

# Commission on Housing and Home Ownership

August 15, 2008 Interim Report

Pages 1-4 of this report outline consensus recommendations of the commission. The items listed as 'Other Proactive Regulatory Measures' is being discussed by the Commission.

Also attached here are proposed findings and recommendations from Kenneth Kamlet, a commission member. The Commission has not yet formally discussed these proposed findings and recommendation although much of this material has come up in the course of discussions that led to the Consensus findings on pages 1-4. The Commission is continuing to meet and will discuss Mr. Kamlet's proposals in the course of those meetings.

The main unresolved issue discussed to date at Commission meetings relates to definitions of household as that may relate to improving Binghamton neighborhood life. One approach to that now under discussion is presented on page 5. The Commission has not reached consensus either as to the relevance or appropriate approaches to this issue.

## I. Strategies to improve the quality of life and to build healthy neighborhoods (Objective #3)

### A. Promotion of appropriate housing practices

#### 1. Enforcement

- a. Code enforcement (note: better education is needed of what the Code requires) – e.g., Stepped-up effort to enforce restrictions against litter (residential and commercial), to enforce occupancy restrictions in commercial areas). Parking restrictions should be enforced especially in R-1 district. Three dates should be designated for trash and debris pick-up (before Winter and Spring dates for students who are vacating properties). More code sweeps are needed and are beneficial. Illegal conversions from 1- to 2-family and from 2-family to multi-family should be controlled.
  - (i) Lawn-mowing and snow removal violations
  - (ii) Broken windows
  - (iii) Exterior surfaces not maintained
  - (iv) Rodent infestation
  - (v) State building code
  - (vi) Anything that's a public nuisance
  - (vii) public drunkenness (disorderly conduct)
  - (viii) Graffiti
  - (ix) Crime
- b. Fire safety enforcement – Use of Fire Marshall to do fire safety inspections (and refer other observed code violations to Code Enforcement). See City of Ithaca and Town of Geneseo approaches (Brian to follow up on Geneseo details). Administrative warrant mechanism still necessary absent voluntary consent or clear violation. Fire Marshall inspections must be non-arbitrary and pursuant to clear rules.
- c. Noise enforcement (residences and cars) by Police Department (note legal and cost issue associated with periodic calibration of decibel meters). Also disorderly conduct and public nuisance violations. Police reports need to be completed and maintained even where a complaint is not verified and no ticket is issued. A "location history" of where complaints

were made needs to be available for at least the previous 12 months. More intensive police patrols in neighborhoods with high student populations – for student safety.

- d. Crime and lockdown of residences (e.g., drug houses). Target properties for more aggressive actions (lockdowns, purchase and rehab)
- e. Pre- and Post-Social Service Home Inspections (Mayor Ryan suggestion)

## 2. Promotion and Retention of Responsible Local Landowners and Appropriate Management of Rental Housing

- a. Registration / Certification of Rental Properties
  - (i) Better enforcement of existing absentee landlord registration requirements
  - (ii) Emphasize LLC owners and purchasers (separate from targeting for tax increases)
  - (iii) Focus on owners of multiple holdings
  - (iv) Universal registration (with possible exception for owner-occupied housing)—fee could be charged and proceeds of fee could be used to hire additional code enforcers
- b. Potential Partnerships with Binghamton University (factoid: 8,000 BU students live off campus, including about 4,000 in the City of Binghamton). Proactive measures. Increased education, collaboration between BU and the City
  - (i) “Knock and Talk” program (BU partnership with City Police where, each year, about 250 student rentals are visited)—to promote friendlier relations between student renters and homeowners (by disseminating information about safety and about tenant rights and responsibilities). Also, other programs for increased communication with and about students.
  - (ii) City Police should continue to notify the University every time a police complaint is made against a student—even where there is no formal Police Report. There needs to be tie-in to the BU “Disturbance Code.”  
-University judicial procedures are triggered by police reports
  - (iii) BU “Smart Tenant” program – Voluntary online training program for students (e.g., similar to Ithaca College program—requires passing test in return for Certificate of Completion)
  - (iv) Continuation (and expansion?) of BU Landlord Registration program, whereby landlords can request a “Certificate of Compliance” from the City for each unit to be listed with the Off Campus College (OCC) office. The City should continue to respond promptly to such requests. This is a way for landlords to market themselves.
  - (v) Housing Code Reports should also be included in the data reported to BU and maintained in the Landlord Registry.
  - (vi) Quality of Life programs (Ithaca College and Syracuse University examples?)
    - a. Neighborly behavior education (communicating expectations)—see also 1.A.2.c.(i), above.
    - b. Disseminating information to create an awareness of the area’s quality of life
    - c. Programmatic initiatives
  - (vii) Increased BU – City coordination (e.g., partnership with Police Department).
- c. Landlord Education and Training (Voluntary)—“Smart Landlord” Program

- (i) Landlord Rights and responsibilities and screening of tenants
  - a. Code compliance for the layman
  - b. Landlord-tenant law for the layman—landlord’s eviction rights
  - c. Importance of proper tenant screening
- (ii) Link to Certificate of Compliance and/or Registration Program?
- (iii) Link to remedy for adjudicated Code violation? E.g., mandatory (5-hour) course in “Code School”?

Note to City Council and Mayor: Consider working with our State Legislators to revise Landlord-Tenant laws. Does Binghamton require the same cumbersome procedures as New York City?

## 2. Proactive Measures to Promote Homeownership and Community Improvement (Objective #1)

(New York State has the lowest homeownership rate [53.0%] in the United States [average 66.2%], except for the District of Columbia [45.8%], and the City of Binghamton has among the lowest homeownership rates [43.0%] in New York State—along with Buffalo, Rochester, Syracuse, and Troy)

### A. Focus on creating a “positive energy” in the community

- 1. Positive communications regarding Quality of Life in our neighborhoods (see also 1.A.c.(v).b, above)

### B. Establish goal to increase the homeownership rate to 60% or more

- 1. Research (Rohe and Stewart, 1996) indicates that, a 5-percentage point change in the homeownership rate of a tract would be associated with about a \$4,000 net increase in mean single-family property value over a 10-year period.
- 2. Encourage homeownership especially in “Neighborhood Action Areas” and among existing renters. Assistance for first-time homeowners.
- 3. PHCD Homeownership Programs
- 4. Targeted distribution of Weed & Seed, HAMA (Affordable Homes & Heating Guide) / City of Binghamton home ownership guide and brochure
- 5. Binghamton Healthy Neighborhood (BHN) home ownership collaboration
  - a. PHCD home improvement programs
  - b. Programs such as BHN collaboration with FWAC (First Ward Action Council) for exterior improvements in Neighborhood Action Areas. Work with Community Development Corporations in action areas.
  - c. BHN Curb Appeal Improvements initiative
  - d. Neighborhood Development Project Fund
  - e. Additional beautification efforts (e.g., litter campaign, Youth Beautification Initiative)

### 6. RestoreNY renovations and new construction

- 7. Collaboration with private sector activities (especially with Realtors Association and Home Builders and Remodelers Association)

### 8. Others (to be added).

- a. RFPs for redevelopment of entire block of blighted properties or substandard housing
- b. Takeover by City of vacant or rundown homes, followed by renovation, redevelopment, and resale.
- c. Cleanup and redevelopment of brownfield sites—using State and EPA grants
- d. Brownfield Opportunity Area (BOA) program to revitalize broad areas of brownfield contamination

**3. Strategies to Promote and Retain Responsible Local Landowners and to Incentivize Student and Professional Housing in Appropriately Zoned Neighborhoods (Objective #2)**

- A. Partner with Hospitals (Lourdes, UHS), developers, and property owners to assist health care professionals to locate in neighborhoods convenient to the hospital area
- B. Partner with Colleges (e.g., BU, BCC) and other educational institutions to assist graduate and undergraduate students, professors, and other College employees to locate in neighborhoods convenient to these institutions.
- C. Promote other beneficial partnerships of this kind.
- D. Use zoning tools (e.g., Planned Development Districts, Overlay Districts), allow higher densities of students and professionals in areas (e.g., close to where they live, close to mass-transit) able to accommodate such densities—consistent with principles of Smart Growth and Liveable Communities
  - 1. Create housing to meet needs
  - 2. Focus on inclusion rather than exclusion
- E. Partner with banks and other financial institutions to utilize Community Reinvestment Act (CRA) funds to promote zoning objectives.

## Under Consideration by the Commission

### Other Proactive Regulatory Measures

- (i) Upgraded definition of “family” and “functional family equivalent” (research by Brian Seacrist and Ken Kamlet)
- (ii) Replace complaint-driven process and selective ZBA enforcement with “rebuttable presumption” and self-implementing application or registration process
  - Four or more unrelated tenants presumed not to be functional family equivalent (subject to documentation to the contrary)
    - Perhaps limited to R-1 District (Tobey)
  - Five or more unrelated tenants presumed not to be functional family equivalent (Stephanie?)
  - No rebuttable presumption outside of R-1 District (Stephanie?)
- (iii) Previously lawful “non-conforming uses” would continue to be permitted
- (iv) Pre-formed groups of students with prior history likely would satisfy “functional family equivalent” criteria]