

# House the Homeless Act:

## City of Rochester Anti-Vacancy Warehousing Legislation for April 2020

### Context of the Public Health Housing Crisis

- We are in a public health crisis and City of Rochester has declared a State of Emergency
- No city legislation to address this emergency is being introduced for the month of April
- Ending Homelessness is top priority because:
  - Homeless residents cannot comply with orders to stay home if they don't have a home
  - Homeless residents cannot properly social distance or self-quarantine themselves in an emergency shelter
  - Homeless residents cannot practice proper sanitation in Peace Village or other outside living areas
  - Homeless Shelters, as mass congregate settings, will become breeding grounds that spread the virus to other homeless people and the rest of the community
- Despite real estate services being classified as [essential business](#) by the Governor of New York and Empire State Development Corporation of NY, numerous Rochester landlords continue to withhold vacant habitable units from the rental market, denying a way for most homeless people to get into permanent housing
- Many housing support services providers are maintaining large waitlists of homeless individuals with guaranteed rental assistance but are unable to obtain housing due to landlord warehousing of vacant apartments
- During a pandemic we must take special action to allow homeless residents to obtain permanent housing for their health and well being and for the health and well-being of the entire community
- The City uses more extreme measures (e.g., Eminent Domain) on regular basis to meet its goals

### Summary of Legislation

City Council or the Mayor can introduce legislation that declares housing a public good and creates a fee for those rental property owners who withhold vacant habitable apartments from the market.

### Summary of Proposed House the Homeless Act Legislation

- **PURPOSE:** Imposes a fee on landlords who have residential dwelling units which remain vacant for an extended period of time and deposits such fee into a fund to provide housing vouchers for homeless individuals.
- Creates a fee for keeping a rental property vacant for more than 3 months
- Fee is for the 4th vacant month is last rent charged and each additional month is 150% of the fee of previous month
- landlord can petition for a waiver only if a unit is vacant due to substantial renovations which render such unit unable to be occupied
- fees go to a fund that can only be used to provide housing vouchers to homeless individuals.
- Mandate that Rochester Gas & Electric provide a record of all units deemed vacant because of not having utilities

### Endorsed by

- City-Wide Tenant Union of Rochester
- Rochester Homeless Union
- VOCAL-NY - Rochester Chapter
- REACH Advocacy
- St. Joseph's House of Hospitality

## Full Legislation: House the Homeless Act

Rochester City Code is amended by to read as follows:

### *Section 1. Warehousing of residential dwelling units.*

- 1.1 A landlord of a residential dwelling unit which remains vacant for a period greater than three months shall pay a monthly warehousing fee in an amount to be calculated as follows:
  - a. For the fourth month a residential dwelling unit remains vacant, the fee shall be equal to the last legal rent charged for such unit.
  - b. For every additional month thereafter that a residential dwelling unit remains vacant, the fee shall be equal to the fee charged for the previous month plus an amount equal to fifty percent.
  - c. If the legal rent of a residential dwelling unit cannot be determined, the amount used to calculate the fee under this subdivision shall be equal to the market rent for a similarly sized residential dwelling unit in the same location, as determined by the commissioner of neighborhood and business development
- 1.2 A landlord may petition the division of housing and community renewal for a waiver of the fee imposed pursuant to subdivision one of this section if such landlord can demonstrate that such residential dwelling unit is vacant due to substantial renovations which render such unit unable to be occupied.
- 1.3 The fee imposed pursuant to subdivision 1.1 of this section shall be paid to the City of Rochester. The City shall deposit such money in the housing voucher assistance fund established pursuant to section 2 below.
- 1.4 Rochester Gas and Electric shall provide to the Commissioner of Neighborhood and Business Development a record of all units deemed vacant because of not having utilities on a monthly basis
- 1.5 The commissioner of neighborhood and business development shall promulgate rules and regulations necessary to carry out the provisions of this section.

### *Section 2. Housing voucher assistance fund.*

- 2.1 There is hereby established in the joint custody of the Rochester Housing Authority and the commissioner of neighborhood and business development a fund to be known as the housing voucher assistance fund.
- 2.2 Such fund shall consist of all moneys appropriated for the purpose of such fund, moneys collected pursuant to section 1 above and all other moneys transferred to such fund pursuant to law. Any interest earned by the investment of moneys in such fund shall be added to such fund, become a part of such fund, and be used for the purpose of such fund.
- 2.3 Monies of the fund shall be expended only by the Rochester Housing Authority to provide housing vouchers to homeless individuals.

*Section 3.* This act shall take effect immediately and enforcement can begin on the first of the month after which the law is passed.