

# City of Rochester

## Landlord Summit 2020

### Submitted Questions and Answers

**Disclaimers:**

Due to the high volume of questions received during the Summit Webinar, we were unable to answer them all live. Instead of providing the questions in raw form, they have been summarized and rephrased. Duplicate or unintelligible questions have been removed.

The City Law Department has also advised us to state that our answers to legal questions should not be construed as legal counsel and may be inaccurate. We have omitted many questions that involved complex or nuanced legal issues, and **we suggest you reach out and engage a Lawyer for guidance on these matters.** If the question was able to be answered through a link to an external resource or a simple answer, it is included with such response.

Otherwise all other questions are listed below with an answer.

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**Questions and Answers:**

Question Category	Rephrased Question	Answer
Summit Materials	Will the video, powerpoint, and other resources that were mentioned be available online after the summit?	Yes, all are posted on the event website. Please visit: <a href="http://www.CityofRochester.gov/LandlordSummit">www.CityofRochester.gov/LandlordSummit</a>
Resources	Is there a government program that pays landlords rent that has not been paid?	The City funded Emergency Rent Assistance Program operated by Catholic Family Center, pays unpaid back rent for tenants impacted by COVID. These payments are sent directly to Landlords. Please encourage your tenants to contact Catholic Family Center as early as possible. Send them to <a href="http://www.emergencyrentROC.com">www.emergencyrentROC.com</a> Tenants must be able to prove their employment was negatively impacted by COVID and they have ability to pay rent moving forward.

Question Category	Rephrased Question	Answer
Resources	How do we help tenants who are behind on rent and unable to navigate technology?	Please refer tenants in this situation to call Catholic Family Center Emergency Rent Assistance program. They can call during business hours (585) 232-2050 and staff can help walk them through the process.
Resources	Are there any resources available for setting up a unit for a handicapped tenant?	This would be a good use for the City's new Landlord Reimbursement Grant. This provides up to \$2,000 for repairs/maintenance to prepare a vacant unit to be rented. Handicap accessible features would qualify.
Resources	Why can't out of state property owners participate in the City's programs	This is inaccurate. Out of state Landlords are eligible for all of the City's grant programs as long as they are current on their taxes and in good standing with Code Enforcement.
Resources	Are there any free legal resources for landlords?	<p>There is not any official program for free legal counsel support for landlords.</p> <p>In terms of general legal resources and questions, we recommend landlords call the Housing Council. Please visit: <a href="https://www.thehousingcouncil.org/">https://www.thehousingcouncil.org/</a> Or call 585-546-3700 Between 9am and 1pm, weekdays</p> <p>Also, Landlords may wish to engage Under One Roof, which is helping to share information and legal resources for landlords. Please email Jamie Cain at <a href="mailto:jcain@boylanocode.com">jcain@boylanocode.com</a></p>
Resources	<p>Are there any programs to help with my roof repair?</p> <p>Can my property be included in the Opportunity Zone?</p>	<p>There are not any known grant programs available for roof repair on a rental property. The Opportunity Zone census tracts were designated by Governor Andrew Cuomo and implemented by the federal government in 2019. They will not change unless there is an update to the program from the Federal Government. Please see the following link to learn more and to check if your property is in an opportunity zone census tracts: <a href="https://esd.ny.gov/opportunity-zones">https://esd.ny.gov/opportunity-zones</a></p>

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Resources	Does DHS require a tenant who is behind on rent to produce a 14 Day Notice when applying for assistance?	No Monroe County DHS received guidance a few years ago that court papers would no longer be required for their emergency assistance program. The Landlord will simply need to complete a statement showing that the tenant is behind on rent and the amounts past due.
Resources	Can a tenant apply for assistance if they get other housing assistance such as section 8?	Yes, tenants are eligible for the Catholic Family Center Emergency Rent Assistance program if they are on section 8, DHS subsidy, or other forms of housing assistance.
Resources	Catholic Family Center is reporting that a denial in writing from DHS is first step to receiving financial assistance, can you clarify?	This is no longer true. Tenants can complete their application without going to DHS first. Catholic Family Center may refer tenants to DHS assistance as part of their application, or because they are not eligible for our assistance, but it is not a requirement for the program. The referral to DHS would potentially sign them up for ongoing rent support.
Resources	Why are the rental assistance programs tenant-initiated?	This is due to the HUD federal requirements. The funding source is required to serve at-risk low income households and help them stabilize their housing.
Resources	I am behind on my taxes am I still eligible for the City grant program?	No, the property owner must be current on all City taxes to be eligible for all grant programs. However, you may apply for a tax agreement with the City. As long as you are current and on schedule with your tax agreement you will be eligible.
Resources	Please list the timeline and steps for the \$2,000 grant.	For these details please download and refer to the Landlord Reimbursement Grant program guidelines an application materials here: <a href="https://www.cityofrochester.gov/homerepairgrants/">https://www.cityofrochester.gov/homerepairgrants/</a>
Resources	Are there services to help bridge communication issues between a tenant who is refusing to communicate and a landlord?	One option is utilizing mediation services from The Center for Dispute Settlement. Please visit: <a href="https://www.cdsadr.org/">https://www.cdsadr.org/</a> Another options is to contact the Legal Aid Society: <a href="https://www.lasroc.org/">https://www.lasroc.org/</a>

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Resources	The governor allowed cities to opt in for waiver of interest and fees on delinquent tax payments. Did Rochester opt in and if not why not?	The City is offering flexibility to financially distressed property owners through Tax Payment Agreements. Yes, the City will waive all late fees and interest on payments due after April 30, 2020 for property owners entering into Tax Payment Agreements. To apply for a tax payment agreement please visit: <a href="https://cityofrochester.gov/taxagreement/">https://cityofrochester.gov/taxagreement/</a>
Resources	How do we access building blocks?	Please visit: <a href="https://www.cityofrochester.gov/buildingblocks/">https://www.cityofrochester.gov/buildingblocks/</a>
Resources	Can the grant to renovate vacant units be used for occupied apartments?	No. However, the City also offers the Lead Grant program which can be used on occupied apartments. Please visit the following page for more info: <a href="https://www.cityofrochester.gov/homerepairgrants/">https://www.cityofrochester.gov/homerepairgrants/</a>
Resources	Does a tenant whose lease has expired and is holding over qualify for rental assistance?	<p>Yes the tenant could qualify, but the Landlord will be required to enter into a new lease with the tenant and show ability to pay their rent going forward.</p> <p>Yes, even an oral agreement to continue an expired lease month to month allows a tenant to qualify for rental assistance. However the landlord will be required to sign a new lease with the tenant or an arrears agreement that bars the landlord from exercising their right to execute a holdover eviction immediately after funding is provided to them. Our goal is to provide assistance that will create stability for the families, and the landlord cooperation is important in achieving that goal.</p>
Resources	Can payments be directed to our property management companies rather than the mortgage holder?	Yes, as long as the owner provides documentation to show that the Property Manager is authorized to collect rent on their behalf. Examples would include a copy of a valid Power of Attorney filed with Monroe County Clerk or a Property Management Agreement that lists the property manager

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Resources	Can the City provide an information sheet we can give to the tenant?	Yes, please download the document called "Information on Tenant Rent Assistance and Legal Services" on the webpage <a href="http://www.CityofRochester.gov/LandlordSummit">www.CityofRochester.gov/LandlordSummit</a>
Resources	If my tenant applies for rental relief, will I be notified? I received an email asking me to supply my W9.	If the tenant applied for rent relief you will be contacted by Catholic Family Center to provide documentation that is required for approval. You will be notified when the funding is approved and will receive the payment directly.
Resources	How do I obtain a variance under the Building Code?	The application for a variance is available for download here: <a href="https://www.cityofrochester.gov/zoningforms/">https://www.cityofrochester.gov/zoningforms/</a>
Resources	What resources are there for tenants who are denied assistance?	Tenants who are denied financial assistance under the Catholic Family Center Emergency Rent Assistance program, are likely not eligible for other financial assistance programs. We recommend that you refer tenants to call 211 for general help accessing services in the community as they maintain a comprehensive database of all current programs.
Legal	With the moratorium ending, when can I evict my tenant for non-payment of rent?	<p><b>Our Law Department has advised us to state that our answers should not be construed as legal counsel and may be inaccurate. We advise you reach out and engage a Lawyer for guidance on this matter.</b></p> <p>Please see this statewide Administrative Order from Judge Lawrence Marks: <a href="https://www.nycourts.gov/whatsnew/pdf/ao160a20.pdf">https://www.nycourts.gov/whatsnew/pdf/ao160a20.pdf</a></p>
Legal	When will the courts re-open?	<p><b>Our Law Department has advised us to state that our answers should not be construed as legal counsel and may be inaccurate. We advise you reach out and engage a Lawyer for guidance on this matter.</b></p> <p>Please see this statewide Administrative Order from Judge Lawrence Marks:</p>

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		<a href="https://www.nycourts.gov/whatsnew/pdf/ao160a20.pdf">https://www.nycourts.gov/whatsnew/pdf/ao160a20.pdf</a>
Legal	How many evictions occurred per month in 2018 and 2019?	Landlords were successful in winning about 350-500 evictions per month in 2018 and 2019. Summer months historically have higher numbers of eviction cases than winter months.
Legal	Does the eviction moratorium apply to properties inside the City and outside in Monroe County?	Yes, this applies to all properties in New York State.
Legal	Do you have advice for how to deal with a tenant who does not pay rent?	<p><b>Our Law Department has advised us to state that our answers should not be construed as legal counsel and may be inaccurate. We advise you reach out and engage a Lawyer for guidance on this matter.</b></p> <p>In terms of general legal resources and questions, we recommend landlords call the Housing Council. Please visit: <a href="https://www.thehousingcouncil.org/">https://www.thehousingcouncil.org/</a> Or call 585-546-3700 Between 9am and 1pm, weekdays</p>
Legal	I have a complicated situation with a tenant refusing access to make repairs which are required for continued payment from DSS. Where can I get legal advice?	<p><b>Our Law Department has advised us to state that our answers should not be construed as legal counsel and may be inaccurate. We advise you reach out and engage a Lawyer for guidance on this matter.</b></p> <p>In terms of general legal resources and questions, we recommend landlords call the Housing Council. Please visit: <a href="https://www.thehousingcouncil.org/">https://www.thehousingcouncil.org/</a> Or call 585-546-3700 Between 9am and 1pm, weekdays</p> <p>Also, Landlords may wish to engage Under One Roof, which is helping to share information and legal resources for landlords. Please email Jamie Cain at <a href="mailto:jcain@boylanocode.com">jcain@boylanocode.com</a></p>

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Legal	What can I expect at an eviction hearing?	<p><b>Our Law Department has advised us to state that our answers should not be construed as legal counsel and may be inaccurate. We advise you reach out and engage a Lawyer for guidance on this matter.</b></p> <p>Please visit this webpage for a brief overview:  <a data-bbox="857 583 1416 747" href="https://www.lawny.org/node/69/general-eviction-information-new-york#:~:text=The%20%22Petition%22%20describes%20the%20reason,that%20the%20landlord%20will%20win.">https://www.lawny.org/node/69/general-eviction-information-new-york#:~:text=The%20%22Petition%22%20describes%20the%20reason,that%20the%20landlord%20will%20win.</a></p>
Legal	Is there any data on what % of tenants pay back rent vs. being evicted?	The City does not have oversight over the courts and does not have access to this information.
Legal	What are the valid reasons for not paying the rent during the Covid emergency?	<p><b>Our Law Department has advised us to state that our answers should not be construed as legal counsel and may be inaccurate. We advise you reach out and engage a Lawyer for guidance on this matter.</b></p> <p>For the purposes of eviction law, there is no valid reason not to pay rent. All rent is still due as normal during the moratorium and the tenant is still responsible for those costs. For the purposes of the Emergency Rent Relief Program, the tenant must prove they couldn't pay due to loss of hours, or wages during the pandemic, or had an unexpected major expense due to COVID-19</p>
Legal	How will the court handle cases that were already in process for eviction, but were stopped due to covid-19?	<p><b>Our Law Department has advised us to state that our answers should not be construed as legal counsel and may be inaccurate. We advise you reach out and engage a Lawyer for guidance on this matter.</b></p> <p>Please see this statewide Administrative Order from Judge Lawrence Marks:  <a data-bbox="857 1791 1416 1854" href="https://www.nycourts.gov/whatsnew/pdf/ao160a20.pdf">https://www.nycourts.gov/whatsnew/pdf/ao160a20.pdf</a></p>

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Legal	Are there any discussions to raise the limit for small claims court from \$5,000 to \$10,000?	No, not that we are aware of. This would require action from New York State.
Legal	What if the tenant received the stimulus money but did not pay their rent?	<p><b>Our Law Department has advised us to state that our answers should not be construed as legal counsel and may be inaccurate. We advise you reach out and engage a Lawyer for guidance on this matter.</b></p> <p>Regardless of their employment status or receipt of stimulus money, the tenant is still responsible for all rent due as normal.</p>
Code Enforcement	How do I find out how much I'm being fined for trash left on the side of the road on a non collection day?	The City will mail you a letter indicating you are being cited for a code violation. This may be a warning for the first offense, or a fine for subsequent offenses. There is a process to appeal the citation if desired.
Code Enforcement	What's the status of the C of O program?	The CofO program has resumed under the new protocols listed in the Temporary Inspection Policy. As normal, you will be notified by mail in advance of the expiration of any current CofO. Please review the Temporary Inspection Policy available for download here: <a href="http://www.CityofRochester.gov/LandlordSummit">www.CityofRochester.gov/LandlordSummit</a>
Code Enforcement	Are there any additional covid-19 related requirements that must be met when a landlord is preparing a property for a new tenant?	No, the City is not imposing any additional COVID-19 requirements related to how a property should be set up or managed. The only COVID related changes are with the way inspections are performed. Please review the Temporary Inspection Policy available for download here: <a href="http://www.CityofRochester.gov/LandlordSummit">www.CityofRochester.gov/LandlordSummit</a>
Code Enforcement	How does the City address landlords that do not have a C of O and have multiple violations?	In a case like this, the property owner would be ticketed and under close watch by the code enforcement officer assigned to the area. Further non-compliance would generate additional tickets and fines that will eventually be added to the tax bill if unpaid.



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Code Enforcement	Does the City have a complaint policy available?	Yes. The property complaint policy can be found here: <a href="https://www.cityofrochester.gov/article.aspx?id=8589952800">https://www.cityofrochester.gov/article.aspx?id=8589952800</a>
Code Enforcement	Why does a landlord need a Certificate of Occupancy?	The Certificate of Occupancy is required by City law for rental units, and is in place to ensure properties are reviewed by a Code Enforcement Officer on a regular basis for health and safety issues that might otherwise endanger tenants and surrounding properties. Certificates of Occupancy must be renewed every 3 or 6 years depending on the property type.
Code Enforcement	Are there any updates regarding rulings on Nuisance Properties?	An update to the Nuisance Abatement Program was approved in 2018. Please see the most up to date information on the Nuisance Abatement Program here: <a href="https://www.cityofrochester.gov/NAB/">https://www.cityofrochester.gov/NAB/</a>
Code Enforcement	Does grass still need to be cut during covid?	Yes, exterior code enforcement has continued during COVID. The exterior of the property must be maintained per City code, including cutting the grass.
Code Enforcement	How much will the property manager license cost?	The license fee is yet to be determined.