MINUTES OF THE REGULARLY SCHEDULED MEETING
OF THE SCHENECTADY CITY COUNCIL
October 15, 2019

The City Council Meeting was called to order by the City Council President Ed Kosiur at 7:00 p.m. in Room 209, City Council Chambers at City Hall.

Mr. Kosiur asked Pastor George Carstensen of Zion Lutheran Church to offer the invocation.

Mr. Kosiur then called on Council Member John Polimeni to lead the Pledge of Allegiance.

The City Clerk called the roll and the following members of the City Council answered to be present:


Also Present – City Clerk Samanta R. Mykoo, Mayor Gary R. McCarthy and Assistant Corporation Counsel Andrew Koldin.

Absent – none.

At this point, Mr. Kosiur asked if there were no objections, he would like to take agenda items number 13, 14, 15, and 16 out of order. There were no objections. Item number 11 from the previous meeting was also presented tonight.

**Resolution No. 2019-211 A Resolution Recognizing the 2nd Annual No Greater Love Fraternal Order of Police 18 Charity Golf Memorial**

The resolution was moved by Mr. Polimeni and seconded by Ms. Perazzo.

The resolution was accepted by Officer Chris Foti and Mike Fitzpatrick from the VA Medical Center Voluntary Services Fund. They thanked the Mayor and Council for their recognition and thanked all the Veterans that participated.

**Resolution No. 2019-222 A Resolution Recognizing October as Domestic Violence Awareness Month**

The resolution was moved by Ms. Perazzo and seconded by Ms. Porterfield.

The resolution was accepted by Lauren Trunco, Director of Women and Family Services at the YWCA. She thanked the Mayor and Council for their recognition.

**Resolution No. 2019-223 A Resolution Recognizing the Achievements of Italian-Americans and Declaring October 2019 as Italian-American Heritage and Culture Month**

The resolution was moved by Mr. Riggi and seconded by Mr. Polimeni.

The resolution was accepted by Peter Sparano from the Sons of Italy. He thanked the Mayor and Council for their recognition.
Resolution No. 2019-224 A Resolution Recognizing the Schenectady Senior Center

Mr. Polimeni assumed the Chair and Mr. Kosiur presented the resolution.

The resolution was moved by Mr. Kosiur and seconded by Ms. Zalewski-Wildzunas. The resolution was accepted by Dave Connelly, Treasurer and volunteer from the Ancient Order of Hibernians. He thanked the Mayor and Council for their recognition.

Mr. Kosiur then assumed the Chair.

Resolution No. 2019-225 A Resolution Recognizing October as National Fire Prevention Month

The resolution was moved by Ms. Perazzo and seconded by Mr. Polimeni.

The resolution was accepted by Assistant Chief Don Marenco of the Schenectady Fire Department. He thanked the Mayor and Council for their recognition and asked that everyone practice fire safety every day.

PUBLIC HEARING:

1. Regarding the 2020 Budget

Mr. Kosiur invited all who wished to address the Council regarding Public Hearing Number One to come forward:

Ellie Pepper – Stated that she hoped that the Casino revenue in the 2019 budget had a typo in it and questioned the various raise rates. She then spoke about the Mayor’s raise and her own calculations of what his actual pay ought to be.

Robert Sanders – Stated that there is a need for precision accuracy when creating the budget and a need to keep to that budget once created.

Mary McClaine – I have lived in Schenectady for 40 years. I have paid taxes to the City of Schenectady for 40 years and I have come to these City Council Meetings over the same period of time. How many city officials can say the same? City taxpayers are going to receive very little from the heavily laden banquet table of 2020. Revenues from the Casino and tourism will be used to pay for the union contracts. Many of the union members do not live in the City. How many firemen live in Schenectady? How many policemen live here? 90% of the teachers do not, but this budget includes a 52% increase in prescription drug costs for city employees and lots of pork for double dippers. To my way of thinking, anyone who takes more out of the system that what he or she puts into it is not a taxpayer. Schenectady’s 2020 budget is saying to the City taxpayer, “I’m looking out for #1”.

Mohamed Hafez – Spoke against the proposed raise in the Mayor’s salary. He stated that the Mayor failed to sign a host community agreement with the casino developer as other municipalities have done, this would have generated increased revenue for the City. He then urged the Council to reject the proposal.

Chris Casly – Stated that the 2020 budget only offers a .46% tax cut, then questioned the pay increase for management and asked about the purchase of new vehicles when the vehicles we have are not broken.
David Giacalone – Stated that the Mayor does not deserve a pay increase. He placed the Statue of Liberty in a bad place. Also, with the Casino, he asked for nothing and gave them everything. We have no money to help with problem gambling but he did force the Casino onto the City.

James Clay – President of AFSCME Local 1037 asked why is it easy to give supervisors and the Mayor raises, but not the workers who keep the City functioning. Then questioned why the City of Schenectady employees are the lowest paid in the State.

Ashton Mayers – Spoke about a day in the life of a seasonal garbage worker. Stated that they dispose of 10 tons of garbage a day, that is 50 tons a week at $12/hour. Divers are only paid $17/hour. Schenectady has the lowest paid sanitation workers in New York State.

Richard Antokol – Stated that the City should not be paying anyone less than $15/ hour as a living wage. You say thank you to an employee with money. He also said that there has been many changes and improvement to the City under the Mayor; the city has moved by leaps and bounds.

Seeing no other speakers to come forward, Mr. Kosiur declared the Public Hearing Number One, to be closed.

APPROVAL OF MINUTES:

Mr. Kosiur asked for a motion to approve the minutes from the September 23, 2019 Council meeting as submitted by the City Clerk. Mr. Riggi made a motion to approve the minutes and Ms. Porterfield seconded the motion.

COMMUNICATIONS PRESENTED TO THE CITY COUNCIL
Official:
From the Mayor, a list of appointments dated October 15, 2019.

General:
From Vicki Michela, a letter in favor of the Community Choice Aggregation.

Petitions:
None

COMMITTEE REPORTS:
None

PRIVILEGE OF THE FLOOR (LEGISLATIVE ITEMS):
Mr. Kosiur invited all who wished to address the Legislative Agenda to come forward:

Robert Sanders – Spoke about Miracle on Craig Street and the many good people trying to move it forward. We do have to be mindful of the budget, but this project will take time, effort, and people.

Mary McClaine – Items #2 & #3 I think the DASD / DSIC should fix what it has before it considers property expansion. City decorations need help. The City streets are filthy, weeds go unchecked, no one pays attention to the comprehensive plan which calls for the beautification of
all the neighborhoods. Point 1 regarding decorations, I do not think that Hometown Hero Banners should be used to decorate the City. They should have a special place altogether in Veterans Park where the multiples would look dramatic. Point #2 Mr. Philip Morris wrote a letter to the editor in which he stated that the City pulled out all the stops for Hamilton and he mentioned clean city streets. I don’t know what street he was on, on Saturday, August 24th. I made a right turn on State street and Brandywine Avenue, the corner was littered with filth and that was a business owned property. Point #3 as for the Comprehensive Plan, the people in the Engineering Department told me they don’t beautify anything. They fix things. I think the City should stop looking for new toys and address the existing problems first. Item #3 A resolution authorizing a Purchase Agreement to Miracle on Craig Street of Schenectady, Inc. is long overdue. With the tenacity and passion shown by those involved in this project, I am sure they will succeed and urge everyone in the community to support them. When the group held its phonathon fundraiser at Proctors Theater two years ago I was the first person to give them a donation. The organizers asked if they could use my name on the air. I said yes. Tonight I am going to give them another contribution and ask everyone in the community to do the same. Let’s help make this project a reality. It’s a positive thing for Schenectady.

Jeff Corbin – Expressed his excitement about the Community Choice Aggregation of Electricity. There are not other actions that be taken outside of Federal Action that can reduce our carbon footprint and our contribution to climate change. He looks forward to helping the Mayor, his staff and the Council choose a qualified administrator.

Having no one else signed up to speak, Mr. Kosiur declared the privilege of the floor, regarding the legislative agenda, to be closed.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS:

Mr. Kosiur made a motion that Council approves the Consent Agenda and the motion was moved by Ms. Zalewski-Wildzunas and seconded by Mr. Polimeni.

Consent Agenda

Local Law No. 2019-02 .................................... Adopted Unanimously
Ordinance No. 2019-12 .................................... Adopted Unanimously
Resolution No. 2019-226 .................................... Adopted Unanimously
Resolution No. 2019-227 .................................... Adopted Unanimously
Resolution No. 2019-228 .................................... Adopted Unanimously
Resolution No. 2019-229 .................................... Adopted Unanimously
Resolution No. 2019-230 .................................... Adopted Unanimously
Resolution No. 2019-231 .................................... Adopted Unanimously
Resolution No. 2019-232 .................................... Adopted Unanimously
Resolution No. 2019-233 .................................... Adopted Unanimously
Resolution No. 2019-234 .................................... Adopted Unanimously
Resolution No. 2019-235 .................................... Adopted Unanimously
Resolution No. 2019-236 .................................... Adopted Unanimously
Resolution No. 2019-CS-11 .................................... Adopted Unanimously
Resolution No. 2019-CS-12 .................................... Adopted Unanimously
Resolution No. 2019-CS-13 .................................... Adopted Unanimously
2019-12 An Ordinance Authorizing the Downtown Schenectady Assessment District / Downtown Schenectady Improvement Corporation Expansion

7:00
Voting AYE: Mr. Polimeni, Ms. Porterfield, Ms. Zalewski-Wildzunas, Mr. Perazzo, Mr. Mootoooveren, Mr. Riggi, and Mr. Kosiur

Voting Nay: None
Abstain: None

2019-226 A Resolution Authorizing a Purchase Agreement to Miracle on Craig Street of Schenectady, Inc.

7:00
Voting AYE: Mr. Polimeni, Ms. Porterfield, Ms. Zalewski-Wildzunas, Mr. Perazzo, Mr. Mootoooveren, Mr. Riggi, and Mr. Kosiur

Voting Nay: None
Abstain: None

PRIVILEGE OF THE FLOOR:

Mr. Kosiur invited all who wished to address the City Council on any matter of City business to come forward. The following speakers rose to be heard and their remarks are summarized:

Chris Morris – Director of Schenectady Landlords Influencing Change (SLIC) spoke about the efforts her organization has made regarding the new tenant protection laws*.

Steve Markham – A member of SLIC, spoke about meetings he has attended regarding the new tenant protection laws*.

Harline Andrus – A member of SLIC, spoke about how the new Housing Stability and Tenant Protection Act of 2019 affects landlords*.

Hillary Snare – A member of SLIC described how the new tenant protection laws are more harmful than helpful*.

Lorrain Gagne – A member of SLIC and a broker/owner of United Business Services, a real estate company, spoke about how the new tenant protection laws will push more residents to public housing*.

Matthew Lyman – A member of SLIC and owner of Ideal Legal Support Services, LLC spoke about the extended time frame for an eviction due to the new tenant protection law*.

Kimlee Marquis – A member of SLIC spoke about the impact the new tenant protection laws have on renters and tax payers*.

Tracy Shepherd – A member of SLIC recounted a trip to Turning Stone on September 10th for a “Unify Upstate New York Landlords” meeting*.

Patti Cuda-Nicollela – A member of SLIC spoke about the unfairness of the new tenant protection laws*.

* See documents submitted.

Jahaim Deodat – A landlord in Schenectady stated that the new tenant protection laws are unfair. Landlords depend upon the rent to pay for the taxes, the insurance, and mortgage. It
should not take longer to evict a tenant that does not pay their rent. The law should be changed or modified to be fair.

**Robert Sanders** – Clarified that he didn’t want Carver Community Center closed. He was comparing Miracle on Craig Street to Woodlawn Park. He intends on donating to them but does not believe that the City should give them money. We need to be more accountable to the budget. They need to do fundraisers to raise money.

**Mohamed Hafez** – A landlord in Schenectady spoke about the negative impact of the new tenant protection law. The new law prevents landlords from checking a tenant’s eviction and non-payment history. Banks do not allow a person with bad credit to get a loan. The new law basically extends credit to free loaders with bad paying history at a landlord’s expense. It only encourages theft of landlord’s income. This will increase the number of foreclosure and zombie properties.

**David Giacalone** – Stated that an election is coming up and we need a City Council that is actively looking at the legislative interest in the City. They need to be able to ask hard questions, be a part of proposals early and time to think about things before it gets pushed through.

**Richard Antekol** – Former president of the Downtown Schenectady Improvement Corporation stated that the Downtown Schenectady Assessment District Expansion has been a two year long project that the board undertook.

Seeing no other speakers come before the City Council, Mr. Kosiu declared the privilege of the floor, regarding general City business, to be closed.

**MISCELLANEOUS BUSINESS OF THE COUNCIL:**

**Ms. Perazzo**– Stated that she is very happy to see so many people come out this evening. She has received much positive feedback regarding the Community Choice Aggregation of Electricity. She thanked SLIC for the information they’ve provided and Council will have to look at the best way to address it. She thanked the City Employees who came out and stated that they will look at the budget as the process begins. She congratulated Miracle on Craig Street. Then she congratulated the Stockade Association on their comprehensive streetscape plan.

**Ms. Porterfield** – Thanked everyone that came out to comment on the budget. She thanked the members of SLIC also for coming out and stated that she read the new laws and agrees there is room for movement. She then announced that the Hamilton Hill Neighborhood Association Awards Dinner will be on November 9th at the Hibernians at 6 p.m.

**Mr. Riggi** – Thanked everyone for coming out, there was a lot of passion. Stated that there certainly will be a trickledown effect regarding the new tenant laws. He thanked Local 1037 for coming down and he understands that they should be compensated for the work they do. He wished Miracle on Craig Street well, then stated that the political signs that on every public street corner should be removed. He urged the Mayor to have the Zoning Officer to contact the political party leader to remove them.

**Ms. Zalewski-Wildzunas** – Announced the Downtown Schenectady Inaugural Event of the Halloween Spooktacular on October 19th from 2-7 p.m. at Gateway Plaza. She then thanked everyone for coming out.
Mr. Polimeni – Announced that on November 11th at 11 a.m. there will be a ribbon cutting at Stienmetz Park for the Veterans Memorial. He thanked the Mayor and his staff for their help assisting this project. Then encouraged everyone to see the new MiSci exhibit curriculum. Then recognized the Mayor and his staff for their time and effort trying to coordinate with National Grid but there continues to be an issue with the street cut outs with the gas lines particularly in the Stockade.

Mr. Mootoooveran – Thanked everyone for coming out to speak. Landlords and tenants are not happy and suggest that they continue to lobby the legislators in Albany. The Council will do what is needed.

Mayor Gary R. McCarthy – Thanked everyone for coming out. Thanked the DSIC Board for the work they’ve done in the past for the expansion. He thanked the members of SLIC and hopes that a common sense proposal can be created. He thanked the Council for the questions and suggestions that they are getting to the Finance Committee. The Mayor’s salary is based on legislation that states that the salary should be comparable to the increase of other Department Heads and he has declined the salary increase the past 12 years. He looks forward to the timely adoption of the budget by November 1st.

Adjourned:

Seeing no further business to come before the City Council, Mr. Kosiur asked for a motion to adjourn the meeting. The motion was moved by Mr. Mootoooveren and seconded by Ms. Zalewski-Wildzunas. The meeting was adjourned at 9:05 p.m.

A true record

By Samanta R. Mykoo
Schenectady City Clerk
INTRODUCTION:

Good evening President Kosiur, Mayor McCarthy and City Council. My name is Chris Morris and I am Director of SLIC, Schenectady Landlords Influencing Change.

On June 14, 2019, the governor signed into law a series of reforms, regarding landlord – tenant law, known as the Statewide Housing Stability and Tenant Protection Act of 2019. A portion of this law went into immediate effect, while the rest was scheduled to become effective October 12, 2019.

Notification, dated June 19, 2019, went out to all town and village judges from the office of Justice Court of the NYS Unified Court System. The information listed the reforms in the Real Property Actions and Proceedings Law (RPAPL) and the Real Property Law (RPL).

More than 20 changes were made, dramatically affecting time frames, monetary transactions, screening practices and other details throughout the rental process. All of which applies to Upstate New York as well as New York City.

Following the announcement of these laws, a wave of concern and upset swept throughout upstate New York communities. Locally, SLIC immediately began it’s own action plan to learn more about all these changes and their ramifications and impact to our rental system.

We started by creating a SLIC Task Force to study the issues and determine future efforts. Statewide, we combined forces with the “Unify Upstate New York Landlords” movement; and from there, we held our own “Crash Course” on the new law reforms.

And now, we stand before the city to emphasize that we feel these laws are oppressive and counterproductive to the very intention of the goal to increase affordable housing and, instead, may produce a significantly negative impact on our community.

Tonight, our presentation will emphasize our path and our position on this one-sided, unreasonable and potentially damaging legislation.

Thank you.
SLIC TASK FORCE:

Good evening. My name is Steve Markham and I am a member of SLIC.

After the shock of being hit with all the new rules that impact both landlords and tenants, SLIC organized a Rental Task Force that met on July 17th, 2019 at the Waters Edge Lighthouse Restaurant. Its purpose was to:

1) Examine the extensive list of reforms regarding landlord-tenant law to ensure understanding of each new directive.
2) Strategize how and when to best navigate these changes during the course of an already signed lease/rental contract.
3) Address the prospect of fighting back with a public awareness campaign focusing on this legislation’s negative impact on the rental system and its need for more affordable housing.
4) Pursue local involvement in the lawsuit action being planned with emphasis on the 5th and 14th amendment.

The 21 attendees of the Task Force meeting included:
1) Multiple-properties landlords and property managers
2) Realtors
3) Senator James Tedisco & Counsel
4) Assemblyman Angelo Santabarbara’s legislative aide
5) Attorneys specializing in rental law
6) Process servers
7) Sheriff’s Department officers

Overall, the meeting emphasis, particularly by Senator Tedisco, was for our organization to promote education and public awareness and raise our voices to make our position known.

Following the Senator’s advise to speak out; the Task Force designed a “Crash Course” on the legislation. This was presented to a full house at SLIC’s first monthly meeting of the season on September 4th and proved to be very productive.

We also met with a Gazette reporter on two occasions to broadcast our point of view and our efforts regarding the issue. Excerpts from these interviews were recently featured in the October 6th Sunday Gazette front page article headlined “Area landlords fret over law”.

And now we come to you in person to impress upon the city the importance of our position on this stifling legislation.

Thank you.
Good Evening, I’m Harline Andrus and I am a member of SLIC

I was born in Schenectady; my mother was a landlord and she owned a beautiful five unit at 219 Union St. – in the Stockade - where I grew up. She loved her role as landlord and would smile if she knew that my business, Homes by Harline, LLC, Property Management and Residential Leasing is a lot like what she did but on a grander scale.

In those days, my mother made good tenant choices based on the way people presented themselves, their ability to pay, and their past rental references. If the tenants didn’t pay the rent, she couldn’t pay the mortgage and taxes. My mother, passed away in 1978, and she would be saddened at the turn of events for landlords in the year 2019, because...........

Times have surely changed – As per the Housing Stability and Tenant Protection Act of 2019, property owners no longer have a choice in who they rent to and can’t even know if the prospective tenant has been previously evicted. New laws allow a tenant to stay long beyond when they are supposed to leave, extends the time that the tenant is allowed to live rent free and prolongs the period from 6 days to 14 days before a landlord can start an eviction. The longer the tenant is allowed to remain in the rental unit, the greater the risk to the landlord that the tenant will damage the place out of spite and animosity.

There was a time when a prospective tenant who didn’t quite have credit or rental references was able to pay the last month’s rent to get the apartment of their dreams. This leeway for the landlord and tenant gave the tenant a new chance to build a good rental reference as well as being able to live in the apartment that he or she really wanted. The new laws have eliminated that option for tenants. In order to maintain control over who resides in their properties, many landlords now require very good credit – 650+. Too bad for the prospective tenant whose credit is not the best, but who would have made a great neighbor and good tenant. Since landlords have little else to use as a screening tool, the marginal prospects will be turned away. Yet another blow to the tenant population. Fair housing laws require that criterias have to be “the same across the board” and the new tenant protection act doesn’t give landlords any choice in whether or not to accept subsidy programs. I have landlords who will leave their apartments empty until they can satisfy the credit criteria that they were forced to set up. There are many more new policies and injustices that have been signed into law. I see the negative effect on tenants every single day in my work. Forcing landlords to rent to anyone and everyone has created a pushback from landlords. Tenants just may find a smaller pool of apartments that they qualify for as a result of their newly found “help” from the government.
Tenant Prospective

Good Evening, I’m Hillary Snare and I am a member of SLIC.

Living in the Stockade has always been an awesome experience until recently. Many of us are beginning to feel like prisoners in our own community. Property owners can no longer protect decent tenants making us live in uncomfortable at best, dangerous situations at worse.

I am personally living next to a man who brings all types of people to live in his apartment. We have had warnings from the Schenectady Police Department telling us to “watch ourselves, these men are dangerous” the new law allows tenants to move others in without having to give the property owners an opportunity to background check those dwelling in the space. After 30 days they become residents.

Another property owner in the Stockade began the eviction process against a resident who moved a stranger into his apartment which resulted in a stabbing. This occurred on July 24th but with the new laws residents of the Stockade been forced to live in fear of the next event, not to mention the constant presence of police/detectives going to the home. While this happened back in July residents are told he may not be out until the end of October.

That’s over 3 months of protection for the problem tenant, 3 months of seeking housing outside of Schenectady for the quality tenants.

Another tenant, a friend of mine told me that her landlord felt forced to rent to a social services program. If he refused, he would be breaking the law. He wasn’t even giving the courtesy to meet the potential tenant and felt as though the program was threatening him with legal ramifications if he didn’t agree with this. Once the man moved in the landlord found that the man was a rapist with an illegal drug sales record. Concerned he alerted the 2 single women in his building and allowed them to break their leases early and now he has 2 vacant apartments and a man that he believes might be selling drugs from his place and no legal recourse for a swift eviction. He was quoted as saying “I am going to drop off all my keys to city hall and move to Colorado”.

Perhaps these laws were created to help tenants, but they have done the opposite for upstanding renters. Perhaps these laws were meant to tighten restrictions on corporate landlords or “rogue landlords” but what they have done is cause more expense and headaches for decent local landlords who invest and live in our city. My family and I recently considered purchasing a home in our beloved neighborhood but due to these new laws have thought twice about staying in New York State, after over 100 years of family ties to Schenectady, Texas is looking more like our future.
INVESTOR PERSPECTIVE:

Good evening. My name is Lorrian Gagne and I am a member of SLIC.

I am broker/owner of United Business Services, a real estate company specializing in investment real estate, located in City of Schenectady. Many of my investors own rental properties in the City. I have had to field many questions and concerns over the new Tenant Protection Act.

I, myself, own rental property in Schenectady and manage several other properties for out-of-state owners. Investing in Schenectady and New York State is a business. Simply put: owners cannot meet their obligations to banks on their mortgages, nor cities for their school and property taxes if tenants are allowed to stay 3-4 months without paying their rent. Several of my owners have discussed selling their 2-families and moving to out-of-state investments.

The investment business drives the local economy. In the first nine months of 2019, my company has shopped at 2 Lowes, Home Depot, Marty’s Truevalue Hardware, Rotterdam Septic, two contractors and one roofer for a total of $37,600. Plus we paid sales tax on these investments into our properties to provide safe, clean residences for 7 families.

My owners have now upped the requirements for tenants to qualify to rent from their companies. If they are unable to collect first, last and security above one months’ rent, then they have opted to raise credit scores to 650 and one has asked me to go to 715. You can readily see that 75% of applicants will not qualify.

Since we no longer can discuss previous evictions for damage of non-payment of rent, we have to protect investments and ability to pay bills by making it difficult for marginal tenants to find clean, affordable housing which our investors supply.

The ramification of this legislation will push more residents to public housing and put yet another tax burden on the City. Which, we’re sure no one wants!

Thank you.
EVICTIONS:
Greetings. My name is Matthew Lyman and I am a member of SLIC.

My company, IDEAL LEGAL SUPPORT SERVICES, LLC; an almost 30-year-old business, has facilitated the eviction of thousands of people throughout the capital region. We are very disturbed about all the extended time frames and new rules of this recent law change.

Landlords must now wait until the rent is 5 days past due before initiating the eviction process. They must present all the tenants, regardless of age, a “rent reminder” notice via certified mail. They must also serve all the tenants a 14-day notice which was formally a “3-day”. Then they wait until around the 23rd of the month before petitioning the court for a date for all to appear. That date could be 15 to 20 days later, as all tenants must receive the documents at least 10 days before court where it used to be 5 days. Another long process.

In court, if the tenants claim they want an attorney for any reason, they are given a minimum of 14 days out before they are back in court. More delay. The former law could see them back in court the next day.

If granted an eviction, the landlord is required to obtain the sheriff to remove the tenants. That process used to take 10 to 14 days, but will now take at least 21 to 28 days. Barring any more delays, the total time to remove tenants is at least 2 to 2½ months.

Another type of eviction, called a “holdover”, is where no rent is due, but the landlord deems it necessary for tenants to vacate the dwelling. This removal process takes 3 to 5 months. During this prolonged period, the landlord-tenant relationship can deteriorate and become contentious and lead to challenging situations.

In both types of evictions, if the tenants can prove that being evicted will create a hardship, the court can mandate the tenants may stay in the dwelling provided the rent is paid. Here is where the desires of the property owner are muted and squashed!

Landlords are now prevented from inquiring or using prior evictions as a determining factor to grant tenancy. This is lunacy. We equate this with creditors not being allowed to view credit scores to determine the viability of someone to pay back the debt or a family with 5 children not being able to review the sexual predator registry to determine if they wish to rent or purchase a home next to someone who may be on that registry. We all have the option to seek outside sources and opinions when we are deciding what to purchase or lease. Shouldn’t landlords have that option as well?

Lastly, the law requires that all names of occupants be named on eviction documents regardless of age. Yes, that means children, including newborns. We feel minors should not have to be named on these documents to prevent them from having to carry that stigma into their future.

Thank you very much for listening to our concerns.
IMPACT ON CITY:

Good evening. My name is Kimlee Marquise and I am a member of SLIC.

We are very concerned about the negative consequences the housing stability and tenant protection laws will have on rental property owners, on families who need affordable housing in Schenectady, and on the economy of Schenectady.

We believe families in Schenectady need stable, affordable housing in safe, peaceful neighborhoods. They need reputable landlords who take care of their properties and pay the property taxes, but we don’t believe anyone should be allowed to live in a rental property without paying rent. Portions of these laws can result in that.

As landlords we now have to wait 6 days before we can issue a notice of past due rent and if it becomes necessary to go to court to try to get the tenant to pay the past due rent or be evicted, the lengthy process of serving notices, eviction warrants, and court adjournments will take months. This allows tenants to live in a rental property without paying rent while the owner incurs enormous debt throughout the process.

Those of us who own rental properties that offer affordable housing for low or middle income families can’t afford to go weeks or months without receiving rents. We’re not wealthy people collecting huge rents on high-end luxury apartments. If we don’t receive rents on time we can’t make mortgage and property tax payments on time. Ultimately, this could result in a very serious situation of properties going into foreclosure and less affordable housing in Schenectady.

The Schenectady budget indicates approximately 30 million in property tax revenue. A portion of that would be attributed to rental properties.

Even at 25% that would be about $7 million dollars. If landlords don’t receive rents for weeks or months they won’t be able to pay those property taxes and this could result in a huge loss in tax revenue for the city and even
more zombie properties would fall on the city to maintain, sell or demolish. Not to mention the loss to Schenectady’s economy with less affordable housing and fewer landlords spending money in the city to maintain their properties.

Currently, SLIC is conducting a survey of its members to determine the number of units owned and amount of yearly taxes paid. To date, responses indicate over 450 units with the potential to provide housing for 1,350 tenants and approximately $700,000 in yearly taxes paid.

Rental property owners have a significant impact on the economic development of Schenectady. We’re asking all of you to consider the serious consequences these laws will have on landlords, affordable housing for tenants, and the city’s finances.

Thank you for your time.
UPSTATE LANDLORDS MOVEMENT:

Hello. My name is Tracy Shepherd and I am a member of SLIC.

On September 10th close to 400 landlords, property managers, realtors, investors, developers and other industry professionals met at Turning Stone for a “Unify Upstate New York Landlords” meeting in response to the challenges presented by the new statewide Tenant Protection Act. Almost every upstate county was represented from Buffalo to Poughkeepsie. This rally included a delegation of 12 members from SLIC.

The meeting was conducted by a panel consisting of a lobbyist, prominent landlord-tenant attorney, Jaime Cain and representatives from the National Apartment Association (NAA) and the New York Capital Region Apartment Association (NYCRAA).

According to the National Apartment Association, the $1.3 billion rental housing industry has the lowest default rate of any real estate sector and is the only sector to thrive since 2008. Will this continue when a lengthier eviction process allows tenants to stay longer in units without paying rent for months while landlords continue to incur mortgage, taxes, and insurance costs as well as legal costs for an eviction?

It was determined that nearly half of this diverse group of attendees own 49 units or less. A show of hands indicated that a large percentage were considering selling their rental properties since the passage of this new law.

When smaller landlords sell off their properties due to burdensome legislation, the oversupply of properties on the market will force prices down. New owners will appeal prior higher assessments based on lower market values leading to less tax revenue. Bigger landlords and developers do not offer housing that is financially accessible to lower income tenants and now smaller landlords are less inclined to accept those tenants due to restrictions in this new act.

Result: Less housing....not more!

Overall, the focus of the Turning Stone meeting was to identify the most significant law changes, determine their negative impact, and strategize how to affect positive change. The group is working to have conversation with legislators and lobbyists and everyone is urged to speak out against these laws in their own communities.

SLIC is committed to continue its work with the upstate New York movement to lobby legislators to reconsider portions of the act which will ultimately and more appropriately reflect the differences between the upstate and downstate rental markets.

Thank you.
Hello. My name is Patti Cuda-Nicollela and I am a member of SLIC.

We want to emphasize that we are not opposed to fair and reasonable requirements in landlord-tenant law. But, as we’ve repeatedly pointed out tonight, we feel very strongly that the changes dictated by this latest legislation are not within the realm of reason, but, instead, are totally throwing off any sense of balance and fairness in their rulings.

As landlords who work to provide affordable housing in safe, well-maintained properties we want to protect those properties as well as our tenants. We need to feel that the people we rent to have a history of reliably paying rent and won’t be a threat to the peace and safety of other tenants. When entering this type of contractual relationship, important tenant information should be available to help make good decisions on tenant occupancy. These new laws deny us the right to know that information.

Yes, there should be benefits and protection for tenants but not at the expense and sacrifice of the landlords. RENTALS ARE A BUSINESS. We need reason and encouragement to stay in that business. We all know the City of Schenectady doesn’t need or want any more foreclosed properties. They do not want to be landlords or property owners. And we’re sure they don’t want to disrupt the lives of tenants living in those properties by evicting them.

These new laws will further aggravate an already burdened stock of city-owned properties and will result in more foreclosures....abandoned properties....squatters....and zombie properties.

Our community needs more trust-worthy tenants who pay their rent on time and who have the understanding of the concept “Loanership not Ownership” and we need trust-worthy landlords who make sure their properties are kept up and their taxes are paid on time.

We need city court judges to be cognizant of the obvious relationship between timely payment of rent and timely payment of property taxes. We urge them to acknowledge the need for tenant responsibility and accountability as well as the landlord.

ALL DESERVE FAIR AND EQUITABLE TREATMENT!

We seek city council’s help in finding ways that everyone with a vested interest in stable, affordable housing in Schenectady can work together to achieve that goal. We invite each of you to our SLIC meetings and look forward to your comments and suggestions. Please refer to our business card attached to your packet for meeting information.

Thank you and good night.