- Failure to pay rent
- Violation of a substantial obligation of the tenancy;
- Committing or permitting a nuisance;
- Permitting the premises to be used for illegal purposes;
- Unreasonably refusing the landlord access to the premises for the purposes of making necessary improvements/repairs or for showing the unit;
- The unit is owner occupied, demolition;
- Withdrawal of the premise from the housing rental market;
- The tenant’s failure to agree to reasonable changes to a lease at renewal.

The legislation also requires landlords to provide a notice of Good Cause Eviction applicability or inapplicability to their tenants in all new leases and lease renewals.

Per NYS Statute, exemptions apply to the following units¹:

- Homes owned by a small landlord, as defined in the legislation;
- Owner occupied accommodations (e.g. buildings) with 10 or fewer apartments;
- Unit is subject to regulation of rents or evictions pursuant to local, state, or federal law;
- Unit is either rent regulated and/or an affordable housing unit subject to statute; regulation, restrictive declaration, or pursuant to a regulatory agreement with a local, state, or federal government entity
- Units on or within a housing accommodation owned as a condominium or cooperative, or units on or within a housing accommodation subject to an offering plan submitted to the Office of the Attorney General

- Units in a housing accommodation that was issued a temporary or permanent certificate of occupancy within the past 30 years
- Units which qualify as a seasonal use dwelling unit under subdivisions 4 and 5 of section 7-108 of the General Obligations Law
- Units in a hospital, continuing care retirement community, assisted living residence licensed pursuant, adult care facility, senior residential community, or not-for-profit independent retirement community that offers personal emergency response, housekeeping, transportation and meals to their residents
- Manufactured homes located on or in a manufactured home park
- Hotel rooms or other transient uses
- Dormitories owned and operated by an institution of higher education or a school
- Units within and for use by a religious facility or institution
- Units which have a monthly rent that is greater than the percent of fair market rent established in Good Cause Eviction legislation

Good Cause Eviction: Landscape of Adoption across New York State

Since the enactment of the state legislation, several municipalities have also adopted Good Cause legislation including Albany (pop. 99,224), Kingston (pop. 24,069), Poughkeepsie (pop. 31,577), Newburgh (pop. 28,237), Ithaca (pop. 32,108), and Beacon, NY (pop. 13,769). New York City was automatically adopted into the NYS legislation upon its enactment. **Table 1: highlights a breakdown of each city and the provisions included in their legislation.** The table reviews each municipality’s version of Good Cause Eviction and highlights their date of adoption, and what each town has defined for both the small landlord exemption, and % above fair market rent.

Table 1: NYS Municipalities Adopting Good Cause Eviction Legislation

City/Municipality	Date of adoption	Small landlord exempt from GCE	% above fair market rent
Albany	6/3/2024	1 unit	345%
Kingston	7/2/2024	>2 units	Above 300%
Poughkeepsie	7/9/2024	1 unit	245%
Newburgh	9/9/2024	1 unit	345%
Ithaca	7/9/2024	>1 units	345%
Beacon	8/19/2024	1 unit	345%
*New York City	4/20/2024	>10 units	245%

Data compiled by Rochester City Council Staff, September 2024²

**Of note, NYC was automatically opted in by NYS Law*

Rochester City Council Staff also reached out to each municipality who has passed Good Cause legislation to ask more about their public input process, arguments they heard in favor and against adoption of the legislation, and to get a pulse on how implementation is going. A full breakdown of those discussions are available in **Appendix-2**.

Findings from the Rochester Public Forums and Listening Tour:

i) Overview of Public Forums

In June 2024, Rochester City Council introduced Good Cause Eviction legislation. In July and August Rochester City Council District Councilmembers hosted four forums, one in each district of the city, to hear more from the public on proposed legislation. The hearings were held at Aenon Missionary Baptist Church (7/29/2024), the Rochester Public Market (8/13/2024), Ryan R-Center (8/14/2024) and Edgerton R-Center (8/27/2024).

Appendix-3 provides an overview of the forums and shares the attendee list. **Appendix-4** shares information for attendees and details if they attended and/or spoke at more than one forum.

Table 2: Overview of Rochester City Council Public Forums

	South	Northeast	East	Northwest	TOTAL
# of Speakers	28	20	28	26	102
# of Attendees	42	41	42	53	178
# in Favor of GCE	26	17	26	23	92
# Opposed to GCE	2	3	2	3	10

Table 2 provides an overview of the Rochester City Council public forms, sharing the number of speakers, attendees, and accounts of those in favor and opposed to the legislation at each forum. In total, **178 people** attended the public forums. **102 people** spoke at the hearings. As mentioned and reflected in **Appendix-4**, some speakers shared their perspective at multiple forums. Of the total speakers across the four forums (**Table-2**), **90.2%** of the speakers were **in favor** of Good Cause Eviction legislation, and **10.9%** of the speakers were **opposed**.

ii) Overview of Additional Engagement hosted by President Meléndez

Following the public hearings in each district, President Meléndez engaged in additional activities related to the legislation, and has conducted additional meetings with the following people/entities to understand their support/concerns. This includes:

- Tenants
- City of Rochester Administration
- City-Wide Tenants Union
- Civil legal services
- Attorneys representing landlords
- Hon. Melissa S. Barrett, Supervising Judge, Rochester City Court
- Hon. William K. Taylor, Administrative Judge, New York State Supreme Court Justice in the 7th Judicial District
- New York State Assemblymembers

- Small Landlords
- Large Landlords

Appendix-5 provides a complete list of the entities.

iii) Summary of findings from all community engagement (Forums & Additional meetings)

Key themes from input in favor of GCE

Support for renters in current housing market.

In all four public hearings, Councilmembers overwhelmingly heard that renters in the City of Rochester could use more support in the current housing market. Rental properties are at a premium, and there are limited supports to stop landlords from ending long-term tenancy, or from evicting tenants. Concerns were shared that in the current market it is often challenging to find a new rental unit, and even more challenging to find one that is affordable. JustCause NY and LawNY affirmed that the proposed legislation supports tenants in the rental housing market, and that the legislation offers protections in a challenging market. Ultimately, they shared that more affordable housing is necessary in the city and that there is not just one solution/policy that would fix this, but that this is an important step to ensure 64% of residents within the City of Rochester have basic protections on their lease.

Supports housing stability.

Throughout the public hearings, Councilmembers heard that providing protections under the proposed legislation would support housing stability for renters. Council heard a number of stories about people being evicted without cause so that the landlord could turn around the property and rent it at a much higher rate. Many shared their challenges meeting rent in the current economic climate. Organizations including the City-Wide Tenants Union and JustCause NY shared that the current level of housing instability in Rochester stems from the issue of poverty. Similar challenges were shared over the lack of available property within the rental housing market, and how that makes it challenging to find new space. The proposed legislation can promote housing stability by ensuring that landlords provide tenants with reasons for eviction.

Provides protections for tenants.

Many speakers during the public hearings shared that tenants are being priced out of their homes due to rent increases within the city. They shared their belief that outside investors are purchasing homes and raising the rent beyond the scope of what current tenants can pay. The city's housing market study also indicates 61.6% of renters are living with unaffordable costs for their rent (>30% of income).³ Council heard testimony of tenants being fearful of filing code violations due to retaliation from their landlords. Speakers who spoke in favor of the legislation also shared the importance of protections for tenants in the rental housing market.

Majority support for 1 unit vs 10

The majority of people (both tenants and landlords) shared their support of amending the current proposed legislation to move the "small landlord" exemption to one unit instead of 10.

Some landlords at the forums opposed this measure. The Department of Neighborhood and Business Development provided data related to the number of landlords who this would impact (**Table 4**) and data related to the number of units this would impact (**Table 5**). Tenants shared that the majority of rental properties within the City of Rochester under the state legislation would be exempt, and that lowering it to 1 unit instead of 10 would provide the strongest possible version of the law. Data related to the City of Rochester's housing market is available in the "[Landscape of Rental Market in the City of Rochester](#)" section of this report.

Support for fair market rate protection

Throughout the hearings, Councilmembers heard anecdotal claims of "price gouging" of rent and dramatic increases in rent in recent years. Tenants shared testimony of dramatic rent increases at the end of their leases, thus having no choice but to walk away from their unit due to unaffordability. There was no opposition shared in the public hearings or additional engagement to the clause within the proposed legislation related to fair market rate protection. Both landlords and tenants shared that they were supportive of fair market rate protection.

Table 6 provides a current analysis of FMR (fair market rate) within the City of Rochester. Of note, FMR has increased by \$211 since 2022 without a comparable increase in living wages, benefits, and other social supports to meet inflation.

Advances equity in the evictions process

Several people shared that the proposed legislation advances equity in judgements related to evictions. According to JustCause NY and LawNY, informal eviction is occurring at a high rate within the City of Rochester. Examples of informal eviction include raising the rent, giving verbal notice to vacate, refusing to make necessary repairs, asking a tenant to leave without proper legal documentation, etc.⁴ The value of the proposed legislation is that it removes this as an option for landlords, putting in clear requirements on the "Good Cause" for eviction and formalizing the process.

People also shared that there is an appeal in moving this to the court system to have equity in judgements related to evictions cases. It removes the "gray zone" and forces a neutral third party (the court system) to make the decision. Attorneys for both tenants and landlords shared there is some issue with the current housing court in having multiple judges hear issues instead of just one (similar to the Buffalo Housing Court model). There was agreement that moving to the court system would provide some level of fairness to the process.

Key themes from input in opposition to GCE

No way to navigate Good Cause Eviction without the court system

Both attorneys for tenants and landlords shared that, should the proposed legislation move forward, it would become increasingly challenging for both parties to navigate the process without an attorney. The attorneys shared that ultimately the legislation would push the issue of holdover evictions that are currently settled outside of a formal eviction process into the court room for consideration. Three concerns were raised in relation to this issue: cost, time and knowledge.

There are concerns related to affordability with moving all cases of eviction to Courts. Landlords shared that it would drive up costs for businesses and ultimately lead to an increase in rent, while tenants may not be able to afford services. LawNY and JustCause NY shared that they cannot meet the current need in the community to provide civil legal services. The Court system, however, shared that they have never seen a case where a defendant in housing court has asked for an attorney and there is not one available for their case. In instances where there is no one available the courts state they would adjourn the case until the client had representation.

Despite this statement by the courts, there are still instances where clients have been unable to obtain representation through civil legal services. While people have a right to legal counsel, not everyone can afford private attorney fees, and some rely on civil legal services. JustCause NY shared that there are not enough lawyers across the civil legal services organizations to cover the number of cases. This is particularly true when there is a conflict of interest, and an attorney or organization cannot take on a client. The civil legal services organizations represent in over 20 courts in our region, and, due to an attorney shortage, are left with insufficient staff. JustCause NY shared that there is currently an attorney shortage across the state, and noted hardships in attracting candidates, particularly when their organizations pay at much lower rates than private practices and larger firms.

Another concern raised was the amount of time it may take to move forward with an eviction case. The Court process takes time to move forward a settlement or go to trial for a final decision. Landlords shared concerns over the time it would take to implement. Attorneys representing landlords shared that this could overwhelm the court system at first until the interpretation of the law becomes clear. LawNY and JustCause NY both shared that for past regulation changes, there is typically a 6-month rollout and that over time, barriers and processes are smoothed. Attorneys and judges attribute this to “the courts making the interpretation of the law in legal practice,” and that the more cases they hear, the easier it is to understand what evidence leads to specific decisions, and to understand the relevant legal precedents.

Finally, concerns were raised about the lack of awareness of this legislation and the rights that, if adopted, it will grant to tenants. Tenants may be unaware of their rights under Good Cause legislation, and not know what resources are available to them. JustCause NY shared that over the past 4 years with all the changes in NYS regulation related to housing, they have received approximately 40,000 calls to their hotline. Education and resources need to be made available to tenants so they understand their rights and understand where they may receive free services should they need it.

Holdover evictions disappear “lease for life”

The proposed legislation will remove holdover evictions. A *holdover eviction* in New York State is any eviction case that is started for a different reason than nonpayment of rent. Evictions could happen if the tenants lease expired, they are too noisy, they are disruptive to others in the building, etc.⁵ A lease is an important tool, it is a legal document that defines the terms of tenancy for both the property owner and the tenant. It outlines the responsibilities of both tenant and the owner including critical aspects of the agreement such as home repairs. It offers both the tenant and landlord with legal protection and a roadmap of the terms of the relationship including rent, payment terms, duration of tenancy, any rules/regulations, etc. There is no component within the law to determine the efficacy of Good Cause Eviction.

A landlord questioned the purpose of the lease should the proposed legislation be adopted. They shared that if Good Cause legislation supersedes contract law, it would turn the agreement between landlord and tenant from a contractual relationship to a “marriage”. It becomes harder for a landlord to evict a tenant if issues arise that would not fit in with the parameters of the legislation. Many landlords shared that contractual agreement should be on both sides (landlord and tenant) and this proposed legislation would remove the rights of a landlord, forcing them to enter into a “lease for life” scenario.

Significant renovation the property

Landlords also shared concerns over when renovations could occur on the property. Currently many of them use the end of the lease to terminate tenancy so that they can conduct long-term renovations. If holdover eviction is made impossible, landlords worry how they would conduct significant renovations to their units while tenants were still living there.

While the legislation adopted by the state does allow a landlord to withdraw their unit from the rental market, there is no clear definition to what that means. § 231-c, Chapter 50, Article 7 of NYS Real Property Law shares a landlord can in “good faith withdraw the unit from the housing rental market” and that this can/is an acceptable reason for good cause. However, the article shares “a landlord must establish good faith to withdraw the unit from the rental housing market by clear and convincing evidence”.

Renovations are a necessary tool to improve the quality of a space for tenants, and increase the value of the unit for the property owner. A definition in the local city charter would support the proposed legislation to better understand what “withdrawing a unit from the rental market” means and to ensure landlords seeking to conduct long term renovations have clarity.

No definition for “Good Cause” terms

Concerns were also shared by landlords and attorneys related to the lack of definition in the New York State law. There is no clarification given to the terms of Good Cause Evictions. On the issue of nuisance, landlords asked how they would justify that, and shared that they would need an attorney to support them to make that argument. Some wondered if this clause of Good Cause Eviction would lead to additional stress on the city’s code inspection unit in order to produce documentation related to these cases in the future.

Others shared that there are significant concerns on how one may evict a tenant that is a public or private nuisance to others in the community. In certain cases there are tenants that are a “nuisance” to others in the building, or neighborhood. They could be participating in illegal activity, damaging property, littering, smoking, and/or causing garbage to pile up. Currently, landlords shared they use either holdover evictions to remove tenants in these specific situations, or select to not renew the lease. Without this as an option, some landlord shared it may be challenging to prove these nuisances in court, as it would require other tenants to testify against their neighbor. It also puts the witness to these nuisances in an uncomfortable position of having to testify against their neighbor, while still living in the same building and/or neighborhood as the problematic tenant.

Nuisance needs to be clearly defined and supported by the city as a bonafide reason to evict. Everyone has the right to safe place to live. No one should be fearful of living in their home or neighborhood due to the actions of one problematic person.

Transfer of property

Other landlords shared concerns related to the extension of leases in the event of a property sale. Under the proposed legislation, some landlords worried there is “no mechanism” for evicting a tenant should the new owner want to. Landlords shared concerns this may be a deterrent for the sale and purchase of property.

Raising rent

Several landlords shared that they currently do not raise the rent to FMR standards because they are fond of their tenants and have not felt the need to raise rent. The issue with the proposed legislation, some landlords feel, is that by removing the option to do a holdover eviction, they will have to build a case against a tenant in order to evict. One landlord shared that to meet the requirements of Good Cause, they have already increased rent by \$50 per unit to pay for security camera installation. They shared that if Good Cause Eviction were enacted, they imagine additional security measures would need to be in place to ensure there is ample evidence of Good Cause to share with the court, which would ultimately lead to additional increases in rent.

Conversion to short-term rentals

Additional concerns arose from landlords and attorneys related to the impact this legislation could have on the rental housing market overall. One of the allowable reasons of “Good Cause” under the New York State legislation is withdrawal of the premise from the housing rental market (as discussed earlier). There are additional concerns related to this definition and how it could lead to the conversion of rental property units to short-term rentals.

New York does not have statewide requirements for short-term rental licenses and permits.⁶ Regulation of the vacation rental industry is left to local municipalities. The Department of Neighborhood and Business Development of the City of Rochester defines short-term rental units as a property or part of a property rented for less than 30 consecutive days.⁷ Currently, the City does not have any regulations in place related to short-term rentals.

It is challenging to understand how many rental units are operating in the city. The Department of Neighborhood and Business Development estimates approximately 875 short-term rental listings operating in the city. Currently staff capture data on short-term rentals by searching individual sites (such as Airbnb and VRBO) and counting the number of listings operating within the city. There is a need for the City of Rochester to establish a short-term rental registry to better understand the landscape and impact of the rentals in the city.

Some stakeholders shared their concern that if the city were to enact this law, landlords would take their units and convert them to short term rentals to avoid having to meet the legislation requirements. This could lead to the reduction of housing availability, drive up costs for rental units, and displace long-term residents.

While short-term rentals are exempt from Good Cause legislation, the concern remains that, in the absence of regulation, landlords could take advantage of this loophole. Short-term rental issues in the City of Rochester must be addressed through the Zoning Code. It is Council’s expectation that this would be done through the city’s Zoning Alignment Project (ZAP).

Constitutionality of the law

Throughout the public input process, Councilmembers heard from a number of landlords who feel their rights are being taken away through the proposed legislation. The landlords shared that it releases property owners of their right to evict, and that it is unlawful to force the landlord to give those rights up permanently. The constitutionality of this legislation was flagged. It is important to note, however, that the constitutionality of the law, if passed, is an issue that would have to be brought to the court system for consideration and adjudication.

Per the City of Rochester's Corporation Counsel, as of early October, there are no court cases that have been brought against New York State or other municipalities related to the constitutionality of Good Cause Eviction. It is worthwhile to note that both Legal Aid NY and JustCause NY shared that rent regulation in New York has been upheld for 75 years. They said there is neither precedent nor constitutional jurisprudence. They had no reservations related to the legislation and its constitutionality.

Key themes from input for consideration

Confusion from the public & the need for education on the law

Attorneys representing both landlords and tenants shared that there is confusion over the implementation of the law and what the law will actually do for residents. JustCause NY shared that many people have called the hotline to try to understand the legislation and its potential impact. They urged education and resources clarifying what the law means in response to these inquiries.

Impact on the housing market

Tenants are overwhelmingly supportive of the proposed legislation. Landlords are not. It is unknown how landlords' behavior may change if City Council should adopt the legislation. As a result, it is unknown what impact this may have on the City of Rochester's housing rental market overall, particularly if this will lead to more stability or if it will drive landlords to raise rents or sell their units.

Support for closing the LLC Loophole

The City-Wide Tenants Union and others shared the issue of the "LLC Loophole". An LLC, or Limited Liability Company, is a business structure that combines the limited liability of a corporation with the flexibility of a partnership or sole proprietorship.⁸ In New York, LLCs are governed by the Limited Liability Company Law. An LLC can protect the assets of its owners from lawsuits and creditors concerned with the company's business debts, allow for pass-through taxation, and limit personal liability.⁹ Many rental property owners use LLCs to receive these benefits.

Under the proposed legislation, the definition of "small landlord" would exempt those who own 10 units or fewer. Some at the forums worried that landlords could hide properties within multiple LLCs to ensure they do not exceed 10 properties. By changing the definition of "small landlord" to a property owner who owns one rental unit, this possibility would be removed.

The court system is a key player in interpretation of the law.

New York State has authorized municipalities to customize two components of its enacting legislation: the definition of a "small landlord" and the local fair market rate for rent.

Many of the concerns brought by landlords, tenants and community members alike fall outside the jurisdiction City Council. These are issues which will ultimately be decided within the court system if necessary.

Impact on the City of Rochester Administration

To date, the Administration has not made a position statement related to Good Cause Eviction. If City Council chose to opt in to GCE, the administration will have to be a proactive partner with City Council in order to for the legislation to work most effectively. To that end, if the legislation passes Council will work with Mayor Evans to create an implementation task force that will include members of various departments including NBD, RPD and Law.

Landscape of Rental Market in the City of Rochester

Table 3

2020 Comparative Population and Housing Units in Peer Cities

	Total population	Total housing units	Total rental units
Rochester	211,328	100,089	66,871
Buffalo	278,349	136,350	24,383
Syracuse	148,620	66,791	34,575
Albany	99,224	48,031	27,190

Data compiled by Rochester City Council Staff from the 2020 Decennial Census, City of Rochester Neighborhood and Business Development, City of Buffalo Rental Registry, Syracuse Housing Study and the Albany Housing Market Review

According to the City of Rochester’s 2018 Housing Market Study, **64% of residents** in the City of Rochester are renters. The City of Rochester has 100,089 housing units, and **66,871 rental units**.¹⁰ **Table 3** provides a comparative population analysis and the number of housing units in peer cities in New York. It is

important to note that many single-family homes built originally for owner-occupancy in Rochester have been converted to rental use. From 2000 to 2019, 6,460 single family homes were converted to rentals.¹¹

The city’s housing market study also indicates **61.6 percent of renters are living with unaffordable costs** for their rent (>30% of income).¹²

According to the City of Rochester’s housing study, the private rental market is dominated by duplexes, single family homes, and distressed investment properties. The study shares that distressed investment properties tend to be purchased with cash and kept in the minimal state of repair needed to maintain a certificate of occupancy. The short-term cash flow value of the property – not long-term asset value – drives owner behavior, and, in more cases than not, results in abandonment of the asset.¹³

Table 4

Landlord Ownership of Units in the City of Rochester

# of units owned	# of landlords
20+	490
10+	1,010
<10	9,196
1	3,872

Data provided by the Department of Neighborhood and Business Development for City Council, September 2024

Table 4 Shares data from the Neighborhood and Business Development Department (NBD) on the number of landlords in the City of Rochester, and the breakdown of ownership of units within city limits. The number of landlords is estimated based on the owner of record and the owner’s tax bill mailing addresses listed in City assessment and data. Since people may own multiple properties under LLCs with different names, NBD merged data for any owner of record using the same tax bill mailing address and considered those records as being owned by one “ownership group.” This provides a more accurate estimate of the number of truly distinct owners (or “landlords”) for the various numbers below. The estimates do not provide a final estimate of the number of landlords that may be subject to Good Cause under the default exemptions of the NYS Good Cause Eviction law. There are additional exemptions in the law not reflected in these estimates, such as regulated affordable rental units and units built after 2009.

It is important to note, from **Table 4**, that most landlords in the City of Rochester are “small landlords” as defined by the state legislation.

Table 5 provides analysis of data provided by NBD that shares the impact on the Rochester rental housing market if amendments were made to change the definition of a “small landlord” in the proposed legislation from those with 10 units to one unit.

Table 5
Potential Impact of amending small landlord definition on City of Rochester Rental Housing Market

Definition of small landlord	# of units potentially exempted	% of rental market	# of units potentially included	% of rental market
1 unit	6,155	9.2%	44,412	66.4%
10 unit	24,181	36.2%	27,791	41.6%

**Data provided by the City of Rochester’s Department of Neighborhood and Business Development, October 2024*

Appendix-7 provides a response from NBD on key questions related to the rental housing market, and potential impact of the legislation. Included within this appendix is a detailed chart highlighting various exemption categories and the number of units impacted based on staff analysis of available data.

Table 6 provides an overview of changes in the Fair Market Rate (FMR) since 2022. Of note, in the last two years, monthly FMR has increased by \$230 for a one-bedroom, \$268 for a two-bedroom, \$296 for a three-bedroom, and \$322 for a four-bedroom, without having a gross change in living wages, benefits, and other social supports to meet inflation.

Table 6
Fair Market Rate in the City of Rochester

Year	Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
FY24 FMR	\$938.00	\$1,050.00	\$1,307.00	\$1,580.00	\$1,741.00
FY24 245% FMR	\$2,298.10	\$2,572.50	\$3,202.15	\$3,871.00	\$4,265.45
<u>FY23 FMR</u>	\$839.00	\$950.00	\$1,186.00	\$1,443.00	\$1,593.00
<u>FY23 245% FMR</u>	\$2,055.55	\$2,327.50	\$2,905.70	\$3,535.35	\$3,902.85
<u>FY22 FMR</u>	\$727.00	\$820.08	\$1,039.00	\$1,284.00	\$1,409.00
<u>FY22 245% FMR</u>	\$1,781.15	\$2,028.60	\$2,545.55	\$3,145.80	\$3,452.05

** FMR levels for the Rochester MSA, calculated from HUD’s figures here:*

https://www.huduser.gov/portal/datasets/fmr/fmrs/FY2024_code/2024summary.odn

***Data compiled by the Neighborhood and Business Development (2024)*

The Department of Neighborhood and Business Development shared that the City does not have access to live, current rent data for all properties and residential units in the city, but can estimate the number of units which would meet the 245% FMR threshold using the most

recently available Census ACS 5-Year Public Use Microdata sample. This dataset indicates that, as of 2022, **only 340 units in the city have rents above 245% of FMR.**

More detailed information about the City of Rochester's housing market is available at the following places¹:

- [City of Rochester 2018 Housing Market study](#)
- [Rochester 2034 Comprehensive Plan](#)
- [City of Rochester's 2021 Rental Vacancy Study](#)
- [The Mechanics of Monroe County's Rental Housing Market report](#) (2021) prepared by czbLLC and made possible by funding from The Community Foundation, Wilson Foundation, and ESL Foundation

¹ City of Rochester (2018). City of Rochester 2018 Citywide Housing Market Study. Available online on the City of Rochester website: <https://www.cityofrochester.gov/departments/planning/citywide-housing-market-study-2018>

City of Rochester (2019). Rochester 2034 Comprehensive Plan. Available online on the City of Rochester website: <https://www.cityofrochester.gov/departments/mayors-office/rochester-2034>

City of Rochester (2021). City of Rochester's 2021 Rental Vacancy Study. Available online on the City of Rochester website: <https://www.cityofrochester.gov/departments/neighborhood-and-business-development/rental-vacancy-study-2021>

CzbLLC (2021). The Mechanics of Monroe County's Rental Housing Market Report. Available online on the ACT Rochester website: <https://www.actrochester.org/all-reports/the-mechanics-of-monroe-countys-rental-housing-market>

Landscape of Residential Evictions & Housing Court in the City of Rochester

i) Housing Court in the City of Rochester & Good Cause Impact

On August 15, 2024, President Meléndez met with the Hon. Melissa S. Barrett, Supervising Judge, Rochester City Court and the Hon. William K. Taylor, Administrative Judge, New York State Supreme Court (7th Judicial District) to learn more about potential impact of Good Cause Legislation on the Court System. Judge Taylor and Judge Barrett shared more about how eviction cases work their way through the court system.

The judges explained that the impact of the Good Cause legislation in the Court has yet to be determined and would not opine or provide guidance before legislation was enacted into law. The interpretation of the legislation will happen through the court system on a case-by-case basis. Judges rule on individual cases, which may be followed by an appeals process, thus developing the law through the legal system itself.

ii) Court Assigned Referee Model in the Rochester City Court

Currently, Rochester City Court system has a turnaround return date for eviction cases of approximately 3 weeks. Attorneys have requested nothing less than that because of the time it takes to pull together their cases. According to the Judges, there is no bottleneck of cases in the City of Rochester thanks to the implementation of the court attorney referee model. Comparatively, Rochester area judges and attorneys say New York City has a backlog of 4+ years to hear cases. The Judges also shared that 90-95% of cases get settled now through the court referee and do not go to trial.

The Court Assigned Referee is a neutral third party who can resolve disputes and issue both temporary and final orders. After hearing all or part of a case, referees report their findings to the judge, who makes the final decision. All parties must consent to a hearing and determination of an issue by a referee.¹⁴ In Rochester City Court, Tanya Conley is the Court Assigned Referee.

If both parties consent to a referee, the referee would hear the first appearance case. If no agreement occurs, they will host a second, third, fourth, etc. appearance until the case can be adjourned or go to trial. When an agreement occurs, the Court Attorney Referee shares the written stipulation of settlement in open court, on the record. If parties cannot come to a decision, trials occur usually within three weeks. The judges shared that 90-95% of cases are settled by the parties with the referee.

iii) Additional Services at Rochester City Court

Rochester City Court in the past two years has introduced a community connections desk at the court. This is a physical place in the court room that operates like 211. It is operated by Goodwill and funded by the Rochester Area Community Foundation. This is a place where people can learn more about available resources. They also invite community-based organizations to do direct outreach in the court. Organizations such as Lifespan, among others, will come and table to share with people more about services available. This initiative has been received well, and it allows the judges/referee to be able to send people directly to an entity that can offer support.

Recently, Judge Taylor and Judge Barrett put in place a pilot in hosting the Monroe County Department of Human Services (DHS) at the Court House. Two days a week, DHS sets up and does screening for services. The Eviction Diversion Resource Center helps get resources into the hands of people, and screens directly for the housing benefits folks may be eligible for. The pilot has been running since the end of September 2024. [Appendix-9](#) is the press release for this pilot.

[Appendix-10](#) offers some of the documents provided by the Court as examples of documents people may receive during the eviction case process. This includes the following: “Legal information and services resources” document; schedule of appearance form; “stipulation of settlement in Rochester Housing Court” form; and the Eviction Diverse Resource Center intake form.

iv) Rochester City Court: Attorneys Perspective

Part of President Meléndez’s listening tour also included meeting with attorneys from LawNY, JustCause NY, and those who represent landlords in housing court. Currently LawNY and JustCause NY do not have enough capacity within their organizations to support civil legal services for all the cases required of them. They shared that the court process is lengthy for evictions.

Both organizations shared that they work in partnership with the court system to offer services. In a first appearance, the court appointed referee directs tenants towards LawNY and JustCause NY, who set up time at the Court for the client to receive representation from one of their attorneys. The organizations said that they do not anticipate this proposed legislation to alter their caseload or legal practice dramatically. They anticipate that it will take about six months post adoption of a law, for the court system to figure out their interpretation and afterwards it will become the fabric of how things are done.

In a meeting with attorneys who represent landlords, attorneys said there is a long timeline from the notice of eviction to warrant of eviction being executed by the court. They shared that the proposed legislation, if adopted, will jam up the court system and that the time to evict would be longer. They also shared that the Rochester City Court is challenging because there are multiple judges that oversee cases. They compared Rochester City Court to Buffalo’s dedicated Housing Court and shared that the benefit of Buffalo’s model is that there is consistency in judgement with only one judge overseeing housing cases. Similar to JustCause NY and LawNY, they said it will take time following the adoption of the law for the court system to figure out its interpretation. Unlike the civil legal service organizations, attorneys representing landlords felt this would take longer than six months and had concerns about increased backlog becoming the permanent norm.

It is noteworthy that while the Judges said the timeline of court proceedings for evictions within the City of Rochester is “much improved,” attorneys who represent both landlords and tenants expressed their frustration over the discretion of the courts. Attorneys said the model of having two judges analyze the cases leads to challenges and inconsistent rulings.

v) Rochester City Court Data – Landscape of Evictions

Following the discussion with Rochester City Court, City Council staff pulled data from the New York State Unified Court System Division of Technology and the Court Research Statewide

Landlord Tenant Eviction Dashboard to better understand the breakdown of warrants for eviction issued by city court. Data available on this dashboard is from 2019 to present. It is important to note, however, that due to the Tenant Safe Harbor Act passed during the COVID-19 pandemic, there is limited data available from March 7, 2020 – January 15, 2022, as the act provided evictions protections for tenants during that period.

Table 7: Highlights Eviction Filings vs Warrants of Eviction for 2023 and 2024. An *eviction filing* is the start of the eviction process within the court system; while a *warrant of eviction* is a court order that authorizes the eviction to take place.

Table 7

Rochester City Court: Eviction Filings vs Warrants of Eviction (2023 & 2024)

	Eviction Filings				Warrants of Eviction			
	2023	2024*	Total 2024 Estimates**	% Change	2023	2024*	Total 2024 Estimates**	% Change
Total	5599	4170	5560	-1%	2864	2273	3031	6%
Total Holdover	991	657	876	-12%	561	434	579	3%
Total Non-Payment	4608	3513	4684	2%	2303	1839	2452	6%

*Data for 2024 is available through 9/30/2024

** Year to date estimates are calculated by using the "to date" data to find the average monthly rate and multiplied by twelve months of the year.

Data Analyzed by by Rochester City Council Staff from the New York State Unified Court System Division of Technology & Court Research Statewide Landlord Tenant Eviction Dashboard

vi) *Comparative Analysis of Residential Warrants of Eviction*

Table 8 provides a comparative analysis of residential warrants of eviction issued by City Courts in Rochester, Buffalo, Syracuse, and Albany. The data shared is not a comparative analysis of Rochester within all of New York State.

Table 8

2023-2024 Comparative Analysis: Residential Warrants of Eviction Issued by City Courts

	Rochester		Buffalo		Syracuse		Albany	
	2023	2024	2023	2024	2023	2024	2023	2024
Total Warrants of Eviction	2864	2273	4577	3371	2129	1353	1853	1198
Total Holdover Evictions	561	434	735	592	584	361	440	270
Total Non-Payment Evictions	2303	1839	3842	2779	1545	992	1413	928
% of total holdover evictions	19.6%	19.1%	16.1%	17.6%	27.4%	26.7%	23.7%	22.5%
% of total non-payment evictions	80.4%	80.9%	83.9%	82.4%	72.6%	73.3%	76.3%	77.5%

*Data for 2024 is available through 9/16/2024

Data Analyzed by by Rochester City Council Staff from the New York State Unified Court System Division of Technology & Court Research Statewide Landlord Tenant Eviction Dashboard

The data in **Table 8** demonstrates that in 2023, 80.4% of warrants of eviction within Rochester City Court are due to non-payment, while 19.6% are for holdover cases. Comparatively, of the other cities in New York State, Rochester ranks second in total residential warrants of evictions – compared to Buffalo (1st), Syracuse (3rd), and Albany (4th). Within this comparison, despite being second in overall residential warrants of eviction, we are third for our percentage of total holdover warrants for evictions, compared to Syracuse (1st), Albany (2nd) and Buffalo (4th).

Table 9 provides the 2023 per capita rates of residential eviction in those same cities. Within this comparison, Rochester ranks third with Syracuse on total per capita residential warrants of eviction at 1.4% - compared to Albany at 1.9% and Buffalo 1.6%. Holdover warrants of eviction reflect a small percentage (0.3%) of the total number of residents within the City of Rochester. Compared to like cities, Rochester’s per capita rate for warrants of holdover evictions is similar to those of its peers.

Table 9

2023 Per Capita Rates of Residential Eviction

	Rochester	Buffalo	Syracuse	Albany
Warrants of Eviction	1.4%	1.6%	1.4%	1.9%
Holdover Evictions	0.3%	0.3%	0.4%	0.4%
Non-Payment Evictions	1.1%	1.4%	1.0%	1.4%

Data Analyzed by by Rochester City Council Staff from the New York State Unified Court System Division of Technology & Court Research Statewide Landlord Tenant Eviction Dashboard and the U.S. Census Bureau 2020 Decennial Census

Key Recommendations for Rochester City Council to Consider:

1. **Pass** Good Cause Eviction Legislation with an Amendment
 - a. Amend the legislation to move the definition of small landlord from 10 to 1.
 - b. Housing stability is a critical issue for residents in the City of Rochester. **64% of residents** in the city are renters. If passed, as currently written, it has the potential to impact **42%** of the rental market here in Rochester, and if amended could have a greater impact for more renters in the city. The legislation provides tenants with protections to ensure their landlords cannot evict unless “Good Cause” criteria is met.
2. If GCE passes, Council must work immediately and diligently to evaluate the outcomes of the legislation. It will be crucial to understand how the legislation is functionally working by analyzing empirical evidence rather than relying solely on anecdotes. Council will employ a 3rd party consultant to develop and implement the evaluation before the legislation formally begins.
3. **Clarify** what it means to take a housing unit “off the market” and review “nuisance” definitions by updating and amending the City Charter.
4. Create an implementation **Task Force** to monitor and oversee the implementation of Good Cause Eviction within the city of Rochester
 - a. President to name members of the Task Force -- to be comprised of City Council President or designee; Chair of Neighborhoods, Jobs and Housing Committee; Councilmember (Smith); Representative of the Mayor; Representative of the Commissioner of NBD; Corporation Counsel Representative; Housing Advocate (Tenants); Property Owner Representative; Legal Aid Representative; Citizen Representative (2).
 - b. Task force will be charged with ensuring the City of Rochester is prepared to respond to requests for information and troubleshoots issues related to GCE implementation in the community.
5. Create a Citywide **education campaign** that clearly articulates “What Good Cause is and is not.”
 - a. Select a partner(s) to coordinate the Communications Strategy and engage legal partners (both tenant and property owner advocates) who can develop education programs to: 1) Educate Tenants on leases and their rights; and 2) Educate Landlords on developing strong, fair leases.
 - b. Update existing Landlord / Tenants Bill of Rights process to include Good Cause Eviction as passed in 2023-173, to be mailed to all tenants and property owners in the City of Rochester.

6. Create a **citywide registry of short-term rentals (failure to comply results in fines and other consequences)** and address short-term rentals through the Zoning Alignment Process (ZAP).

7. Engage in **State advocacy** for changes at the state level:
 - a. Pursue statewide right to counsel.
 - b. Through the office of the NYS Attorney General, develop an archive of legal briefs and resources for tenants on Good Cause Eviction.

Appendices

Real Property Law Section 231-C Good cause eviction law notice

1.

A landlord as defined in subdivision two of [§ 211 \(Definitions\)](#) shall append to or incorporate into any initial lease, renewal lease, notice required pursuant to paragraph (a) of subdivision one of [§ 226-C \(Notice of rent increase or non-renewal of residential tenancy\)](#), notice required pursuant to subdivision two of [Real Property Actions & Proceedings Law § 711 \(Grounds where landlord-tenant relationship exists\)](#), or petition pursuant to section seven hundred forty one of the real property actions and proceedings law, the following notice: NOTICE TO TENANT OF APPLICABILITY OR INAPPLICABILITY OF THE NEW YORK STATE GOOD CAUSE EVICTION LAW This notice from your landlord serves to inform you of whether or not your unit/apartment/home is covered by the New York State Good Cause Eviction Law (Article 6-A of the Real Property Law) and, if applicable, the reason permitted under the New York State Good Cause Eviction Law that your landlord is not renewing your lease. Even if your apartment is not protected by Article 6-A, known as the New York State Good Cause Eviction Law, you may have other rights under other local, state, or federal laws and regulations concerning rents and evictions. This notice, which your landlord is required to fill out and give to you, does not constitute legal advice. You may wish to consult a lawyer if you have any questions about your rights under the New York State Good Cause Eviction Law or about this notice. NOTICE (THIS SHOULD BE FILLED OUT BY YOUR LANDLORD) UNIT INFORMATION STREET:

_____ UNIT OR
APARTMENT NUMBER:

CITY/TOWN/VILLAGE:

STATE:

ZIP CODE:

1. IS THIS UNIT
SUBJECT TO ARTICLE 6-A OF THE REAL PROPERTY LAW, KNOWN AS THE NEW YORK

STATE GOOD CAUSE EVICTION LAW? (PLEASE MARK APPLICABLE ANSWER) YES ___ NO ___

2. IF THE UNIT IS EXEMPT FROM ARTICLE 6-A OF THE REAL PROPERTY LAW, KNOWN AS THE NEW YORK STATE GOOD CAUSE EVICTION LAW, WHY IS IT EXEMPT FROM THAT LAW? (PLEASE MARK ALL APPLICABLE EXEMPTIONS) A. Village/Town/City outside of New York City has not adopted good cause eviction under [Real Property Law § 213 \(Voluntary participation by local governments outside the city of New York\)](#) ___; B. Unit is owned by a "small landlord," as defined in subdivision 3 of [Real Property Law § 211 \(Definitions\)](#), who owns no more than 10 units for small landlords located in New York City or the number of units established as the maximum amount a "small landlord" can own in the state by a local law of a village, town, or city, other than New York City, adopting the provisions of Article 6-A of the Real Property Law, known as the New York State Good Cause Eviction Law, or no more than 10 units, as applicable. In connection with any eviction proceeding in which the landlord claims an exemption from the provisions of Article 6-A of the Real Property Law, known as the New York State Good Cause Eviction Law, on the basis of being a small landlord, the landlord shall provide to the tenant or tenants subject to the proceeding the name of each natural person who owns or is a beneficial owner of, directly or indirectly, in whole or in part, the housing accommodation at issue in the proceeding, the number of units owned, jointly or separately, by each such natural person owner, and the addresses of any such units, excluding each natural person owner's principal residence. If the landlord is an entity, organized under the laws of this state or of any other jurisdiction, then such landlord shall provide to the tenant or tenants subject to the proceeding the name of each natural person with a direct or indirect ownership interest in such entity or any affiliated entity, the number of units owned, jointly or separately, by each such natural person owner, and the addresses of any such units, excluding each natural person owner's principal residence (exemption under subdivision 1 of [Real Property Law § 214 \(Covered housing accommodations\)](#)) ___; C. Unit is located in an owner-occupied housing accommodation with no more than 10 units (exemption under subdivision 2 of [Real Property Law § 214 \(Covered housing accommodations\)](#)) ___; D. Unit is subject to regulation of rents or evictions pursuant to local, state, or federal law (exemption under subdivision 5 of [Real Property Law § 214 \(Covered housing accommodations\)](#)) ___; E. Unit must be affordable to tenants at a specific income level pursuant to statute, regulation, restrictive declaration, or pursuant to a regulatory agreement with a local, state, or federal government entity (exemption under subdivision 6 of [Real Property Law § 214 \(Covered housing accommodations\)](#)) ___; F. Unit is on or within a housing accommodation owned as a condominium or cooperative, or unit is on or within a housing accommodation subject to an offering plan submitted to the office of the attorney general (exemption under subdivision 7 of [Real Property Law § 214 \(Covered housing accommodations\)](#)) ___; G. Unit is in a housing accommodation that was issued a temporary or permanent certificate of occupancy within the past 30 years (only if

building received the certificate on or after January 1st, 2009) (exemption under subdivision 8 of [Real Property Law § 214 \(Covered housing accommodations\)](#)) ___; H. Unit is a seasonal use dwelling unit under subdivisions 4 and 5 of [General Obligations Law § 7-108 \(Deposits made by tenants of non-rent stabilized dwelling units\)](#) (exemption under subdivision 9 of [Real Property Law § 214 \(Covered housing accommodations\)](#)) ___; I. Unit is in a hospital as defined in subdivision 1 of [Public Health Law § 2801 \(Definitions\)](#), continuing care retirement community licensed pursuant to Article 46 or 46-A of the Public Health Law, assisted living residence licensed pursuant to Article 46-B of the Public Health Law, adult care facility licensed pursuant to Article 7 of the Social Services Law, senior residential community that has submitted an offering plan to the attorney general, or not-for-profit independent retirement community that offers personal emergency response, housekeeping, transportation and meals to their residents (exemption under subdivision 10 of [Real Property Law § 214 \(Covered housing accommodations\)](#)) ___; J. Unit is a manufactured home located on or in a manufactured home park as defined in [Real Property Law § 233 \(Manufactured home parks\)](#) (exemption under subdivision 11 of [Real Property Law § 214 \(Covered housing accommodations\)](#)) ___; K. Unit is a hotel room or other transient use covered by the definition of a class B multiple dwelling under subdivision 9 of [Multiple Dwelling Law § 4 \(Definitions\)](#) (exemption under subdivision 12 of [Real Property Law § 214 \(Covered housing accommodations\)](#)) ___; L. Unit is a dormitory owned and operated by an institution of higher education or a school (exemption under subdivision 13 of [Real Property Law § 214 \(Covered housing accommodations\)](#)) ___; M. Unit is within and for use by a religious facility or institution (exemption under subdivision 14 of [Real Property Law § 214 \(Covered housing accommodations\)](#)) ___; N. Unit has a monthly rent that is greater than the percent of fair market rent established in a local law of a village, town, or city, other than New York City, adopting the provisions of Article 6-A of the Real Property Law, known as the New York Good Cause Eviction Law, or 245 percent of the fair market rent, as applicable. Fair market rent refers to the figure published by the United States Department of Housing and Urban Development, for the county in which the housing accommodation is located, as shall be published by the Division of Housing and Community Renewal no later than August 1st in any given year. The Division of Housing and Community Renewal shall publish the fair market rent and 245 percent of the fair market rent for each unit type for which such fair market rent is published by the United States Department of Housing and Urban Development for each county in New York State in the annual publication required pursuant to subdivision 7 of [Real Property Law § 211 \(Definitions\)](#) (exemption under subdivision 15 of [Real Property Law § 214 \(Covered housing accommodations\)](#)) ___;

3.

IF THIS UNIT IS SUBJECT TO ARTICLE 6-A OF THE REAL PROPERTY LAW, KNOWN AS THE NEW YORK STATE GOOD CAUSE EVICTION LAW, AND THIS NOTICE SERVES TO

INFORM A TENANT THAT THE LANDLORD IS INCREASING THE RENT ABOVE THE THRESHOLD FOR PRESUMPTIVELY UNREASONABLE RENT INCREASES, WHAT IS THE LANDLORD'S JUSTIFICATION FOR INCREASING THE RENT ABOVE THE THRESHOLD FOR PRESUMPTIVELY UNREASONABLE RENT INCREASES? (A rent increase is presumptively unreasonable if the increase from the prior rent is greater than the lower of:

(a)

5 percent plus the annual percentage change in the consumer price index for all urban consumers for all items as published by the United States Bureau of Labor Statistics for the region in which the housing accommodation is located, as published not later than August 1st of each year by the Division of Housing and Community Renewal; or

(b)

10 percent.) (PLEASE MARK AND FILL OUT THE APPLICABLE RESPONSE) A. The rent is not being increased above the threshold for presumptively unreasonable rent increases described above: ___; B. The rent is being increased above the threshold for presumptively unreasonable rent increases described above: ___; B-1: If the rent is being increased above the threshold for presumptively unreasonable rent increases described above, what is the justification for the increase:

4. IF THIS UNIT IS SUBJECT TO ARTICLE 6-A OF THE REAL PROPERTY LAW, KNOWN AS THE NEW YORK STATE GOOD CAUSE EVICTION LAW, AND THIS NOTICE SERVES TO INFORM A TENANT THAT THE LANDLORD IS NOT RENEWING A LEASE, WHAT IS THE GOOD CAUSE FOR NOT RENEWING THE LEASE? (PLEASE MARK ALL APPLICABLE REASONS) A. This unit is exempt from Article 6-A of the Real Property Law, known as the New York State Good Cause Eviction Law, for the reasons stated in response to question 2, above (IF THIS ANSWER IS CHECKED, NO OTHER ANSWERS TO THIS QUESTION SHOULD BE CHECKED): ___; B. The tenant is receiving this notice in connection with a first lease or a renewal lease, so the landlord does not need to check any of the lawful reasons listed below for not renewing a lease under Article 6-A of the Real Property Law, known as the New York State Good Cause Eviction Law (IF THIS ANSWER IS CHECKED, NO OTHER ANSWERS TO THIS QUESTION SHOULD BE CHECKED) ___; C. The landlord is not renewing the lease because the unit is sublet and the sublessor seeks in good faith to recover possession of the unit for their own personal use and occupancy (exemption under subdivision 3 of [Real Property Law § 214 \(Covered housing accommodations\)](#)): ___; D. The landlord is not renewing the lease because the possession, use or occupancy of the unit is solely incident to employment and the employment is being or has been lawfully terminated (exemption under subdivision 4 of [Real Property Law § 214 \(Covered housing accommodations\)](#)): ___; E. The landlord is not renewing the lease because the

tenant has failed to pay rent due and owing, and the rent due or owing, or any part thereof, did not result from a rent increase which is unreasonable. A rent increase is presumptively unreasonable if the increase from the prior rent is greater than the lower of:

(a)

5 percent plus the annual percentage change in the consumer price index for all urban consumers for all items as published by the United States Bureau of Labor Statistics for the region in which the housing accommodation is located, as published not later than August 1st of each year by the Division of Housing and Community Renewal; or

(b)

10 percent (good cause for eviction under paragraph a of subdivision 1 of [Real Property Law § 216 \(Grounds for removal of tenants\)](#)): ___; F. The landlord is not renewing the lease because the tenant is violating a substantial obligation of their tenancy or breaching any of the landlord's rules and regulations governing the premises, other than the obligation to surrender possession of the premises, and the tenant has failed to cure the violation after written notice that the violation must cease within 10 days of receipt of the written notice. For this good cause to apply, the obligation the tenant violated cannot be an obligation that was imposed for the purpose of circumventing the intent of Article 6-A of the Real Property Law, known as the New York State Good Cause Eviction Law. The landlord's rules or regulations that the tenant has violated also must be reasonable and have been accepted in writing by the tenant or made a part of the lease at the beginning of the lease term (good cause for eviction under paragraph b of subdivision 1 of [Real Property Law § 216 \(Grounds for removal of tenants\)](#)): ___; G. The landlord is not renewing the lease because the tenant is either (a) committing or permitting a nuisance on the unit or the premises;

(b)

maliciously or grossly negligently causing substantial damage to the unit or the premises;

(c)

interfering with the landlord's, another tenant's, or occupants of the same or an adjacent building or structure's comfort and safety (good cause for eviction under paragraph c of subdivision 1 of [Real Property Law § 216 \(Grounds for removal of tenants\)](#)): ___; H. The landlord is not renewing the lease because the tenant's occupancy of the unit violates law and the landlord is subject to civil or criminal penalties for continuing to let the tenant occupy the unit. For this good cause to apply, a state or municipal agency having jurisdiction must have issued an order requiring the tenant to vacate the unit. No tenant shall be removed from possession of a unit on this basis 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 vacate order. If the landlord does not try to cure the conditions

causing the violation of the law, the tenant has the right to pay or secure payment, in a manner satisfactory to the court, to cure the violation. Any tenant expenditures to cure the violation shall be applied against rent owed to the landlord. Even if removal of a tenant is absolutely essential to the tenant's health and safety, the tenant shall be entitled to resume possession at such time as the dangerous conditions have been removed. The tenant also retains the right to bring an action for monetary damages against the landlord or to otherwise compel the landlord to comply with all applicable state or municipal housing codes (good cause for eviction under paragraph d of subdivision 1 of [Real Property Law § 216 \(Grounds for removal of tenants\)](#)): ___; I. The landlord is not renewing the lease because the tenant is using or permitting the unit or premises to be used for an illegal purpose (good cause for eviction under paragraph e of subdivision 1 of [Real Property Law § 216 \(Grounds for removal of tenants\)](#)): ___; J. The landlord is not renewing the lease because the tenant has unreasonably refused the landlord access to the unit for the purposes of making necessary repairs or improvements required by law or for the purposes of showing the premises to a prospective purchaser, mortgagee, or other person with a legitimate interest in the premises (good cause for eviction under paragraph f of subdivision 1 of [Real Property Law § 216 \(Grounds for removal of tenants\)](#)): ___; K. The landlord is not renewing the lease because the landlord seeks in good faith to recover possession of the unit for the landlord's personal use and occupancy as the landlord's principal residence, or for the personal use and occupancy as a principal residence by the landlord's spouse, domestic partner, child, stepchild, parent, step-parent, sibling, grandparent, grandchild, parent-in-law, or sibling-in-law. The landlord can only recover the unit for these purposes if there is no other suitable housing accommodation in the building that is available. Under no circumstances can the landlord recover the unit for these purposes if the tenant is (a) 65 years old or older; or

(b)

a "disabled person" as defined in subdivision 6 of [Real Property Law § 211 \(Definitions\)](#). To establish this good cause in an eviction proceeding, the landlord must establish good faith to recover possession of a housing accommodation for the uses described herein by clear and convincing evidence (good cause for eviction under paragraph g of subdivision 1 of [Real Property Law § 216 \(Grounds for removal of tenants\)](#)): ___; L. The landlord is not renewing the lease because the landlord in good faith seeks to demolish the housing accommodation. To establish this good cause in an eviction proceeding, the landlord must establish good faith to demolish the housing accommodation by clear and convincing evidence (good cause for eviction under paragraph h of subdivision 1 of [Real Property Law § 216 \(Grounds for removal of tenants\)](#)): ___; M. The landlord is not renewing the lease because the landlord seeks in good faith to withdraw the unit from the housing rental market. To establish this good cause in an eviction proceeding, the landlord must establish good faith to withdraw the unit from the rental housing market

by clear and convincing evidence (good cause for eviction under paragraph i of subdivision 1 of [Real Property Law § 216 \(Grounds for removal of tenants\)](#)): ___; N. The landlord is not renewing the lease because the tenant has failed to agree to reasonable changes at lease renewal, including reasonable increases in rent, and the landlord gave written notice of the changes to the lease to the tenant at least 30 days, but no more than 90 days, before the current lease expired. A rent increase is presumptively unreasonable if the increase from the prior rent is greater than the lower of:

- (a)** 5 percent plus the annual percentage change in the consumer price index for all urban consumers for all items as published by the United States Bureau of Labor Statistics for the region in which the housing accommodation is located, as published by August 1st of each year by the Division of Housing and Community Renewal; or
- (b)** 10 percent (good cause for eviction under paragraph j of subdivision 1 of [Real Property Law § 216 \(Grounds for removal of tenants\)](#)):___. * NB Effective August 18, 2024 *NB Repealed June 15, 2034

Source: Section 231-C — Good cause eviction law notice, <https://www.nysenate.gov/legislation/laws/RPP/231-C> (updated May 3, 2024; accessed Aug. 10, 2024).

McKinney's Consolidated **Laws of New York** Annotated

Real Property Law

Chapter 50. Of the Consolidated Laws

Article 6-a. **Good Cause Eviction Law** [Expires and Deemed Repealed June 15, 2034, Pursuant to L.2024, C. 56, Pt. HH, § 7]

McKinney's Real Property Law Ch. 50, Art. 6-A, Refs & Annos

Currentness

McKinney's Real Property Law Ch. 50, Art. 6-A, Refs & Annos, NY REAL PROP Ch. 50, Art. 6-A, Refs & Annos
Current through L.2024, chapters 1 to 220. Some statute sections may be more current, see credits for details.

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Article 6-a. Good Cause Eviction Law [Expires and Deemed Repealed June 15, 2034, Pursuant to L.2024, C. 56, Pt. HH, § 7] (Refs & Annos)

McKinney's Real Property Law § 210

§ 210. Short title

Effective: April 20, 2024

[Currentness](#)

<[Expires and deemed repealed June 15, 2034, pursuant to [L.2024, c. 56, pt. HH, § 7.](#)]>

This article shall be cited as the “good cause eviction law”.

Credits

(Added [L.2024, c. 56, pt. HH, § 1, eff. April 20, 2024.](#))

McKinney's Real Property Law § 210, NY REAL PROP § 210

Current through [L.2024](#), chapters 1 to 220. Some statute sections may be more current, see credits for details.

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McKinney's Real Property Law § 211

§ 211. Definition

Effective: April 20, 2024

[Currentness](#)

<[Expires and deemed repealed June 15, 2034, pursuant to [L.2024, c. 56, pt. HH, § 7.](#)>

1. The term “housing accommodation”, as used in this article shall mean any residential premises, including any residential premises located within a mixed-use residential premises.

2. The term “landlord” as used in this article shall mean any fee owner, lessor, sublessor, assignor, court appointed receiver, or any other person or entity receiving or entitled to receive rent for the occupancy of any housing accommodation or an agent of any of the foregoing.

3. (a) The term “small landlord” as used in this article shall mean a landlord of no more than (i) ten units in the state, or (ii) such other number of units in the state designated by local law pursuant to [paragraph \(b\) of subdivision two of section two hundred thirteen](#) of this article.

(b) If a landlord is a single natural person, then that landlord is a small landlord if they own or are a beneficial owner of, directly or indirectly, in whole or in part, no more than the number of units established pursuant to [paragraph \(a\) of this subdivision](#); if there is more than one natural person owner, then no one person may own or be a beneficial owner of, directly or indirectly, in whole or in part, more than the number of units established pursuant to [paragraph \(a\) of this subdivision](#).

(c) If a landlord is an entity, organized under the laws of this state or of any other jurisdiction, then that landlord is a small landlord if each natural person with a direct or indirect ownership interest in the entity or any affiliated entity owns no more than the number of units established pursuant to [paragraph \(a\) of this subdivision](#). If an entity cannot provide the names of all natural persons with a direct or indirect ownership interest in the entity, such entity shall not qualify as a small landlord.

4. The term “tenant” as used in this article shall mean a tenant, sub-tenant, lessee, sublessee, or any other person entitled to the lawful possession, use or occupancy of any housing accommodation. An individual shall not be considered a tenant for the purposes of this article if:

(a) no landlord-tenant relationship exists, as established pursuant to any of the grounds set forth in [section seven hundred thirteen of the real property actions and proceedings law](#); or

(b) the individual is an occupant, as defined in [paragraph \(b\) of subdivision one of section two hundred thirty-five-f](#) of this chapter, who has not received the landlord's express or implied consent to use the housing accommodation as their primary residence in exchange for payment of rent.

5. 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. The term “rent” shall not include any separate charges for services, amenities or facilities which the tenant pays in addition to rent, including but not limited to charges for fitness centers, parking, storage, or facility rentals, provided that such charges are not imposed or increased for the purposes of circumventing this article.

6. The term “disabled person” as used in this article shall mean a person who has an impairment which results from anatomical, physiological or psychological conditions, other than addiction to alcohol, gambling, or any controlled substance, which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques, and which are expected to be permanent and which substantially limit one or more of such person's major life activities.

7. The term “inflation index” shall mean five percent plus the annual percentage change in the consumer price index for all urban consumers for all items as published by the United States bureau of labor statistics for the region in which the housing accommodation is located, as established for the most recent preceding calendar year as shall be published by the division of housing and community renewal no later than the first of August in any given year, provided further that for New York city and any village, town, or city that adopts the provisions of this article by local law pursuant to [subdivision one of section two hundred thirteen](#) of this article in the counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester, such consumer price index shall be the New York-Newark-Jersey City, NY-NJ-PA consumer price index, and provided further that for any other village, town, or city that adopts the provisions of this article by local law pursuant to [subdivision one of section two hundred thirteen](#) of this article, such consumer price index shall be the Northeast Region consumer price index.

8. The term “local rent standard” shall mean a rent increase equal to the inflation index or ten percent, whichever is lower.

Credits

(Added L.2024, c. 56, pt. HH, § 1, eff. April 20, 2024.)

McKinney's Real Property Law § 211, NY REAL PROP § 211

Current through L.2024, chapters 1 to 220. Some statute sections may be more current, see credits for details.

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McKinney's Real Property Law § 212

§ 212. Applicability in the city of New York

Effective: April 20, 2024

[Currentness](#)

<[Expires and deemed repealed June 15, 2034, pursuant to [L.2024, c. 56, pt. HH, § 7.](#)]>

Upon the effective date of this section, this article shall apply to the city of New York.

Credits

(Added [L.2024, c. 56, pt. HH, § 1, eff. April 20, 2024.](#))

McKinney's Real Property Law § 212, NY REAL PROP § 212

Current through [L.2024, chapters 1 to 220](#). Some statute sections may be more current, see credits for details.

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McKinney's Real Property Law § 213

§ 213. Voluntary participation by local governments outside the city of New York

Effective: April 20, 2024

[Currentness](#)

<[Expires and deemed repealed June 15, 2034, pursuant to [L.2024, c. 56, pt. HH, § 7.](#)>

1. Applicability. This article shall apply in any village, town, or a city, other than the city of New York, that, acting through its local legislative body, adopts the provisions of this article by local law.

2. Opt-in by a village, town, or city, other than the city of New York. A village, town, or city that adopts the provisions of this article by local law pursuant to subdivision one of this section may:

(a) provide that any unit on or within a housing accommodation shall be exempt from the provisions of this article if such unit has a monthly rent above a percent of fair market rent, as published by the United States department of housing and urban development and as shall be published for each county in the state by the division of housing and community renewal pursuant to [subdivision fifteen of section two hundred fourteen](#) of this article, that shall be established in the local law adopted pursuant to subdivision one of this section, provided that if such local law does not establish such percent of fair market rent, any unit on or within a housing accommodation with a monthly rent greater than two hundred forty-five percent of such fair market rent shall be exempt from the provisions of this article; and/or

(b) define “small landlord” as a landlord of no more than any number of units in the state that the village, town, or city enacts by local law, provided that if such local law does not define “small landlord,” a “small landlord” shall mean a landlord of no more than ten units in the state.

3. Notwithstanding the foregoing provisions of this section, if a town and a village within such town both adopt the provisions of this article by local law pursuant to subdivision one of this section, the local law adopted by such town shall not apply within the territorial limits of a village within such town.

4. Nothing in this section shall permit a village, town, or city to which this article applies to preempt or alter the terms and provisions of this article within such village, town or city.

5. Within thirty days of receipt of a local law adopted pursuant to subdivision one of this section, and filed with the department of state pursuant to [section twenty-seven of the municipal home rule law](#), the department of state shall notify the division of housing and community renewal of such adoption.

6. The division of housing and community renewal shall include in the annual publication required pursuant to [subdivision seven of section two hundred eleven](#) of this article a list including any village, town, or city, other than the city of New York, as to which the division of housing and community renewal has received the notice from the department of state required pursuant to subdivision five of this section indicating that such village, town, or city has adopted a local law pursuant to subdivision one of this section to apply the provisions of this article within such village, town, or city. Such list shall include the name of each village, town, or city that has adopted such a local law, the applicable fair market rent threshold within such village, town, or city for exemption from the provisions of this article established pursuant to paragraph (a) of subdivision two of this section, and the applicable definition of small landlord within such village, town, or city established pursuant to paragraph (b) of subdivision two of this section.

Credits

(Added L.2024, c. 56, pt. HH, § 1, eff. April 20, 2024.)

McKinney's Real Property Law § 213, NY REAL PROP § 213

Current through L.2024, chapters 1 to 220. Some statute sections may be more current, see credits for details.

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McKinney's Real Property Law § 214

§ 214. Covered housing accommodations

Effective: April 20, 2024

[Currentness](#)

<[Expires and deemed repealed June 15, 2034, pursuant to [L.2024, c. 56, pt. HH, § 7.](#)]>

Where this article applies, it shall apply to all housing accommodations except a:

1. premises owned by a small landlord provided that in connection with any eviction proceeding in which the landlord claims an exemption from the provisions of this article on the basis of being a small landlord, such landlord shall provide to the tenant or tenants subject to the proceeding the name of each natural person who owns or is a beneficial owner of, directly or indirectly, in whole or in part, the housing accommodation at issue in the proceeding, the number of units owned, jointly or separately, by each such natural person owner, and the addresses of any such units, excluding each natural person owner's principal residence; provided further that if the landlord is an entity, organized under the laws of this state or of any other jurisdiction, then such landlord shall provide to the tenant or tenants subject to the proceeding the name of each natural person with a direct or indirect ownership interest in such entity or any affiliated entity, the number of units owned, jointly or separately, by each such natural person owner, and the addresses of any such units, excluding each natural person owner's principal residence;
2. owner-occupied housing accommodation with no more than ten units;
3. unit on or within a housing accommodation where such unit is sublet pursuant to [section two hundred twenty-six-b](#) of this chapter, or otherwise, where the sublessor seeks in good faith to recover possession of such housing accommodation for their own personal use and occupancy;
4. unit on or within a housing accommodation where the possession, use or occupancy of which is solely incident to employment and such employment is being or has been lawfully terminated;
5. unit on or within a housing accommodation where such unit is otherwise subject to regulation of rents or evictions pursuant to local, state or federal law, rule, or regulation;
6. unit on or within a housing accommodation where such unit must be affordable to tenants at a specific income level pursuant to statute, regulation, restrictive declaration, or pursuant to a regulatory agreement with a local, state, or federal government entity;

7. unit on or within a housing accommodation owned as a condominium or cooperative, or a unit on or within a housing accommodation subject to an offering plan submitted to the office of the attorney general, provided that nothing herein shall abrogate or otherwise limit any rights or obligations a tenant residing in a unit within a condominium or cooperative or a purchaser, owner, or offeror of a condominium or cooperative unit has pursuant to any other state law;
8. housing accommodation for which a temporary or permanent certificate of occupancy was issued on or after the first of January, two thousand nine, for a period of time of thirty years following issuance of such certificate;
9. unit on or within a housing accommodation that qualifies as a seasonal use dwelling unit pursuant to [subdivisions four and five of section 7-108 of the general obligations law](#);
10. housing accommodation in a hospital as defined in [subdivision one of section twenty-eight hundred one of the public health law](#), continuing care retirement community licensed pursuant to article forty-six or forty-six-A of the public health law, assisted living residence licensed pursuant to article forty-six-B of the public health law, adult care facility licensed pursuant to article seven of the social services law, senior residential community that have submitted an offering plan to the attorney general, and not-for-profit independent retirement community that offer personal emergency response, housekeeping, transportation and meals to their residents;
11. manufactured home located on or in a manufactured home park as defined in [section two hundred thirty-three of the real property law](#);
12. hotel room or other transient use covered by the definition of a class B multiple dwelling under [subdivision nine of section four of the multiple dwelling law](#), regardless of whether such use is located in a jurisdiction in which the multiple dwelling law applies;
13. dormitory owned and operated by an institution of higher education or a kindergarten and grades 1 to 12, inclusive, school;
14. housing accommodation within and for use by a religious facility or institution; and
15. unit on or within a housing accommodation where the monthly rent is greater than the percent of fair market rent established pursuant to [paragraph \(a\) of subdivision two of section two hundred thirteen](#) of this article in a local law of a village, town, or city, other than the city of New York, adopting the provisions of this article pursuant to [subdivision one of section two hundred thirteen](#) of this article, or two hundred forty-five percent of the fair market rent, provided that fair market rent shall refer to the figure published by the United States department of housing and urban development, for the county in which the housing accommodation is located, as shall be published by the division of housing and community renewal no later than the first of August in any given year. The division of housing and community renewal shall publish the fair market rent and two hundred forty-five percent of the fair market rent for each unit type for which such fair market rent is published by the United States department of housing and urban development for each county in New York state in the annual publication required pursuant to [subdivision seven of section two hundred eleven](#) of this article.

Credits

(Added L.2024, c. 56, pt. HH, § 1, eff. April 20, 2024.)

McKinney's Real Property Law § 214, NY REAL PROP § 214

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McKinney's Real Property Law § 215

§ 215. Necessity for good cause

Effective: April 20, 2024

[Currentness](#)

<[Expires and deemed repealed June 15, 2034, pursuant to L.2024, c. 56, pt. HH, § 7.]>

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 accommodations covered by [section two hundred fourteen](#) of this article except for good cause as defined in [section two hundred sixteen](#) of this article.

Credits

(Added L.2024, c. 56, pt. HH, § 1, eff. April 20, 2024.)

McKinney's Real Property Law § 215, NY REAL PROP § 215

Current through L.2024, chapters 1 to 220. Some statute sections may be more current, see credits for details.

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McKinney's Real Property Law § 216

§ 216. Grounds for removal of tenants

Effective: April 20, 2024

[Currentness](#)

<[Expires and deemed repealed June 15, 2034, pursuant to L.2024, c. 56, pt. HH, § 7.]>

1. No landlord shall remove a tenant from any housing accommodation covered by [section two hundred fourteen](#) of this article, 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:

(a)(i) 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 which is unreasonable. In determining whether all or part of the rent due and owing is the result of an unreasonable rent increase, it shall be a rebuttable presumption that the rent for a dwelling not protected by rent regulation is unreasonable if said rent has been increased in any calendar year, after the effective date of this article, or after the effective date of the local law in any village, town, or city that enacts such local law to apply this article to such village, town, or city pursuant to [subdivision one of section two hundred thirteen](#) of this article, by an amount greater than the local rent standard, provided further that no rent increase less than or equal to the local rent standard shall be deemed unreasonable.

(ii) Whenever a court considers whether a rent increase is unreasonable, the court may consider all relevant facts, including but not limited to a landlord's costs for fuel and other utilities, insurance, and maintenance; but in all cases, the court shall consider the landlord's property tax expenses and any recent increases thereto; such relevant facts also shall include whether the landlord, other than in circumstances governed by paragraph (d) of this subdivision, seeks in good faith to raise the rent upon a renewal lease to reflect completed significant repairs to the housing accommodation, or to any other part of the building or real property in which the housing accommodation is located, provided that the landlord can establish that the repairs constituted significant repairs and that such repairs did not result from the landlord's failure to properly maintain the building or housing accommodation, and provided further that for the purposes of this subparagraph, "significantly repair" means the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a governmental agency, or abatement of hazardous materials, including lead-based paint, mold, or asbestos in accordance with applicable federal, state, and local laws, and provided further cosmetic improvements alone, including painting, decorating, and minor repairs, do not qualify as significant repairs;

(b) The tenant is violating a substantial obligation of their tenancy or breaching any of the landlord's rules and regulations governing said premises, 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 and provided such rules or regulations are reasonable and have been accepted in writing by the tenant or made a part of the lease at the beginning of the lease term;

(c) The tenant is committing or permitting a nuisance in such housing accommodation, or elsewhere in the building or on the real property in which the housing accommodation is located, or is maliciously or by reason of gross negligence substantially damaging the housing accommodation, or causing substantial damage elsewhere in the building or on the real property in which the housing accommodation is located; or the tenant's conduct is such as to interfere with the comfort and safety of the landlord or other tenants or occupants of the same or another adjacent building or structure;

(d) 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 an agency of the state or municipality having jurisdiction 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 vacate order. 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 such tenant's 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 or to otherwise compel compliance by the landlord with all applicable state or municipal housing codes;

(e) The tenant is using or permitting the housing accommodation, or elsewhere in the building or on the real property in which the housing accommodation is located, to be used for an illegal purpose;

(f) 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;

(g) The landlord seeks in good faith to recover possession of a housing accommodation for the landlord's own personal use and occupancy as the landlord's principal residence, or the personal use and occupancy as principal residence of the landlord's spouse, domestic partner, child, stepchild, parent, stepparent, sibling, grandparent, grandchild, parent-in-law or sibling-in-law, when no other suitable housing accommodation in such building is available, provided that no judgment in favor of the landlord may be granted pursuant to this paragraph unless the landlord establishes good faith to recover possession of a housing accommodation for the landlord's own personal use and occupancy as the landlord's principal residence, or the personal use and occupancy as a principal residence of the landlord's spouse, domestic partner, child, stepchild, parent, stepparent, sibling, grandparent, grandchild, parent-in-law or sibling-in-law, by clear and convincing evidence. This paragraph shall not apply to a housing accommodation occupied by a tenant who is sixty-five years of age or older or who is a disabled person;

(h) The landlord in good faith seeks to demolish the housing accommodation, provided that no judgment in favor of the landlord may be granted pursuant to this paragraph unless the landlord establishes good faith to demolish the housing accommodation by clear and convincing evidence;

(i) The landlord seeks in good faith to withdraw a housing accommodation from the housing rental market, provided that no judgment in favor of the landlord may be granted pursuant to this paragraph unless the landlord establishes good faith to withdraw the housing accommodation from the housing rental market by clear and convincing evidence; or

(j) The tenant fails to agree to reasonable changes to a lease at renewal, including increases in rent that are not unreasonable as defined in paragraph (a) of this subdivision, as long as written notice of the changes to the lease were provided to the tenant at least thirty days, but no more than ninety days, prior to the expiration of the current lease.

2. A tenant required to surrender a housing accommodation by virtue of the operation of paragraph (g), (h), or (i) of subdivision one 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, removal from the rental housing market, or demolition of the housing accommodation. In any action or proceeding brought pursuant to this subdivision a prevailing tenant shall be entitled to recovery of actual damages, and reasonable attorneys' fees. Except as provided in this subdivision, nothing in this article shall create a civil claim or cause of action by a tenant against a landlord.

3. 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](#) where applicable.

Credits

(Added L.2024, c. 56, pt. HH, § 1, eff. April 20, 2024.)

McKinney's Real Property Law § 216, NY REAL PROP § 216

Current through L.2024, chapters 1 to 220. Some statute sections may be more current, see credits for details.

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McKinney's Real Property Law § 217

§ 217. Preservation of existing requirements of law

Effective: April 20, 2024

[Currentness](#)

<[Expires and deemed repealed June 15, 2034, pursuant to [L.2024, c. 56, pt. HH, § 7.](#)>

No action shall be maintainable and no judgment of possession shall be entered for housing accommodations pursuant to [section two hundred sixteen](#) of 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.

Credits

(Added [L.2024, c. 56, pt. HH, § 1, eff. April 20, 2024.](#))

McKinney's Real Property Law § 217, NY REAL PROP § 217

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McKinney's Real Property Law § 218

§ 218. Waiver of rights void

Effective: April 20, 2024

[Currentness](#)

<[Expires and deemed repealed June 15, 2034, pursuant to [L.2024, c. 56, pt. HH, § 7.](#)]>

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.

Credits

(Added [L.2024, c. 56, pt. HH, § 1, eff. April 20, 2024.](#))

McKinney's Real Property Law § 218, NY REAL PROP § 218

Current through [L.2024](#), chapters 1 to 220. Some statute sections may be more current, see credits for details.

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Appendix 2: Interview notes from other municipalities

Five municipalities throughout New York State who passed Good Cause Eviction legislation were contacted by email and/or phone. The five municipalities include the City of Albany, the City of Beacon, the City of Ithaca, the City of Newburg and the City of Poughkeepsie. Municipalities were asked a series of questions relating to their input process. The questions are listed below.

Key Questions for other municipalities:

1. What did your public input process look like?
2. What arguments did you hear in favor of creating/adopting GCE legislation?
3. Was there any opposition to GCE?
4. How is implementation going?
5. Have you seen any impact of city administration?

Beacon

Information received from City of Beacon Councilmember

The City Council of Beacon put forth Good Cause legislation a few years ago. The City of Beacon's Attorney stated that Good Cause Eviction was unconstitutional and would not stand up in court but the legislation passed. The City Attorney was correct and Good Cause Eviction was challenged along with several other municipalities. The Beacon Common Council recently opted into the New York Good Cause Eviction making changes to the only two changeable options:

1. Renters who pay less than 345% (instead of 245%) of fair market rate in Dutchess County.
2. Landlords who own more than one rental unit (compared to 10).

Ithaca

Good Cause Eviction legislation was introduced to the Common Council of Ithaca by Mayor Cantelmo and adopted in July, two months after the Albany legislation passed. The City of Ithaca had considered passing Good Cause Eviction prior to Albany's decision to pass legislation. The Common Council of Ithaca held two public forums along with holding community conversations with landlords and other key stakeholders. Opposition to Good Cause Eviction was from landlords. Two out of ten members of the Common Council of Ithaca were opposed to Good Cause Eviction.

Ithaca grappled with comparing the size of Ithaca to New York City and implementing ten or fewer properties to cover a large number of renters. Ithaca lowered the threshold to include more than one unit. The City implemented the **Right to Counsel** for those facing eviction.

Albany, Poughkeepsie, and Newburg

The City of Albany, the City of Poughkeepsie and the City of Newburgh have yet to respond.

Appendix 3: Overview of City Council Good Cause Eviction Hearings

Aeon Missionary Baptist Church – July 29, 2024 6:00pm-8:00pm

Attendees:

Mike Pirkind, Cecily Hayes, Jesse Miver, Asa Adams, Bob Anderson, Ruth Wilson, Laurie Mahoney, Karen Wilder, Cynthia Focell, Naja McGriff, Mercedes Vasquez Simmons, Bernard Blur, Josen Osea, Ann C. Lewis, Samantha Dinga, Ember Mendez, Ershine Mero, Grace Law, Rome Leen, Liz McGriff, Oscar Brewer, J. Nesmith Leisure, Kimberly Justice, Lauren Floyd, John Lindsey, Crissy Miller, Jay Molis, Leem Moore, Diane Tanner, Ruby Manor, Barbara, David Atlas, Ryan Acoff, Willie Suda, Bob Thompson, Janet Collinger, Nakisha Ward, Justin Kimberling.

- # of speakers **30**
- # of attendees **38**
- # of favor: **29**
- # opposed: **1**

Summary of Comments in Favor:

- Tenants would like to see Council approve a stronger version of GCE to protect residents living in less than 10 units. Refer to the other municipalities who already passed GCE (Albany, Poughkeepsie, etc.) **(29 people in favor)**
- Housing is a human right. **(5 people)**
- Tenants advocated for the need for housing stability. **(3 people)**
- Homelessness is increasing due to the increase in evictions. **(3 people)**
- Close the LLC loophole for landlords. **(2 people)**
- Too many out of state and out of the country landlords. **(2 people)**
- Tenant education is needed on the impact of Good Cause Eviction.
- Housing is related to crime. The majority of evictions take place in certain areas (zip codes) and we are experiencing an increase in crime
- Residents are concerned with the increases in rent and there is no change in their income.
- Tenants lack representation with going to court. Many fear eviction/retaliation if they ask the landlord for maintenance/repairs.
- Trauma is related to housing instability.
- Rental increases with no adjustment in income.
- Greed is motivating rental increases.
- We need more affordable housing.
- There is too much housing decay already. Rent is too much money; no one should have to pay 2,000 for a one-bedroom apartment.
- Lack of resources for tenants needing rental assistance.
- Rents increase to the maximum amount when there is no rent control.

Summary of Comments Opposed:

- One landlord spoke against GCE. The landlord questioned should the City reimburse the landlord if the tenants do not pay. Landlords are not receiving assistance and they are taking too many financial losses. The main issue of this proposed law is that it releases property owners from their rights. The law allows temporarily giving rights to the tenant, but it is unlawful for the City to force landlords to give up those rights permanently. [Mentions case law from St. Paul that clearly violated the law]. If this were to pass, the City would be inundated with lawsuits. While this would be fought in the courts, renters would suffer.

Public Market - August 13, 2024 6:00pm-8:00pm

Attendees:

Maria Gomez, Justin Keibler-King, Cassandra Christia, Cady Glaubinger, Naja McGriff, Vivica Smith, Sarah Farmer, Mara Budd, Alex Reynolds, Sammy Boyd, Barb Helfrick, Zak Deardorff, Amon Hudson, Spurgeon Bowen, Jeff Rahn, Maria Spain, Shita Philips, Nilsah Hernandez, Shirley Moralez, Nyasia Wilson, Robert Fort, Pathya Blandington, Luzanne Rivers, Esther Rivkin, Majid Dunson, Lien Marron, Kate Main, Bob Snow, Cheryl Robinson, Elizabeth McGriff, T. Hightower, Ed Ripkin, Ben Heart, Elizabeth Hudson, Pam Hurley, Ryan Acuff, Walt Whitman

- # of speakers **20**
- # of attendees **41**
- # of favor: **17**
- # opposed: **3**

Summary of Comments in Favor:

- Tenants would like to see Council approve a stronger version of GCE to protect residents living in less than 10 units. Refer to the other municipalities who already passed GCE (Albany, Poughkeepsie, etc.) **(18 people)**
- Tenants want housing stability. **(4 people)**
- Housing is a human right. **(3 people)**
- Renters felt the City is mismanaging resources by allowing large corporations to purchase properties. Close the LLC loophole **(3 people)**
- Homelessness is increasing due to the increase in evictions.
- Consider the long-term consequences of housing instability
- Residents are concerned and are in fear of retaliation for reporting repairs.
- Concerns about the legislation being held in committee
- Tenant shared that the eviction process is difficult, Landlords want to protect themselves against tenants and tenants want housing stability.
- Rental increases with no adjustment in income.
- Lack of resources for tenants needing rental assistance.
- Rents increase to the maximum amount when there is no rent control.

Summary of Comments Opposed:

- A landlord questioned the purpose of the lease. Feels that contractual agreement should be on both sides (landlord and tenant).

- GCE is rent control in disguise. Questioned free market (predictable rent increase and incentives for landlords to have five-year leases) vs pro-business for landlords. Feels that GCE tips the scale that is one-sided.
- GCE is unconstitutional. Review the 1st and 14th Amendment. Review court case City of Minneapolis vs Paul Magden (unsure of spelling) whereby the City was issued an injunction. The law allows temporarily giving rights to the tenant, but it is unlawful for the City to force landlords to give up those rights permanently.

Ryan R-Center - August 14, 2024 6:00pm-8:00pm

Attendees:

Esther Rivkin, Mev McMahon, Daniel Moore, Isabel Rosa, M. Morales, Rebecca Patton, John Linkley, Matt Seidel, Patricia Partridge, Debbi Keller, Lee Sengbush, Sara Catlin, Mirian Valdar Copa, Kattia Nosra, Scott Briggs, Cassandra Christia, Matthew Simpson, Gerrod Strickland, M. Sekette, Rome Cecil, Lisa Reagan, Edwin Rodriguez, Kevin Lockhart, Wanda Cooper, Christina Chavez, Lisa Coleman, Peter Peters, Ryan Acuff, Brett Arnold, Hubert W., Mary Coffey, Lilly Suda, Ben Hart, Cecelia Hart, Oscar Brewer, Asa Adams, Elizabeth McGriff, Travis, Renetta Brown, Majid Dunson, Alexa Kaminski, Jack Mottley.

- # of speakers **28**
- # of attendees **42**
- # of favor: **26**
- # opposed: **2**

Summary of Comments in Favor:

- Tenants would like to see Council approve a stronger version of GCE to protect residents living in less than 10 units. Refer to the other municipalities who already passed GCE (Albany, Poughkeepsie, etc.) **(26 people)**
- Renters felt the City is mismanaging resources by allowing large corporations to purchase properties. Close the LLC loophole. **(2 people)**
- High rent with no increase in income. **(2 people)**
- Rochester is a segregated community. Lawyers are needed to protect the people. It is the rich vs. the poor. **(2 people)**
- There are too many large corporations benefiting from the rental market. Larger companies are purchasing apartment buildings for their staff, which decreases the housing stock.
- Tenants need security. Stop putting businesses over people.
- GCE is good for public health and for the children. Children need stability.
- Concerns shared about rent for seniors with fixed incomes.
- Greed is motivating rental increases.
- Consider the long-term consequences of housing instability.
- Lack of resources for tenants needing rental assistance.
- Council should work with the judges to decrease the number of evictions.
- Legal system overly supports property owners who have money.
- Accountability needed for bad landlords and bad tenants.
- Fear of retaliation when a problem is reported and the landlord does not fix it.
- Housing is a human right.

- Nobody can be foreclosed on without cause. All we're asking for is the same thing that every member on Council has, every homeowner has. Whether we're wealthy or we're rich, everyone deserves the same thing and that is housing stability.
- GCE is the bare minimum that people are asking for. Tenant moved to Rochester from Arizona for housing and shared that housing instability is exhausting.
- Poverty is linked to housing instability, mental health and trauma
- Homelessness is increasing.

Summary of Comments Opposed

- Landlords are being stereotyped and people think that we are bad. We have bills to pay too.
- Opposed to GCE, but in favor of incentives for "good" landlords receiving assistance and grants to help fix damages and bring properties up to code.
- GCE is unconstitutional. Council should review the 1st and 14th Amendment and review court case City of Minneapolis vs Paul Magden (unsure of spelling) whereby the City was issued an injunction. The law allows temporarily giving rights to the tenant, but it is unlawful for the City to force landlords to give up those rights permanently.

Edgerton - August 27, 2024 6:00pm-8:00pm

Attendees:

Nick Roger, M. Smith, Richard Hausen, Esther Arnold, Michael brown, Kim Hare, E.J Cook Lorraine Howard, Ryan Corrigan, Kyle L., Tracie, Adams, Anas, Kira W., Krystal, Jackie Longhart, Michael Sloan, Cassandra Christia, Pat Burks, Monwell Floyd, Jance Rodriguez, Bill Self, Vanessa Phillips, Jeff Flanagan, Pedro B. Chris Adams, Cheryl Robinson, Angela Wallace, Elaine Smith, Oscar Brewer, Elizabeth McGriff, Dave Sutliff Alias, Nero, Justine Harris, Isabel Rosa, Marilyn Schuttle, Lisa Reagan, Clay Harris, Yadira Susseth, Lisa Coleman, Karen Foy, Beth Leidlaw, Matt Seidel, Terry Schnarr, Jay Molis, Dan Laudadio, Glenn Brimsley. Marcia Reaver, Alp Bilentes, Joe Maxim, Martha Maxwell, John Lindsay

- # of speakers **26**
- # of attendees **53**
- # of favor: **23**
- # opposed: **3**

Summary of Comments in Favor

- Tenants would like to see Council approve a stronger version of GCE to protect residents living in less than 10 units. Refer to the other municipalities who already passed GCE (Albany, Poughkeepsie, etc.) **(20 people)**
- Landlords have rights, but they do not have the right to abuse citizens with code violations and a great amount of rent increases. Our City government should not give them the right to abuse their citizens
- One of the things I read about Good Cause was that it was according to a lease. Many people in Edgerton do not have leases, what are they expected to do. The Good Cause Eviction law says to not compromise the safety of tenants, but it is not just tenants, it's also the neighbors.

- We are on track to have 1,000+ evictions this year. School is starting September 5th. There is too much housing decay already. Rent is too much money; no one should have to pay 2,000 for a one-bedroom apartment.
- The courts are backlogged with evictions, and it is costly to pick the wrong tenant. One of the biggest questions I have is: how do I prove to the City that the tenant is disruptive? How many people does the City have to go over paperwork? This is more bureaucracy. It is unfair to my good tenants. It just means there will be less housing available for good tenants.
- Good Cause is a good idea if you roll other things into it. We need more affordable housing. The plan to demolish units deemed to be unrestorable with no backup is not sustainable.
- I am a renter; I need some kind of security. I would like to be a homeowner, but I need to know that my landlord cannot just evict me for no good reason. I just received a letter to say that my lease has been renewed, but rent has increased by \$300. I'll have to skip meals even more now.
- Get rid of the current loophole that exempts landlords with one or fewer property. Let decent landlords join our side.
- The County gave a 20-year pilot agreement for Erie Harbor to Conifer, and Erie Harbor sits half-empty. Taxpayers are subsidizing Conifer. This month in 3 days, they received 700 requests, and could only fulfill 12. Good Cause is not only necessary, it's urgent. Stop subsidizing wealthy developers, and start subsidizing truly affordable housing for renters.
- Nobody can be foreclosed on without cause. All we're asking for is the same thing that every member on Council has, every homeowner has. Whether we're wealthy or we're rich, everyone deserves the same thing.
- My machine at home beeps and makes noise, it disturbs the neighbors. Will I be facing evictions? That makes me very nervous. I'll be 70, where will I go – will I be homeless again like after the fire? We need help so that we can stay in our homes.
- Good Cause Eviction is not a rent cap, it is a defense in court for your landlord kicking you out for no good reason or increasing rent greater than an 8.4% increase. This will probably decrease evictions and make it easier.
- A moment of silence for the children that have been evicted in this community, a moment of silence for those who are waiting for a court decision, a moment of silence for those waiting for a knock at the door, and a moment of silence for those who are waiting for eviction.
- I can't see any other reason way to drag this out for months and months. And landlords are coming out saying that they can't pay their bills. You have people out on the streets. The only way it can happen is if the government subsidizes this. You have to know this, this is just a hoop to jump through for people to have stable housing.
- Can we agree that the rent is too damn high hear in Rochester, NY? Evictions – I'm speaking from my own experience, they hurt. It is time for a change.
- Why is there not a good program with move-in and move-out – when someone moves out, the property is looked over and there is a strict supervision of the program. Somehow there has to be a happy medium to keep it under control. In the City, a lot of properties are not up to code, we need more Code Inspectors.
- My concern is that if you don't have short-term rental regulation along with this, then it's going to be unsustainable. The rental situation is going to be even worse in the South Wedge, and it's much more lucrative. I would urge you to pair this with short-term rental regulation. I'm also concerned with the homeownership rate.
- There's a limitation of the percent that landlords can increase. You have now voted for

property value increases to kick in at 40%, 50%, 60%. You didn't consider long-term impact.

- I'm facing my 3rd no-cause eviction in 2 years. You guys have the power to keep my family in my home. This has been extremely stressful to my children and me. They can't focus in school. Please do this for our family.

Summary of Comments Opposed:

- We've got to have lateral movement to consider bad tenants. We have to address not just cause for eviction, but also how to document all the problems these people have caused.
- When I have a tenant that doesn't pay, I'm very considerate, but I can't have their problems be my problems. Anything that the City would do to put a tenant who can't pay my bills in my property would be unreasonable. That's what I'm asking for, to not have restrictions for me to have a tenant to pay my bills.
- Rental units are being taken off the market, and rent control leads to larger rent increases and gentrification of the neighborhoods. The main issue of this proposed law is that it releases property owners from their rights. The law allows temporarily giving rights to the tenant, but it is unlawful for the City to force landlords to give up those rights permanently. [Mentions case law from St. Paul that clearly violated the law]. If this were to pass, the City would be inundated with lawsuits. While this would be fought in the courts, the only ones who would truly suffer are the renters.
- Good Cause eviction completely negates what makes a lease a lease. If you and I sign a contract, 20 years from now you're not free to leave. What you're granting me is not a lease, it's a deed. I ask you to object this assault on the Constitution and to support the Constitution.
- Many are afraid to speak up. Get rid of the bad landlords but end the bad tenants. Do you have judges all lined up to get rid of the bad people?
- Landlords have a responsibility and tenants have a responsibility. Everybody has responsibilities. When the City does stuff like raising taxes, do you jump down their throats? I am. City comes and inspects my buildings, but on Park Ave, they don't have to inspect their buildings. How's that fair? Let's be responsible.

Appendix 4: List of Speakers from City Council Good Cause Eviction Hearings

Name	Forums Attended	Forums Spoke
Mike Pirkind	S	
Cecily Hayes	S	
Jesse Miver	S	
Asa Adams	S, E	S, E
Bob Anderson	S	
Ruth Wilson	S	
Laurie Mahoney	S	
Karen Wilder	S	
Cynthia Focell	S	
Naja McGriff	S, NE	S, NE
Mercedez Vasquez Simmons	S	
Bernard Blur	S	
Josen Osea	S	
Ann C. Lewis	S	
Samantha Dinga	S	S
Ember Mendez	S	
Ershine Mero	S	
Grace Law	S	
Rome Leen	S	
Liz McGriff	S, NW, NE,	S, NW, NE,
Oscar Brewer	S, E, NW	S, E, NW
J. Nesmith Leisure	S	S
Kimberly Justice	S	S
Lauren Floyd	S	S
John Lindsey	S	S
Crissy Miller	S	S
Jay Molis	S	S
Leem Moore	S	S
Diane Tanner	S	S
Ruby Manor	S	S
Barbara	S	S
David Atlas	S, NW	S, NW
Ryan Acoff	S, NE, E	S, NE, E
Willie Suda	S	S
Bob Thompson	S	S
Janet Collinger	S	S
Nakisha Ward	S	S
Justin Kimberling	S	S
Cady Glaubinger	NE	
Maria Gomez	NE	NE
Justin Keibler-King	NE	NE
Cassandra Christia	NE, E, NW	
Vivica Smith	NE	

Name	Forums Attended	Forums Spoke
Sarah Farmer	NE	NE
Mara Budd	NE	NE
Alex Reynolds	NE	NE
Sammy Boyd	NE	
Barb Helfrick	NE	NE
Zak Deardorff	NE	
Amon Hudson	NE	NE
Spurgeon Bowen	NE	NE
Jeff Rahn	NE	
Maria Spain	NE	
Shita Philips	NE	
Nilsah Hernandez	NE	
Shirley Morales	NE	NE
Nyasia Wilson	NE	
Robert Fort	NE	NE
Pathya Blandington	NE	NE
Luzanne Rivers	NE	
Esther Rivkin	NE, E	
Majid Dunson	NE, E	NE
Lien Marron	NE	
Kate Main	NE	
Bob Snow	NE	
Cheryl Robinson	NE	
T. Hightower	NE	NE
Ed Ripkin	NE	NE
Ben Heart	NE	NE
Elizabeth Hudson	NE	NE
Pam Hurley	NE	NE
Walt Whitman	NE	NE
Mev McMahan	E	
Daniel Moore	E	
Isabel Rosa	E, NW	E, NW
M. Morales	E	
Rebecca Patton	E	E
John Linkley	E	
Matt Seidel	E, NW	E, NW
Patricia Partridge	E	
Debbi Keller	E	E
Lee Sengbush	E	E
Sara Catlin	E	E
Mirian Valdar Copa	E	
Kattia Nosra	E	
Matthew Simpson	E	E
Scott Briggs	E	
Gerrod Strickland	E	

Name	Forums Attended	Forums Spoke
M. Sekette	E	
Rome Cecil	E	
Lisa Reagan	E, NW	E, NW
Edwin Rodriguez	E	
Kevin Lockhart	E	
Wanda Cooper	E	E
Christina Chavez	E	
Lisa Coleman	E, NW	E, NW
Peter Peters	E	E
Brett Arnold	E	E
Hubert W.	E	E
Mary Coffey	E	E
Lilly Suda	E	E
Ben Hart	E	E
Cecelia Hart	E	E
Travis	E	E
Renetta Brown	E	E
Alexa Kaminski	E	
Jack Mottley	E	
Nick Roger	NW	
M. Smith	NW	
Richard Hausen	NW	
Esther Arnold	NW	
Michael Brown	NW	
Kim Hare	NW	
E.J Cook	NW	
Lorraine Howard	NW	
Ryan Corrigan	NW	
Kyle L.	NW	
Tracie Adams	NW	
Kira W.	NW	
Krystal	NW	
Anas W.	NW	
Jackie Longhart	NW	
Michael Sloan	NW	
Pat Burks	NW	
Monwell Floyd	NW	
Jance Rodriguez	NW	
Bill Self	NW	
Vanessa Phillips	NW	
Jeff Flanagan	NW	
Pedro B.	NW	
Chris Adams	NW	
Angela Wallace	NW	

Name	Forums Attended	Forums Spoke
Nero	NW	NW
Elaine Smith	NW	
Justine Harris	NW	NW
Marilyn Schuttle	NW	NW
Clay Harris	NW	NW
Yadira Susseth	NW	NW
Karen Foy	NW	NW
Beth Leidlaw	NW	NW
Terry Schnarr	NW	NW
Dan Laudadio	NW	NW
Marcia Reaver	NW	NW
Alp Bilentes	NW	NW
Joe Maxim	NW	NW
Martha Maxwell	NW	NW
John Lindsay	NW	NW
Glenn Brimsley	NW	NW

Appendix 5: List of entities involved in additional engagement

- Tenants
- Administration
- City-Wide Tenants Union
- Legal Aid of Western New York
- JustCause NY
- Attorneys representing landlords (Davidson and Fink LLP, Miraglia and Company, P.C., Reyes and Reyes, P.C., Lacy Katzen LLP, Law Offices of William M. Higgins)
- Hon. Melissa S. Barrett, Supervising Judge, Rochester City Court
- Hon. William K. Taylor, Administrative Judge, New York State Supreme Court Justice in the 7th Judicial District
- Rochester City Court Tour
- Assemblymember Clark
- Small Landlords
- Large Landlords



Miguel A. Meléndez, Jr. Council President, Councilmember At-Large

To: Rochester City Council
Council Central Staff
From: Miguel A. Meléndez, Jr., City Council President
Date: September 23, 2024
Subject: Good Cause Eviction Consideration Update

Greetings Council Colleagues,

First and foremost, thank you all for joining me in starting the conversations around Introductory No.251 and the opportunity to consider opting into the so-called “Good Cause Eviction” (GCE) legislation, as prescribed by the state. I also appreciate everyone who participated in the various Good Cause forums and thank the leadership of each District Councilmember for hosting a forum in accessible locations throughout the city. Please allow this memo to serve as an update on efforts I have undertaken and as communication of next steps in the consideration process.

In addition to the community forums and speak to council session, I have engaged in the following activities as part of my own due diligence process:

- I requested and received a memo from Corp Counsel on interpretation of the state opt-in of GCE. As a reminder, that memo is attached.
- Informal meetings with tenants to understand their challenges and concerns.
- Various engagement with the administration to understand the impact of this legislation to include understanding the implications of a change in unit count or fair market rent percentage. Data related to those impacts will be forthcoming to share with all of council in a report to council from central staff.
- A meeting with the City-Wide Tenants Union to hear their perspective.
- A meeting with attorneys who represent tenants as well as attorneys who represent landlords in housing court to understand each of their perspectives.
- A meeting with Judge Barrett and Judge Taylor to understand the dynamics and changes in the housing part of Rochester City Court.
- A meeting with Assemblymember Sarah Clark to ask questions pertaining to GCE and understand implications of the state law.
- A follow-up meeting with the administration to review data and prepare questions to direct at the NYS Assembly general counsel.

In addition to all of this feedback, I plan to undertake the following efforts:

- A follow-up meeting with the City-Wide Tenants Union to discuss their advocacy efforts and listen to concerns.
- Additional informal meetings with tenants.
- A meeting with some Landlords to listen to their concerns as well.
- A visit to Rochester City Court to observe the local housing part.

- A written request to NYS Assemblymember Clark to help gain clarity around components of GCE through the Assembly legal counsel.
- Engage councilmembers independently to discuss GCE, discuss concerns, and work towards next steps.

Council staff will also undertake the following tasks:

- Summarize feedback from Council community forums
- Summarize feedback from various meetings I have attended to share with all of council
- Reach out to other municipalities who have passed or are in the process of considering GCE – understand their input processes, public support/public opposition, and how implementation is going for those cities that have decided to opt-in (Also interested in # of units impacted in those municipalities).
- Review answers from the administration and prepare a report for all of council relative to the city of Rochester data and any feedback the administration may have for council consideration. It is my hope this report will be ready in early October.

Finally, I would like to confirm that GCE will not be taken up in the month of September at our general meeting. Until additional due diligence has been completed, the item will remain held in committee. I am committed to the work ahead and appreciate everyone's commitment to the consideration of this legislation.

Regards,

A handwritten signature in blue ink that reads "Miguel A. Meléndez Jr." with a stylized flourish at the end.

Miguel A. Meléndez Jr.

Appendix 7: Additional data provided by Neighborhood and Business Development

#	Exemption Category	Estimated Exempted from Good Cause Eviction Law					Notes
		A. # of Owners or Ownership Groups	B. # of Tax Parcels Owned	C. # of Rental Units Owned	D. % of All Residential Rental Units	E. % of Market-Rate Rental Units	
1	Units owned by landlords who own no more than 10 rental units in New York State	11,210	16,168	24,181	36%	46%	Don't have data for properties owned outside the city of Rochester
2	Units exceeding 245% of the fair market rent for Monroe County	?	?	340		1%	Based on US Census Estimates. Very small number of units exempt at this price point.
3	Buildings for which a certificate of occupancy was issued on or after January 1, 2009	70	404	2,975	4%	6%	90% of units also exempt per #4
4	Units already subject to local, state or federal rent regulations	69	918	14,275	21%	0%	
5	Owner-occupied buildings containing fewer than 10 units	2,433	2,433	2,566	4%	5%	99% of these units also exempt per #1. We only have reliable data for properties with three units or less.
6	Manufactured homes located in manufactured home parks	-	-	-	0%	0%	None in city of Rochester
7	Units occupied as an incident to the tenant's job that is being lawfully terminated	-	-	-	0%	0%	No data source to estimate this. Likely an extremely small #
8	Hotel rooms and other transient uses	15	15	-	0%	0%	The City does not count these as rental units
9	Religious facilities or institutions; seasonal use units; units within hospitals; and dormitories.	17	37	670	1%	1%	No data source to estimate seasonal use rental units. Likely an extremely small #
	TOTAL WITH AT LEAST ONE EXEMPTION	<u>11,279</u>	<u>17,112</u>	<u>39,080</u>	<u>58%</u>		
	TOTAL RENTAL UNIT UNIVERSE	<u>12,062</u>	<u>26,275</u>	<u>66,871</u>	<u>100%</u>		
	TOTAL MARKET-RATE RENTAL UNIVERSE	<u>12,026</u>	<u>25,357</u>	<u>52,716</u>	<u>79%</u>	<u>100%</u>	
	TOTAL UNITS NOT EXEMPTED	<u>885</u>	<u>9,163</u>	<u>27,791</u>	<u>42%</u>	<u>53%</u>	

Appendix 7a: Data and responses provided by the Neighborhood and Business Development related to President Meléndez questions about the Rochester Housing Market and potential impact of proposed Good Cause Legislation in the City of Rochester.

Q: Please provide a breakdown of the following: # of rental units in the City of Rochester, how many landlords own 20+ units, how many landlords own 10+ units, how many landlords own 1 unit, and how many landlords own under 10 units.

- Number of rental units in the City of Rochester: 64,829
- How many landlords own 20+ units: 490
- How many landlords own 10+ units: 1,010
- How many landlords own 1 unit: 3,872
- How many landlords own under 10 units: 9,196

Please note:

- The number of “Landlords” is estimated based on the owner of record and the owner’s tax bill mailing address listed in the City assessment and data. Since people may own multiple properties under LLCs with different names, we merged data for any owner of record using the same tax bill mailing address and considered those records as being owned by one “ownership group”. This provides a more accurate estimate of the number of truly distinct owners (or “landlords”) for the various numbers requested.
- *These estimates do not provide a final estimate for the number of landlords that may be subject to Good Cause under the default exemptions of the NYS Good Cause Eviction law.* There are additional exemptions in the law not reflected in these estimates such as regulated affordable rental units, units built after 2009, etc.
- City Council is requesting data for a breakdown of landlords by numbers of units owned that does not match the number of units used in the definition of small landlord in the NYS law. It may warrant an additional meeting and further discussion to clarify your requests and how you intend to use the data.

Q: Please provide data on Fair Market Rent and how changes in the number would impact the local implementation on the law.

A: HUD calculates the Fair Market Rent (FMR) as the 40th percentile of what tenants who moved into their unit within the last year at the time of the survey reported paying for rent across the Rochester MSA. Using the 40th percentile means that roughly 60% of units across the entire six-county MSA region should be renting for higher than the base FMR.

Here are the FMRs and a calculation of FMR levels for the Rochester MSA, calculated from HUD’s figures here: https://www.huduser.gov/portal/datasets/fmr/fmrs/FY2024_code/2024summary.odn

Year	Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
FY24 FMR	\$938.00	\$1,050.00	\$1,307.00	\$1,580.00	\$1,741.00
FY24 245% FMR	\$2,298.10	\$2,572.50	\$3,202.15	\$3,871.00	\$4,265.45
FY23 FMR	\$839.00	\$950.00	\$1,186.00	\$1,443.00	\$1,593.00

<u>FY23 245% FMR</u>	\$2,055.55	\$2,327.50	\$2,905.70	\$3,535.35	\$3,902.85
<u>FY22 FMR</u>	\$727.00	\$820.08	\$1,039.00	\$1,284.00	\$1,409.00
FY22 245% FMR	\$1,781.15	\$2,028.60	\$2,545.55	\$3,145.80	\$3,452.05

The City does not have access to live, current rent data for all properties and residential units in the city, but we can estimate the number of units that would meet the 245% FMR threshold using the most recently available Census ACS 5-Year Public Use Microdata sample, which is from 2022. This dataset indicates that as of 2022, only 340 units in the city had rents above 245% of FMR.

Q: What do you anticipate being the total # of eligible rental units impacted by the proposed legislation?

We are not able to estimate with 100% accuracy the number of units that would be subject to the Good Cause Eviction legislation as we do not have comprehensive data for all exemption categories. For example:

- We do not have access to data to know how many units a “landlord” may own outside the borders of the city of Rochester to know whether they meet the small landlord exemption and we do not know the current number of units that are estimated to exceed 245% of fair market rent, as the most recent estimates are from 2022.
- We only have reliable data source to identify owner-occupied properties with three or fewer units. This is because 3-family structures (“triples”) are the largest properties eligible for NYS owner-occupant tax exemptions/credits such as STAR.¹
- We also do not have complete information about the degree to which all the exemptions intersect with one another or not. For example, we know from US Census data that the estimated number of units that exceeded 245% of fair market rent in Rochester in 2022 was 340, but this data is only available at the city level. We are not able to pinpoint specific properties or units to determine whether or not they would already be excluded due to another exemption factors such as whether they were built after January 1, 2009.
- Generally speaking, however, the exemption categories where there is limited or no data are anticipated to impact a very small number of units. The estimated total number of units eligible is estimated to be within a 5% margin of error.

Given the above caveats, we estimate that up to 27,791 rental units in the city could be eligible for Good Cause Eviction regulation as currently proposed (see the table at the end of the appendix for reference). See below for detailed breakdown of exemption estimates. The remaining eligible properties would be:

¹ Condo units and cooperatively owned housing units are a small exception to this rule. A small number of larger buildings are also able to be identified based on less common tax exemptions such as those for owner-occupants with disabilities. The City's Renewable Certificate of Occupancy regulations only consider up to 2-family structures (“doubles”) to be eligible for the owner-occupant exemption, so the City's administrative data is limited to that subset.

- Owned by property owners or “ownership groups” (our proxy for ‘landlords’) owning more than 10 units within the city limits
- Not built after 2008
- Not already subject to local/state/federal rent regulations
- Not in an owner-occupied building with 10 or fewer units (though our data sources to identify and exclude properties other than owner-occupied doubles and triples is limited, as explained above)
- Not in a religious facility, hospital, or dormitory.

Q: What do you anticipate being the total # of landlords impacted by this legislation?

See chart provided at the end of this appendix.

- ***Given the caveats discussed above, we estimate that up to 885 property owners or “ownership groups” could be impacted by the Good Cause Eviction regulation as currently proposed.***

Q: Please share the # of owner occupant units there are in the city

- We take this question to mean: “What is the total number of owner-occupied units in the city, including in multi-unit buildings that are owner occupied”.
- Given the caveats discussed above, we estimate that there is at least 2,433 units in multi-unit buildings that are owner-occupied. This includes:
 - 2,320 owner-occupied units in 2-family structures
 - 82 owner occupied units in 3-family structures
 - 31 owner-occupied units in larger apartment and mixed-use structures
- There are also 27,903 owner-occupied single-family homes and condo units.
- ***This means the total number of owner-occupied units in the city is 33,336.***

Q: Of the 9,196 landlords that own under 10 properties – how many are owner occupied?

- We take this question to mean: “How many of the landlords who own ten or fewer (rather than ‘under 10’) units in the city are owner-occupants of a multi-unit property?”
- ***We estimate that there are 11,210 owners or ownership groups who own ten or fewer rental units within the City of Rochester. Of those at least 2,424 are estimated to be owner-occupants of a multi-unit property:***
 - 2,315 owner-occupants of 2-family structures
 - 78 owner-occupants of 3-family structures
 - 31 owner-occupants of larger and mixed-use structures

Q: Of the 64,829 rental units in the City of Rochester, how many are owner occupants?

- We take this question to mean: “How many rental units are in owner-occupied multi-unit properties?”
- Our latest estimates show that there are **66,871** rental units in the City of Rochester. This figure is higher than the previous estimate because some rental units in owner-occupied properties were mistakenly excluded from the previous analysis.
- We estimate that there are at least 2,566 rental units in owner-occupied multi-unit properties:
 - 2,330 rental units in owner-occupied doubles

- 164 rental units in owner-occupied triples
- 82 rental units in owner-occupied larger and mixed-use structures
- *Note: by definition, an owner-occupied unit would not be a rental unit, so those are not counted in the total number of rental units above.*

Q: Contact information for landlords within the City of Rochester

- We have mailing addresses for 100% of property owners that own residential rental property in the city. We also have emails and/or phone numbers for the property owner or property manager of ~42% of the residential rental properties in the City. Submission of this information was added as a requirement to receive a C of O, so the database of email and phone contact information is being built out through the renewable C of O process.

Q: What is the number of units this impacts if the small landlord definition moves to from 10 to 1?

- We take this question to mean “How would the number of exempted units change if exemption #1 (small landlord) was modified as follows?”
 - Previous estimate: Units owned by landlords who own no more than 10 rental units in New York State (though we only have access to ownership data for property owners within the city of Rochester).
 - **Revised version:** Units owned by landlords who own no more than 1 rental unit in New York State (though we only have access to ownership data for property owners within the city of Rochester).
- In the revised scenario, only 6,155 rental units would be exempted per the “small landlord” exemption category, rather than the previous estimate of 24,181 exempted units, and – in combination with the other exemption categories – the total number of units estimated to meet at least one exemption would be reduced from 39,080 to 22,549 rental units.
- This would mean that up to 44,412 rental units could be subject to Good Cause Eviction regulation under the revised estimate, instead of 27,791. This comprises about 66% of all rental units citywide, as opposed to 42% of rental units citywide under the previous estimate.
- Additionally, under the revised estimate, 5,779 unique owners or ownership groups could be impacted by Good Cause regulations rather than 885 under the previous estimate.

Q: What are the number of RHA units in City of Rochester

- According to City tax parcel and assessment records, Rochester Housing Authority (RHA) owns 2,291 public housing units in the city of Rochester. These units were already included in the estimate of exempted units for category #4 (units already subject to local, state, or federal rent regulations).
- RHA also provides rental assistance to 10,672 households in its five-county region (though the majority are used within the city) via the Housing Choice Voucher (HCV) program, which is often referred to as Section 8. Within the HCV program, there are a number of different voucher types:

- The largest of these is the Tenant-Based Voucher, which travels with the tenant and can be used on any rental unit that is qualified and approved by RHA. With a tenant-based voucher, the base rent of the housing unit is market-rate (set by the property owner), but the voucher covers an amount (adjusted with any changes in household income) that ensures that the tenant only pays 30% of their household income towards rent and utilities. It is our understanding, after reviewing with the Law Department, that because this subsidy and its associated requirements are tied to the tenant, not the unit, units where tenant-based vouchers are used do not count as “units already subject to local, state or federal rent regulations” so they have not been included as exempt for category #4. While units receiving HCV subsidy are not considered rent regulated for determining potential eligibility for Good Cause, these units are subject to RHA’s lease addendum that establishes similar good cause protections that are based on HUD regulations and enforced by RHA.

- RHA also provides rent assistance to specific units they do not own via Project-Based Vouchers (PBV), where the subsidy is tied to a specific unit for a period of up to 20 years, regardless of any turnover in the tenants occupying the unit. There are approximately 1,750 units in the City that have received a PBV from RHA. These units would be subject to ongoing rent regulation and therefore *would* be exempt from Good Cause regulations. The City does not have a current database of locations for all PBV units in the city but RHA has primarily awarded PBVs to units located within larger affordable housing and supportive housing development projects that have already been exempted in these estimates as they are rent regulated. Therefore, it is anticipated that the vast majority, if not all, PBV units are already identified as exempt per exemption category #4 in the previous estimate.

Rochester Housing Stats

Homelessness is Increasing

We are seeing record levels of homelessness in Rochester¹

- **The number of people experiencing homelessness is the highest it's even been since the federal government began counting in 2007²**
 - **32% increase form last year:** From 2023 to 2024 we saw homelessness increase from 803 to 1,056 people on a given night
- # of families with children in shelters or emergency housing was the HIGHEST IN OVER A DECADE
 - this is a 286% increase from last year³
- **Chronic homelessness more than doubled from last year:** 88 to 181 people⁴
- **470% increase in unsheltered people** in Monroe County from 2007-2024 (14 to 80) and **doubled from 2023-2024⁵**
- **8% of Rochester City School students were homeless** during the last full year before pandemic and the number are rising⁶

Evictions Are Increasing

- Rochester is on pace for a 15% increase in evictions in 2024 from both last year and pre-pandemic levels in 2019⁷
 - This includes large increases in both holdover and non-payment warrants of evictions

Rents are increasing

- Fair market rent for a one-bedroom apartment increased more than 35% between 2020 and 2024, from \$775 to \$1,050, according to data from the federal Department of Housing and Urban Development. That's more than three times the increase seen in the previous five years.⁸

Rents are increasing faster than incomes

- Even when we see increases in incomes, incomes are not able to keep up with increases in income
 - From 2021 to 2022 **incomes when up 11%, while rents went up 15%⁹**
 - Increasing incomes (while positive) does not inherently solve the affordability problem in an unregulated market

We Have a Major Shortage of Affordable Housing

- **Rochester has 35 for 100 units needed for at 30% Area Median Income (AMI) and 68 for every 100 units needed at 50% AMI¹⁰**

¹ [Rising number of homeless families points to Monroe County's deepening housing crisis](#) - WXXI NEWS

² Duda-Banwar, Janelle (2024). [Homelessness is an urgent public health crisis. On the Ground Research](#)

³ Duda-Banwar (2024); Presentation by Family Promise on [Family Homelessness](#) (2024)

⁴ Duda-Banwar (2024)

⁵ Duda-Banwar (2024)

⁶ [A Place to Call Home: Housing Security and Child Well-being](#). A report by the Children's Agenda (August 2023)

⁷ [Data](#) compiled from [New York State Office of Court Administration Eviction Dashboard](#)

⁸ [City tries again to address rising evictions. But its latest attempt exempts most rental properties](#) - WXXI News

⁹ American Community Survey - [Rent Increase v. Changes in Income](#)

¹⁰ [The 2024 Gap Report - National Low Income Housing Coalition](#)

- **There is no short-term supply solution that will create sufficient affordable housing**
- Despite the City of Rochester supporting new affordable housing projects, the current and projected new projects nowhere near meet the needs of what the federal government calls extremely low income households—incomes at 30% or below the AMI—or very low incomes—incomes at or below 50% of AMI.

Tenant Protections Research Summary

Enhanced tenant protections in Rochester led to an immediate reduction in Evictions

We saw a **25% reduction in evictions** filed in Rochester City Court, after the passage of the HSTPA in 2019

- In January 2019, before the Housing Stability and Tenant Protection Act (HSTPA) was passed, there were 843 evictions filed in Rochester City Court. In January 2020, after the HSTPA was passed and in effect, there were 643 evictions filed in Rochester City Court.

Good Cause Eviction Protection leads to a Reduction in Eviction Filings

- A study of four California cities found that good cause eviction ordinances reduced evictions¹¹

Research on Rent Regulation

Most research on tenant protections has focused on the decades of rent regulation in the United States. These protections almost all include good cause protections but also regulate the rent directly. These studies provide evidence that these tenant protections increase affordability and stability without reducing housing supply.¹² See also [letter from 32 economists](#) to the Biden administration in support of tenant protections.

Research shows that those with rent regulations have increase affordability

- A Boston, Massachusetts study found significant increases in rent charged after decontrol, suggesting that rent control was effective in limiting rent increases.¹³ A second Cambridge, Massachusetts study reached similar conclusions.¹⁴
- A San Francisco study looked at the effects of the mid-1990s change in rent control rules there, they found the law did effectively limit rent increases¹⁵

Rent regulations play an important role in promoting neighborhood stability and protecting long-term tenants

- The Boston study found that rent controlled units had much longer tenure times, supporting the idea that rent control promotes neighborhood stability.¹⁶
- Another study found that eliminating rent control also raised rents in homes in the same area that were never subject to the controls, reinforcing the idea that rent control contributes to neighborhood stability.¹⁷

Research does not show that that rent control negatively affects the supply of housing

¹¹ Cuellar, Julieta. "Effect of "just cause" eviction ordinances on eviction in four California cities." *Journal of Public and International Affairs* (2019).

¹² J.W. Mason, [Considerations on Rent Control](#)

¹³ Sims, David.(2007). [Out of control: What can we learn from the end of Massachusetts rent control?](#) *Journal of Urban Economics*.

¹⁴ Autor, Palmer, and Pathak (2014). [Housing Market Spillovers: Evidence from the End of Rent Control in Cambridge, Massachusetts.](#) *Journal of Political Economy*

¹⁵ [Diamond McQuade, and Qian](#) (2018).

¹⁶ Sims (2007)

¹⁷ Autor, Palmer, and Pathak (2014)

- Studies from multiple cities in multiple states have found that the end of rent control had little effect on the construction of new housing or housing supply¹⁸¹⁹²⁰
- One New Jersey study actually found evidence that rent regulation increased the supply of housing²¹

¹⁸ Sims (2007)

¹⁹ 2015 study by Ambrosius, Gelderblom et. al., (2015). [Forty years of Rent Control: Reexamining New Jersey's Moderate Local Policies after the Great Recession](#)

²⁰ [Diamond McQuade, and Qian in 2018](#)

²¹ Gilderbloom & Ye. (2007) [THIRTY YEARS OF RENT CONTROL: A SURVEY OF NEW JERSEY CITIES. Journal of Urban Affairs](#)



NEWS FROM THE OFFICE OF
ADAM J. BELLO
MONROE COUNTY EXECUTIVE

For Immediate Release

Monday, September 30, 2024

COUNTY EXECUTIVE ADAM BELLO ANNOUNCES LAUNCH OF EVICTION DIVERSION RESOURCE CENTER AT HALL OF JUSTICE

First of its kind in a state court outside of the New York City area

ROCHESTER, NY — Monroe County Executive Adam Bello today joined Seventh Judicial District Administrative Judge Bill Taylor and Seventh Judicial District Supervising Judge for City Courts Melissa Barrett to announce the launch of the Eviction Diversion Resource Center (EDRC) at the Rochester Hall of Justice in connection to Rochester Housing Court. This innovative initiative will provide residents facing evictions with direct access to essential financial assistance programs and resources every Monday and Friday.

Located on the Mezzanine Floor of the Hall of Justice, the Eviction Diversion Resource Center serves as a support hub, where Monroe County Department of Human Services (DHS) staff will be available to assist tenants with rental assistance applications and eligibility screenings for SNAP, childcare support and other benefits. This is the first center of its kind in a New York State courthouse outside of the New York City area.

“The nationwide affordable housing crisis has led to an uptick in eviction cases across our community. As more eviction cases are entering the court systems, it is clear that underlying issues like food insecurity, transportation and affordable childcare can make it harder for families to afford rent. The Eviction Diversion Resource Center addresses this issue by connecting tenants directly with the supports and services they need,” **said County Executive Bello**. “Thanks to our DHS Commissioner Thalia Wright and Judges Barrett and Taylor for their partnership and commitment to supporting Monroe County Families and helping them maintain stability.”

“The Eviction Diversion Resource Center represents a holistic approach to tenancy preservation when possible and aligns with the Seventh Judicial District’s commitment to access to justice for all,” **said Seventh Judicial District Supervising Judge Melissa Barrett**.

“The Court is proud to collaborate with Monroe County to make sure resources are available to our citizens while they are appearing in the Hall of Justice. I remain grateful for the leadership of County Executive Bello, Commissioner Wright and Judge Barrett in making the Eviction Diversion Resource Center a reality,” **said Seventh Judicial District Administrative Judge Bill Taylor**.

In addition to DHS support, the Center will also provide access to on-site paralegals through civil legal service providers, who will work directly with tenants and landlords to mediate disputes and facilitate eligibility processes.

“The Eviction Diversion Resource Center will meet the needs of our residents where they are, literally,” **said the Commissioner of the Department of Human Services Thalia Wright.** “People who arrive at the Justice Center facing eviction will be able to apply for services that may help them remain in their home - all before leaving the Courthouse. Our dedicated Monroe County Department of Human Services staff will be available to help tenants with rental assistance applications and eligibility screenings for SNAP, childcare support, and other essential benefits.”

Tenants appearing at the Hall of Justice are encouraged to bring the following items to the Eviction Diversion Resource Center to expedite the application process:

- Identification
- Verification of household composition
- All household income – including gross wages and other unearned income such as child support, SSI, SSDI or other income
- Landlord Statement or up to date ledger showing rent owed by month/year

The Eviction Diversion Resource Center is open on Monday and Fridays from 9 a.m. – 4 p.m.

—30—

Media inquiries:

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Appendix-10: Documents shared on Rochester City Court Housing Tour

STATE OF NEW YORK, COUNTY OF MONROE
ROCHESTER CITY COURT

Petitioner(s),

STIPULATION OF SETTLEMENT
ROCHESTER HOUSING COURT

v.

Index #: LT-_____-_____/RO

Respondent(s),

It is hereby stipulated and agreed, by and between the undersigned, the attorneys of record for all parties to the above-entitled action, that the terms of the Settlement Agreement are:

I. CONTINUE TENANCY: PAYMENT OPTIONS

A warrant of eviction is granted against _____ and is stayed until __/__/__, a judgment for _____ is granted against _____ and stayed until __/__/__, subject to the following conditions:

- 1. [] PAYMENT OF JUDGMENT IN FULL: on or before __/__/__. => may include anticipated 3rd party payment.
[] JUDGMENT WAIVED WITH PREJUDICE
[] PAYMENT PLAN: The Respondent agrees to payment schedule for judgment balance as set forth on the back of this form.
[] MONTHLY RENTAL RATE DUE: \$ _____
[] RESPONDENT TO PAY RENT DUE on or before the _____ of each month from __/__/__ to __/__/__.
2. [] SANCTION FOR NON-COMPLIANCE: ISSUANCE OF WARRANT OF EVICTION
If the Respondent fails to comply with this stipulation of settlement, the Petitioner may submit a request to the Court for an immediate warrant of eviction. Marshal will serve 14 Day Notice and then EXECUTE WARRANT/REMOVE tenant, if tenant has failed to pay as agreed.
[] IF ALL PAYMENTS ARE MADE IN ACCORDANCE WITH THIS AGREEMENT, WARRANT AND JUDGMENT SHALL NOT BE ISSUED.

II. TERMINATION OF TENANCY BY AGREEMENT

- 1. [] Parties agree that tenant will voluntarily vacate premises.
[] VACATE DATE: Respondent herein agrees to vacate the premises by 11:59 PM on or before __/__/__.
2. [] SANCTION FOR FAILURE TO VACATE: _____
[] ISSUANCE OF WARRANT UPON FAILURE TO VACATE.
If Respondent fails to vacate, Petitioner can move the Court by affidavit to issue a warrant. The Marshal is authorized to serve 14 Day Notice and then EXECUTE WARRANT if tenant has not vacated. No further court date will be required.

ACKNOWLEDGEMENT OF PARTIES' KNOWING AND VOLUNTARY AGREEMENT

- acknowledge they may have a right to a trial and are voluntarily entering into this agreement,
• acknowledge they forego the right to a trial to present any defenses,
• acknowledge this agreement is not made under duress,
• acknowledge receipt of predicate notices, the petition and make this agreement with knowledge of the contents and allegations set forth in the petition,
• the parties are aware of and understand the claims set forth and possible defenses that might be asserted at hearing,
• acknowledge that this agreement takes into account the petitioner's claims and the respondent's potential defenses, and the agreement is enforceable against all signatories.

TENANTS SEEKING REPRESENTATION IN LANDLORD-TENANT COURT

If a Legal Services agency is not at Rochester City Court conducting intake on your court date and you want to be represented by an attorney, you would need to:

Let the Judge know that you want an attorney to represent you and want to be given an adjournment (a new court date) so that you can see if you can get representation.

If the Judge grants your request for an adjournment and gives you a new court date, you would need to immediately contact the Tenant Defense Project (TDP) Hotline at: TenantDefense.org or 585-504-6195.

Tenants who call or apply on-line for help should receive a call back from a TDP representative usually within 1-2 business days. The TDP representative must be able to reach you to conduct an intake over the phone in order to assign your case to a legal service provider.

Be aware that if you delay in contacting the Tenant Defense Hotline, you may not be able to get representation. Tenants who contact the hotline with just 3 days before the court date may not be able to get assigned an attorney before their court date.

Eviction Diversion Resource Center

Name _____

Date _____

Sitting and waiting to be seen does not guarantee that DSS will be able to help you.

People will be seen on a first come / first serve basis, however, **priority will go to the people who have eviction court *today*.**

1. What services are you hoping to apply for today?
2. Did you or do you have to attend eviction court **today**?
3. If the Department of Human Services, wasn't here, what would you have done to deal with your situation?

Circle Yes or No.

4. Before today, had you heard about the Department of Human Services?
Yes or No.
5. Before today, did you know that sometimes DHS can help people who are having a hard time paying their rent?
Yes or No.
6. This location is new for us. Usually, we see people at our offices on St. Paul Street or Westfall Road. Would you have gone to either of those offices if we weren't here today?
Yes or No.

**Legal Information, Services & Forms
May Be Received From The Following Agencies:**

LEGAL SERVICES & INFORMATION		
<p>LEGAL AID SOCIETY 1 West Main St. Suite 800 Rochester, NY 14614 (585) 232-4090</p>	<p>EMPIRE JUSTICE CENTER 1 West Main St. Suite 200 Rochester, NY 14614 (585)295-5807</p>	<p>LawNY LEGAL ASSISTANCE OF WESTERN NY, INC 1 West Main St. Suite 400 Rochester, NY 14614 (585) 325-2520</p>
<p>HOUSING COUNCIL <i>Housing/Landlord Tenant</i> 75 College Ave. Suite 412 Rochester, NY 14607 (585) 546-3700</p>	<p>LAWYER REFERRAL SERVICES (585) 546-2130</p>	
TO OBTAIN LEGAL FORMS & INFORMATION		
<p>LEGAL RECORDING 16 East Main St. Suite 6 Rochester, NY 14614 (585) 232-6710</p>	<p>COURT HELP CENTER Hall of Justice, Room 525 99 Exchange Blvd Rochester, NY 14614 (585) 371-3284</p>	<p>PATRICK PRINTING 42 West Main St. Rochester, NY 14614 (585) 232-1500 <i>(Across from County Clerk's Office)</i></p>

Revised: 7-1-22

Endnotes

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- ¹ New York State (2024). Article 7, Section 231-C: Good Cause eviction law notice. <https://www.nysenate.gov/legislation/laws/RPP/231-C>
- ² City of Albany (2024). Article XIII Prohibition of Eviction Without Good Cause. City of Albany. https://www.albanyny.gov/DocumentCenter/View/5854/Local-Law-F-of-2021-Balarin-AA-070821-FINAL-Local-Law-amending-par_?bidId
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- ³ Rochester Citywide Housing Study (2018)
- ⁴ U.S. Department of Housing and Urban Development (2021). Estimating the prevalence of eviction in the United States: New data from the 2017 American Housing Survey. *Cityscape: A Journal of Policy Development and Research*. U.S. Department of Housing and Urban Development, Office of Policy Development and Research. 23(2). P 279-289. <https://www.huduser.gov/portal/periodicals/cityscape/vol23num2/ch15.pdf>
- ⁵ New York State Unified Court System (2019). Tenant Questions & Answers in Holdover Eviction Cases. Retrieved from New York Courts https://www.nycourts.gov/courthelp/pdfs/TenantsGuide_holdover.pdf
- ⁶ City of Rochester (2024). Zoning Alignment Project Work Session. 9/18/2024.
- ⁷ City of Rochester (2024). Zoning Alignment Project Work Session. 9/18/2024.
- ⁸ Department of State, N. Y. S. (2024). Forming a Limited Liability Company in New York. Retrieved from Department of State website: <https://dos.ny.gov/forming-limited-liability-company-new-york>
- ⁹ New York State Department of State (2024). Forming a limited liability company. New York State Department of State Online: <https://dos.ny.gov/forming-limited-liability-company-new-york>
- ¹⁰ Data provided by the Department of Neighborhood and Business Development, August 2024.
- ¹¹ ACT Rochester (2021). The Mechanics of Monroe County’s Rental Housing Market. Prepared by CZB. <https://www.actrochester.org/all-reports/the-mechanics-of-monroe-countys-rental-housing-market>
- ¹² Rochester Citywide Housing Study (2018)
- ¹³ Rochester Citywide Housing Study (2018)
- ¹⁴ New York State Court Authority (2015). The judicial role in appointment of masters, monitors, fiduciaries, and other judicial adjuncts. New York State Federal Judicial Council. <https://nys-fjc.ca2.uscourts.gov/>

