

## HOME CORRECTS LANDLORD, SAVES TENANT'S HOME

By Alyssa Bergsten

Tamara Jackson learned about HOME's services during a fair housing presentation in the fall of 2014. Once the winter weather broke, she was planning to move her family from the Northeast Buffalo complex where they lived, but she assumed she would have plenty of time before an eventual move in the spring. She became concerned when she was informed by her property manager that they would be asking her to move before her expected lease renewal February 1st.

When she asked why the manage-



ment was declining to renew her lease, Tamara was provided with a photocopy of what appeared to be a New York State law restricting occupancy of a room for sleeping purposes to no more than two adults. According to the document, anyone over 12 was considered an adult, two children between ages two and 11 counted as one adult, and children under two were not counted for purposes of occupancy. This was apparently a rule that would begin to be enforced by the new owners of the building. Tamara's household consisted of herself and three sons, ages 11, 8, and less than one year, and she was told by the property manager that because her eldest son would be turning 12 during the month of February, they could not renew the lease on her two-bedroom apartment effective February 1st.

Tamara could not believe that she would be forced to move simply be-

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## Section 8 benefits tenants AND landlords...honest!

By Kathy O'Brien



Believe it or not there are more than 13,000 Section 8 Housing Choice Vouchers in use throughout Erie and Niagara Counties, which means that thousands of landlords are making apartments available to and accepting subsidies on behalf of very low income households. These landlords apparently find Section 8 participation to be a positive experience, which begs the question, "Why doesn't every landlord welcome voucher-holders to rent their units?"

Well, before we tackle that question, let's review the benefits of Section 8 assistance for tenants, including:



- The tenant's share of rent is affordable due to the subsidy;
- The rental units tend to be better than average because they must meet federal housing quality standards (HQS);
- Program rules require that each tenancy be governed by a written lease;
- Through "portability", voucher-holders may use their assistance anywhere in the country;
- The tenant learns about his or her rights and responsibilities during mandatory orientation; and
- The tenant learns about protections afforded to him or her under fair housing laws.

In addition to these benefits, consider the fact that a family with a voucher enjoys significantly more choice when it comes to communities and neighborhoods where they can afford to live, and that where one lives is a primary predictor of future success relative to education, employment, social and economic status.

Now, what about landlords? What benefits do landlords derive from participating in the Section 8 Program?

- When tenants can afford the rent and

housing is of better quality, tenants tend to remain in place for longer periods of time, thus saving the landlord the time, energy, and cost of finding a new tenant and turning over the apartment.

- When a tenant experiences a loss of income, there's a good chance that his or her landlord will also experience a loss of rent. But, if the tenant has Section 8, the landlord doesn't have to suffer that loss. Instead, the housing agency will pretty quickly re-exam the household income and re-calculate (increase) the subsidy to the landlord. An unassisted tenant has no comparable safety net and, if he or she can't replace that income, the landlord may have no choice but to evict the family.

*"[A] family with a voucher enjoys significantly more choice when it comes to communities and neighborhoods where they can afford to live"*

- The voucher program provides the landlord with a guarantee that he or she will receive a rental assistance payment at the beginning of each month. The landlord is entitled to the subsidy if the unit passed its most recent inspection and as long as the tenant occupies the unit on the first day of that month. Furthermore, because the tenant knows that his or her continued receipt of rental assistance is dependent upon the timely and full payment of his or her share of the rent, they are far more apt to pay in full and on time. Should the tenant fail to pay, the landlord can notify the housing agency of the tenant's delinquency and ask

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## From the Director: Fair Housing Partnership proposes county fair housing law

By Scott W. Gehl

The Erie County Fair Housing Partnership is a coalition of two dozen government agencies, lenders, public authorities, and non-profit organizations which has for 25 years has sought to further fair housing—primarily through public education. After months of discussion and planning, the Partnership has moved in another direction, drafting a statute and beginning discussions with members of the Erie County Legislature about the need for a county fair housing law. This effort is being spearheaded by Roseann Scibilia, the immediate past president of the Partnership.

Poised on the verge of an economic renaissance decades overdue, the Buffalo-Niagara region needs to find a way to combat the legacy of housing discrimination, which has left us the sixth most racially segregated metropolitan area in the nation. In order to attract “the best and the brightest” to our region, in order to overcome the divisions which hamstring economic development and consign people to communities of concentrated poverty, in order to combat the root causes of inequality in education, employment, cultural opportunities, public services and even public health, we must resolve to take action.

It makes sense to approach the issue on a metropolitan basis so all county residents can enjoy equal protection under the law. Additionally, real estate professionals and investor owners with holdings in more than one community will have a single county-wide standard to follow.

The Partnership proposes to outlaw discrimination due to lawful source of income, which last year was involved in 44 percent of all reported incidents of discrimination in the Buffalo-Niagara region. Source of income discrimination—prohibited now in only Hamburg, West Seneca and Buffalo—is often used as a pretext for racial discrimination (which is prohibited by both state and federal law). In addition, the Partner-

ship’s proposal would help educate the community about fair housing by asking larger housing providers to use the equal opportunity logotype in marketing and to formulate marketing plans to appeal to a diverse public of prospective homebuyers and renters.

Most significantly, the Fair Housing Partnership asks Erie County to urge its constituent municipalities to use a tool called “inclusionary zoning” to assure that future multifamily rental housing developments contain a small percentage of apartments affordable to families to moderate means. Because under New York law zoning powers reside not with counties but with city and town governments, this is a symbolic provision—but one which could start a conversation which we’ve yet to begin and help guard against the perils of gentrification.

For more than three decades the City of Buffalo, the towns of Hamburg, Amherst, Cheektowaga and Tonawanda, and the thirty-four municipalities of the Erie County Consortium have annually received tens of millions of dollars in federal assistance conditioned on their promise to “affirmatively further fair housing”. Passage of an Erie County Fair Housing Law, which includes provisions for inclusionary zoning, would go a long way toward fulfilling that promise.

In urging passage of what came to be the Civil Rights Act of 1964, President John F. Kennedy wrote in 1963: “...Justice requires us to ensure the blessings of liberty for all Americans—not merely for reasons of economic efficiency, world diplomacy and domestic tranquility—but, above all, *because it is right.*”

This is the right time for fair housing in Erie County.

To report  
discrimination,  
call 716-854-1400.

**HOME**  
Housing Opportunities Made Equal

## “One community, one HOME”

By Samantha Long

This spring, HOME celebrates its 52nd anniversary as the only organization in Western New York providing comprehensive services to victims of housing discrimination. Without a doubt, we could not have accomplished as much in the past 52 years without the support of our dedicated members, donors, and the Western New York community at large. We invite all who have stood with us to celebrate with us. Please join us on Thursday April, 23 in the Greenhouse Room at the Hotel Lafayette for our 52nd Annual Meeting and Dinner celebration. The event will begin with a cocktail hour at 5:00 PM, and HOME members are invited to join the Board of Directors at 5:15 PM for the annual meeting. The evening will continue with dinner and a program at 6:30 PM.

Our theme, “One Community, One HOME,” highlights the important role the community has played, and must continue to play in the fight for civil rights and fair housing. As we come together to become “One Buffalo,” and work to rebuild our region, we must remember the collective responsibility we have to promote the values of diversity and equality.

The dinner program will feature client testimonials, when guests will learn how their support truly changes lives in Western New York, as well as distinguished speaker Reverend George Nicholas, Pastor of Lincoln United Methodist Church. We will once again be joined by Mr. Cash Cunningham for our exciting live auction and Fund-A Family opportunities! The event will also feature a silent auction, theme basket raffle, and scholarship and award presentations.

There are many ways to support HOME’s 52nd Annual Dinner. For information on sponsoring the dinner, donating raffle items, purchasing journal advertisements, volunteering or purchasing tickets to the event, please contact Samantha Long at (716) 854-1400 extension 17, or slong@homeny.org. Tickets may also be purchased online at [www.homeny.org](http://www.homeny.org).

## CLIENTS RECEIVE ASSISTANCE WITH REASONABLE ACCOMMODATION REQUESTS

By Alyssa Bergsten

For advocates of fair housing and the rights of individuals with disabilities, it is no secret that people with physical or mental impairments have historically faced great challenges in locating and obtaining decent, affordable housing. Before disability became a federally protected class, victims of housing discrimination due to physical or mental disabilities had few tools to advocate for equality. And despite the 1988 amendment to the federal Fair Housing Act prohibiting discrimination on the basis of disability, complaints continue to pile up at agencies tasked with fair housing enforcement. In fact, according to data from the National Fair Housing Alliance, disability has surpassed all other bases for housing discrimination complaints in the past few years.

*"It was difficult to hear him make assertions that the tenant was 'just using his disability for attention' or that... [he] 'shouldn't have to babysit' the tenant"*

While a good deal of those issues were caused by non-compliance with accessibility guidelines or other matters, countless others were the result of a housing provider's refusal to provide reasonable accommodations or modifications for tenants with disabilities. In light of the magnitude of this problem, HOME has increased its efforts to reach potential victims of disability discrimination and encourages both landlords and tenants to use its services in resolving reasonable accommodation and modification issues. Currently HOME has three cases pending which represent some of

the more commonly reported accommodation issues: two cases where tenants were denied their right to have a service or assistance animal and a third regarding a tenant's request to reserve a close-by parking space due to mobility



impairment.

Every complaint HOME investigates is important, but it was the first accommodation request that I managed which provided a major framework for my conception of future disability-based cases. More importantly, my dealings with the housing provider in question gave me a glimpse of the type of discrimination that many disabled individuals routinely face—the assumption that they are needy and a disregard for their legitimate requests for equal access to opportunities. Our client initially approached me at a community event and explained the difficulties he was having with a housing provider. He resided in a manufactured home park where he was required to dispose of garbage in a large dumpster, which opened on the top. Because he was unable to lift the dumpster as a result of a disability, his request was fairly simple—provide a trash receptacle that was accessible to him.

I agreed with him that the request was straightforward, and, despite the fact that his previous request was dis-

regarded, approached the provider with the assumption that this could be amicably resolved. Unfortunately what I encountered was a person who seemed less concerned with resolving the issue than impressing upon me the apparent burden he felt the tenant was causing him. It was difficult to hear him make assertions that the tenant was "just using his disability for attention", or that the housing provider felt he "shouldn't have to babysit" the tenant. I could feel the heat rising in my face during our many conversations going back and forth about the request, but I felt HOME would eventually prevail—after all, we had the law on our side. Ultimately—realizing that it would be easier and less expensive to follow the law than break it—the housing provider acquiesced and the tenant's request was finally granted.

Feeling just a fraction of the pain inflicted by the housing provider gave me a greater understanding of why fair housing enforcement for tenants with disabilities is so crucial. I often reflect on the housing provider's mentality when training other landlords, and the challenges he presented gave me a sense of what advocates for disability rights are up against. It is my sincere hope that HOME's dealings with this provider gave sufficient reasons for him to comply with fair housing regulations in the future, whether they be moral, legal, or both. But at the very least, the client received the accommodation to which he was entitled, and he has a resource in the event that he encounters such problems going forward. While I will never forget the cruel words of the housing provider, it is the dignity and strength of the client which remains in the forefront of my mind, providing the motivation necessary to continue on at HOME in the fight against discrimination.

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## 7 QUESTIONS WITH MIATA WRIGHT



*Miata Wright outside of HOME's offices at 1542 Main St., shown alongside her predecessor, Margaret Brown, pictured at HOME's former offices at 700 Main St.*

Miata Wright has been the Administrative Assistant at HOME since November 2013. The recent graduate of UB with a Bachelors' degree in Aerospace & Mechanical Engineering sat down with us to reflect upon her first year at HOME.

**How did you first learn about HOME?**

I knew about HOME because the executive director Scott Gehl and I are both involved with the Thatcher-Comstock Concerned Citizens Block Club. I was familiar with HOME's mission and fair housing investigations from what Scott shared, and when the position became available I applied.

**What does a typical day at HOME look like for you?**

I check messages when I first come in, some of which can be very emotionally charged. I make sure these get to the right people, and then I focus on answering questions and making referrals over the phone and assisting clients who come into the office. I also manage IT issues and maintain supplies. Most importantly, I want to provide a helpful environment for clients, some of whom are experiencing a good deal of stress.

**What are some of the most common questions or situations that you hear from clients when they call HOME? Are there any in particular that stick out in your mind?**

The most common questions are about where to find security deposit assistance, evictions, discrimination, (especially source of income discrimination, mostly involving security agreements from the Department of Social Services), and people looking for housing who need listings. A lot of times, people who call for help finding a place are really pressed for time and could be at risk of becoming homeless.

I can remember a lot of stories about people in moments of extreme desperation. I hear about people living in their

cars, or expectant mothers looking for housing, or a domestic violence survivor in need of shelter, and it reminds me of why we are here. Cases of egregious landlord discrimination and retaliation also really stick with me. I once received a message from a woman who was told by a prospective landlord that she could rent a unit for a certain price, but she would have to sleep with him. When I hear these kinds of stories about gender, race, or familial status based discrimination, to name a few, I just think, why? I cannot understand why a housing provider would treat a person that way.

**Has your work at HOME given you a different perspective on issues relating to fair housing and discrimination?**

Yes! Before I started at HOME I was aware of issues of homelessness in the city, but I never understood the emotional impact for the people experiencing homelessness. I'm now enlightened as to how quickly someone's situation can change so that they don't have access to basic needs like housing. Seeing people experiencing homelessness makes me want to do anything to help them and provide relief from their desperate situation.

**If you could identify any lacking community service(s) that would be most beneficial to HOME's clients, what would it/they be?**

I think we could use a lot more professional mental health resources for people in the community, both for adults and children. When an individual or family is experiencing homelessness, it seems easy to lose hope. Things happen really quickly and a lot of times people do not know where to turn.

**If you could give one piece of advice to landlords or tenants, what would it be?**

Tenants: Be patient. Even though things may be complicated, things will improve if you keep a clear head.

Landlords: Be responsible, respectful, and aware of the law. Put yourself in the shoes of your tenant.

**When do you feel like you have the greatest impact or ability to assist clients?**

Knowing that I am the first contact at the agency, what I say can make or break the expectations of a client. People experiencing problems with their housing are often in a great deal of stress, so I have to remember to be patient and non-judgmental while hearing them out. When I make a connection or referral that I know will be helpful, or when I hear the results of a discrimination case, it reminds me that HOME is necessary.

## Why the chance at adequate housing matters

*By Miata Wright*

It's no surprise that Buffalo winters can be harsh on its residents. After such a bitterly cold winter, it becomes more apparent the lingering problems of homelessness and inadequate housing, and the lasting effects these have both on individuals and families. For families under the pressure of finding decent and affordable housing in neighborhoods of their choice, the instability can negatively affect the overall well-being of children and parents alike.

Research performed by Hart Research Associates for The MacArthur Foundation examined five housing characteristics: quality, stability, affordability, ownership, and the presence of a housing subsidy. The study found that neither the lack of ownership or affordability, nor the use of a housing subsidy, had a lasting detrimental impact on the development of a child. However, other necessities such as adequate nutrition and medical care may become secondary priorities in order for parents to be able to afford housing. Parents may also have to limit their children's participation in extracurricular activities which can limit opportunities to interact with their peers. Accordingly, both homeownership and receiving housing subsidies may increase family stability, promoting a positive social environment for children.

Not surprisingly, poor living conditions and the lack of stable housing did have a detrimental impact on low-income children and youth's emotional well-being. Children that resided in homes with broken windows and doors, non-functioning appliances, and pest concerns were more likely to have emotional and behavioral issues than those living in adequate housing. Teenagers in the same conditions lower standardized math and reading scores than their peers who had access to safe and stable living. Additionally, children that are forced to move multiple times during stages of crucial social development become hindered in their ability to focus in other areas of their life, which can lead to emotional

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## Section 8 Benefits Tenants & Landlords

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that they talk to the tenant about the consequences of non-payment. The staff is available to help tenants and landlords resolve any housing issues.

- The housing agency conducts a basic criminal background check before vouchers are issued and will provide prospective landlords with contact information for the tenant's current and previous landlord, if known. This definitely helps landlords to select "good" responsible tenants.
- Landlords who wish to participate in the Section 8 Program are given access to a free listing service, which broadens their market and most likely shortens their vacancy periods.
- A mandatory pre-occupancy inspection conducted by the housing agency's (third-party) inspector provides the landlord with verification of the apartment condition prior to the tenant taking possession. While this inspection will not necessarily document cosmetic faults, it will still prove to be invaluable should the tenant claim that damages noted during a move-out inspection were pre-existing conditions. Furthermore, the landlord can request interim inspections to document tenant-caused damage. The sooner these problems are identified, the sooner they can be resolved.

With all of these benefits it's hard to imagine that every landlord wouldn't want to participate. Yet there are those who still believe the cons outweigh the pros. For example, landlords have been known to cite inspection criteria as being overly-stringent and therefore the reason they do not want to rent to voucher-holders. In reality, the federal housing quality standards are quite minimal; a modest yet decent housing unit should have little difficulty meeting that standard. Landlords

are given adequate time to make repairs unless the failed item poses an immediate safety or habitability risk to the tenant and inspectors are prepared to discuss a range of fixes for most any failed item. While the landlord is ultimately responsible for making any required repairs, nothing prohibits them from passing the expense on to the tenant when the failure is due to the tenant's abuse.

The program regulations also seem to be a concern to some landlords who are considering participation. There is a misconception that landlords lose control over their property when they rent to a Section 8 family; that they can't evict the family for non-payment or lease violations or they can't raise the rent each year. This just isn't true. What is true is that landlords must document past due rent, damage or lease violations, and then file a petition for eviction with the court, just as they would for an unassisted tenant. As far as rent increases, the program only expects the increased rent to be reasonable when compared to similar unassisted units in the neighborhood.

Might there be a bit more paperwork involved if a landlord rents to a family with Section 8 assistance? Absolutely, there's no getting around that, but it really isn't a big deal. There's a lease and a contract. Those documents are executed at move-in and there is virtually no other paperwork that needs to be done for the length of the tenancy, be that a year or ten years. Paperwork should certainly not discourage a landlord from participating in the program.

Bottom line...there are trade-offs. In exchange for guaranteed rental assistance payments and other program benefits, landlords are expected to maintain their properties, complete some paperwork and follow a few basic regulations. The little bit of extra work is definitely worth the reward.

*Kathy O'Brien is the Vice President of Housing Programs at Belmont Housing Resources for WNY.*

## HOME Corrects Landlord

(Continued from Page 1)

cause her son was turning 12 the month of her lease renewal. She worried about having to move with two young children and an infant in the bitter cold of winter, not to mention the stress of locating new housing at a time of year when far fewer options are available. She contacted HOME towards the end of September and provided all of the paperwork necessary to investigate the case.

*"Tamara could not believe that she would be forced to move simply because her son was turning 12 the month of her lease renewal. She worried about having to move with two young children and an infant in the bitter cold of winter, not to mention the stress of locating new housing at a time of year when far fewer options are available."*

HOME staff, concerned about familial status discrimination, was able to research the unfamiliar provision and examine it within the greater context of the law, eventually concluding that it was incorrectly applied to the multifamily housing complex where Ms. Jackson resided. Additionally, staff found that even if the standard was correct, Ms. Jackson's household would have been eligible to remain in her two bedroom unit. Fortunately, after reaching out to the complex's property management and legal representatives, HOME was able to successfully conciliate the occupancy issue. Ms. Jackson and her sons were not displaced, and she is able to continue her search for a new home without pressure of eviction.

*This is just one example of the work of the Fair Housing team at HOME. Please consider lending your support to ensure that families like Tamara's have an equal opportunity to live in the housing and communities of their choice!*



## CALL FOR VOLUNTEERS



Are you interested in getting more involved in HOME? We need you! HOME is looking for volunteers to serve on existing and future committees. We are particularly interested in volunteers with experience in marketing, technology, business/entrepreneurship, transition planning, strategic planning, accounting/finance, and fundraising, although we welcome volunteers of all backgrounds and experience. Both short- and longer-term commitments are available. If you are interested in volunteering or learning more about the opportunities available, please contact President Elizabeth Fox-Solomon at [efoxsolomon@gmail.com](mailto:efoxsolomon@gmail.com) or Associate Director DeAnna Eason at [deason@homeny.org](mailto:deason@homeny.org)

**Adequate Housing Matters**

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and behavioral problems and inhibited learning skills. For parents of children exposed to hazardous living conditions the need for healthy housing becomes vital, adding to the strain of being able to raise a family in a healthy environment.

According to the U.S. Census Bureau, 22% of all children in the nation lived in poverty in 2013. Buffalo ranked 3rd among the nation's largest cities with over 50% of children living in poverty, beat only by Cleveland and Detroit. These three cities are, by no coincidence, also three of the most racially segregated metropolitan areas in the country, each with a long history of housing discrimination.

Mortgage lenders use strategies such as steering, racial preferences, and redlining, which have been occurring in our own backyard by local banks, to keep African-American families out of predominantly white communities by denying them loans. Landlords covertly attempt

to deter families with children by placing unlawful tenant occupancy limits on their properties or verbally deeming a house unsuitable for children. Some landlords even say "no Section 8" in rental advertising to discourage potential tenants that receive public assistance, further stigmatizing families that receive a housing subsidy, making them feel as if they do not deserve adequate housing.

Being denied housing not only causes emotional distress, but can also make it more difficult for African-American and other minority families to accumulate and maintain wealth in order to afford higher rent, making homeownership an even more distant dream. This forces families back into low-income neighborhoods where the access to adequate housing is poor, exposing families to poverty, violence, and drug use. Children and teens are forced to attend low-performing schools, which in turn, widens the educational gap between white children and minority children even more.

HOME aims to break this vicious cycle

*"At HOME, we hope to not only move families to neighborhoods of their choice, but to the futures of their choice"*

by fighting the barriers that families encounter while seeking affordable housing in communities of their choice. Families with access to stable housing have better access to higher quality education for their children, providing a substantial environment for healthy development. At HOME, we hope to not only move families to the neighborhoods of their choice, but to the futures of their choice.

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**HOME'S MISSION:**  
Housing Opportunities Made Equal is a fair housing organization continuing the struggle for civil rights by working to promote the value of diversity and to ensure all people an equal opportunity to live in the housing and communities of their choice—through education, advocacy, the enforcement of fair housing laws and the creation of housing opportunities.