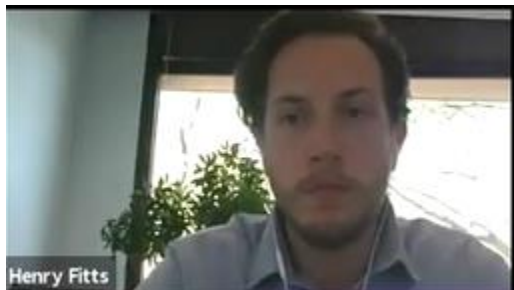


City of Rochester Landlord Summit 2020 Transcription of Panelist Questions and Answers

Full Youtube video link:

https://www.youtube.com/watch?v=1zUYIUIIMBg&ab_channel=CityofRochester

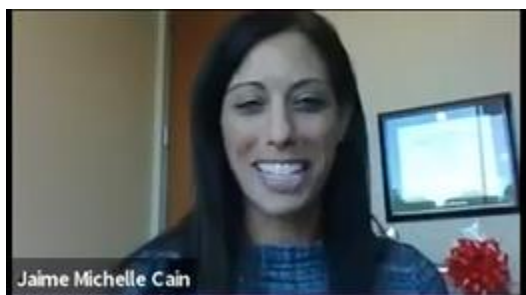


Henry Fitts

Henry Fitts: I would like to welcome our panelists. I'll have Jamie go first...

Panel Question 1:

All. Please introduce yourself and tell us what you are doing to help our community navigate what may be a wave of eviction filings after COVID Moratorium is lifted?



Jaime Cain

Hi everybody. I'm Jaime Michelle Cain. I am a Real Estate partner with the Law Office of Boylan Code. I am also, as of last year after the passage of the HSTPA

(Housing Stability and Tenant Protection Act), a co-coalition leader of an organization that we formed called “Under One Roof”. It is a coalition that is somewhat unique in that it represents landlords as well as tenants and our mission is to try and work together to make the experience of renting property better for all involved.



Henry Fitts: Great. Jaime, how are you working on helping prepare us for this COVID Moratorium lift?



Jaime Cain: So what I’ve done in COVID is... I have a daily roundtable that runs at 2:00 p.m. every day. It is invite only, so if anyone is interested, we would need email addresses. We have been having from anywhere from 95-120 on the high end, and regularly around 45-65 people every single day digesting where the governor’s executive orders are in so making sure that the landlords have up to date information as a resource, because there isn’t really a link for the landlord association. There is sub groups that meet, but they aren’t very big in capacity usually and not many lawyers are engaging the Landlord/Tenant realm, so we felt it was necessary to find a space where people can come and get accurate information up to date information and things like knowing that can’t lock out their tenants and to foster communication in ways of opening alternative arrangements with the tenants so that the goal would be to keep the tenant in the property and work out an arrangement when the landlord can get the rent understanding the difficulties of COVID right now.



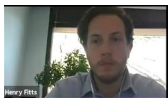
Henry Fitts: Fantastic. Great. Next up. I’ll ask Mary Leo to introduce herself, and what her organization is doing.



Mary Leo

Hi. Good Afternoon Everyone. My name is Mary Leo. I am the Executive Director for the Housing Council at Pathstone. I hope many of you are familiar with the Housing Council at Pathstone. I transitioned into the Executive Director position in June, so right when all this is happening. I can tell you that at the Housing Council we have been HUD's largest approved housing counseling agency for many years, but with everything that has happened with COVID, we're adjusting the way we do evaluations.

So... to be a HUD Certified Housing Counseling Agency, it's our role in the community to take an unbiased approach to educate all spectrums of the Housing realm whether you're looking to be a first time homebuyer, you already own a property and might have some issues with the mortgage or taxes, your tenant trying to navigate moving or your rights and then we are the only local agency that's providing workshops and on-ongoing education in support for landlords so you can image that we really revamped the way we do that to both the up-to-date part. Of that is sitting in on Jaime's daily roundtable. We appreciate those and working with the partners on this panel to make sure that we are providing our community of landlords accurate information at our virtual operating rental property courses. Since COVID, we've added on some one-hour sessions that are topic specific to keep up-to-date with what is happening and everything that has been changing. As the Executive Director, I'm here to take back some feedback to my team on how we can continue to better serve you and then also feed down some of the information that we are learning from our partners and resources available to the community locally.



Henry Fitts: Ok. Thank you Mary. Next up. I'd like to ask Denise Reed to introduce herself and her organization.



Denise Read

Good Afternoon Everybody. My name is Denise Read. I am the Director of Financial Assistance at the Monroe County Department of Human Services. At the Department of Human Services, we provide financial support for low income individuals in the County of Monroe with low income or no income and provide assistance that would be used to pay their rent for individuals that are both financially eligible and programmatically eligible for assistance. We have about 9,000 active cases right now of which you may receive direct rent payment or the person may receive the rent directly to themselves and then be responsible for paying you. As we prepare for COVID and looking up the evictions Moratorium, we are gearing up to see what we anticipate the large numbers of individuals applying for public assistance. Since March, though we have been encouraging people to apply for assistance now and not wait. We are trying to enforce the idea that even though there is a moratorium that rent is still due and that if individuals were eligible for public assistance having them come in and apply. We had some information stuffed in the food link boxes that went out to households so that they would know that we were open and never been closed during the pandemic. We were always open for applications and I think that was some confusion people didn't come at first they thought we were closed. We always been open and processing cases getting rent out to people, the landlords, for the individuals that were eligible. We are preparing again to work with all of the partners on this call and with the courts to try to issue benefits whenever possible to prevent evictions and keep people housed. I guess we'll talk a little bit more later about programs in the community that will allow for some additional funds more than just regular public assistance, which sometimes is limited. We know that a lot of people might be facing larger arrears because they haven't paid in many months and typical public assistance programs don't go back very many months so we are looking at

that and how we can cover as much back rent as possible when this individual becomes eligible for public assistance. Thank you.



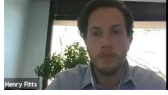
Henry Fitts: Thanks Denise. Mark, you introduced yourself already, but do you want to tell us a little bit more about what your organization is doing to prepare.

Mark Muoio: Yes. Absolutely. Thanks.



Mark Muoio

Again, Mark Muoio, from the Legal Aid Society. The Legal Aid Society is partnering with some of the other legal services organizations in our area including Law NY, Legal Assistance of Western New York, and Volunteer Legal Services Project, or VLSP as they are sometimes called. We all share a building and are working together in our various housing units to try to provide assistance or legal counsel to everyone who is facing eviction in the coming year. So two nights ago, the City Council approved some money for that, so I've been trying to gear up my unit for that work and hiring some folks and meeting on a daily basis with not only my colleges, but like I've said before people in the court system, people who do work like Jaime and other community organizations to try and pull this system together so that hopefully justice is done and it works for everyone.



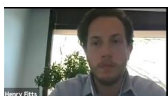
Henry Fitts: Fantastic. Alright we'll go to Question#2. I'll let anyone take this to start.

Panel Question 2:

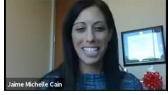
All. Before the COVID moratorium, please describe how the new 2019 eviction laws changed your organizational operations or processes.



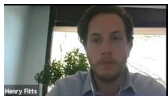
Mary Leo: I can start. As a HUD Certified Educator, we have a team of HUD Certified Housing Counselors, and a hotline. I hope that some of you have taken advantage of this previously, but we had to hold the phone literally. Put the calls on hold, and do some studying. There was a lot of changes. We had a lot of documents and resources for the community, and the operating rental property guide and a book, as well as a class. We had to restructure all of it. Rewrite the book literally. So our team took some time to regroup, retrain, and make sure of the documents that we share. We don't have attorneys on our staff. We are truly educators, so we had to take things off of our website, any free templates we make available to the community, any information that we are sharing on proper notice and the general things that are true of all situations had to come down and be restructured. We worked with our partners at the City of Rochester, and legal service providers to make sure we were updating the things that we make available to you through our website and through our hotline, and make sure our team was on the same page so that we can accurately give that information. Still to this day, we are still being affected by these changes just because a lot of the questions that are coming into our staff. We still are telling folks to reach out to a legal professional or attorney for further navigation. Here is the first step to give some general guidance, but we are making sure that folks have resources to go to for those more complicated situations.



Henry Fitts: Fantastic. Anyone else want to chime in?



Jaime Cain: I guess I'll go. It has obviously been harder for landlords in the new era of the HSTPA from everything from the inception of the application process through the eviction process. It's re-learning what you used to know and trying to understand and navigate through that and we were just getting to the point I think before COVID, of just getting used to the ways that things were being handled. I will connect the two and say that but for some of the changes for the HSTPA maybe impact wouldn't be so bad in COVID because we were seeing on average pre-HSTPA, as Mark indicated, time-frames that in some capacity you know you were at 1 or 2 months before you would get into court you would get a resolution. We were seeing in some locals especially in town and village courts that there were non-regular parts upwards of 90 days in some instances before people would get a court date. For those landlords who November, December, and January, didn't want to go ahead and evict anybody because most landlords do not do it at the end of the year, now they are finding themselves almost 9-10 months without rent being paid because of COVID. So I think the length of time getting used to it reorganizing and our group did many surveys to figure out what it was about the HSTPA that was the most hard to swallow, and we were really seeing landlords have to alter their president selection criteria because many of them were concerned about the double security deposit and things of that nature so I think it's gotten harder on both sides. It's harder to be a landlord, but also to be a tenant and get access to properties. We were seeing like a sliding scale of tenants, who used to be able to get building A, only being able to get building B, and that somebody being left out and not being able to get housing at all under these new laws. So the unintended consequences are great in some respects.



Henry Fitts: Great.

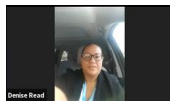


Mark Muoio: My answer to this question is the same as those that went before me that just learning the new laws, just making sure that I am giving my clients the right information and making what I hope to be valid arguments to the judge if I have to do that, and then in some cases developing issues that might be needed to be litigated for the uncertain facts, so that's what we've been working

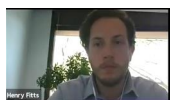
towards to try and make sure that everybody's understanding the law in the same way. That's it.



Henry Fitts: Denise, any major changes within DHS, and how it's affecting your clients?



Denise Read: Not necessarily. Emergency assistance can be provided through public assistance actually doesn't require legal eviction, and so an individual would just have to provide verification that they were past due to be eligible for back rent and if so, and people came to us early enough we could assess that they were eligible. But to Mary's point. We lean on them a lot for guidance that we can give individuals that came to us asking us about legal eviction, but that is not always required for public assistance help. It did not, we could still assist people if they came to us. We don't know if people didn't come, because they were not facing a legal eviction and the same thing with COVID, or even during COVID, now we don't know if people don't come to us because they are not facing eviction or they could to be refused to be eligible for public assistance right now.



Henry Fitts: Great. Thank you. With that we will move on to Question#3. This is more directed towards the lawyers as well as Mary from Housing Council. Jaime want to start?

Panel Question 3:

Jamie, Mark, Mary: The new 2019 laws were aimed at providing tenants more protections and promoting housing stability for vulnerable populations. Do you believe they are having their desired impact?

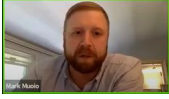


Jamie Cain: I think in part, and I think in part they are hurting them. One of the surveys that we conducted right in the beginning was again access to the units, and we saw a distinct carved out class of seniors, first time renters, foreign nationals getting screened out because credit score is now more heavily relied

upon because they have taken away some of the abilities to do other screening mechanisms. Landlords have raised those as a reaction in some instances and so again when you take just the seniors as an example, and you know that they are retired and they are not working. Maybe their credit isn't as strong as it used to be, but they are sitting on a whole bunch of money in the bank, what we are seeing is that landlords are not as quick to rent to those specific types of tenants where before this they were able to take a double security deposit and they were able to say that you may not meet my full credit score but because of the double security deposit, we are comfortable making that concession to allow you to live there. So I think the unintended consequences again are that some groups are finding it harder to gain access. You know the heartstrings are there, and our coalition has been trying to argue that children are getting less access to school districts that they once before could have had access to so it's unfortunate there. The other thing I will point out is that we have seen an increase in crime in some areas around the inability to screen certain tenants for prior eviction history. Our group, just to get it out in the open here, we have proposed an amendments to the existing HSTPA that we were kind of shopping around Albany before this happened and one of things that we wanted to make sure is that there was sort of a distinguishing factor of what type of eviction obviously we would never want deal with non-payment people have issues we recognize that and we never want to create a barrier to them to get housing but for violent issues that have happened in the past or breaches of lease that you can track. A tenant may have 4 or 5 different leases in the past four or five years and every time there is a similar issue the neighborhoods have cried out to our organization just to say that there is a lack of safety in some elements and the due diligence that a landlord is able to do has been somewhat put in a compromising position in some instances. So I think those are the two that I've seen, but I think there are positives also. There were definitely things that could have been revised to protect tenants, and I think the law in part does accomplish many of those.



Henry Fitts: Thank you Jaime. Mark. I'll have you chime in now.



Mark Muoio: Sure. My answer in general is yes. I will not sit here and say that the laws are perfect in any way, but they weren't before either. So the protections that were instituted were regarding, let's say, looking at people's past eviction histories. I, in my practice, I represent tenants. I'm not sure if I had said that out loud. I have been representing tenants for the past 11 years in City Court, and that was harming people's ability to find new places to go. I think that the credit score is probably to trap things like that in general. Somebody may have a lower credit score, or if they aren't able to pay their rent over a period of time and have been evicted but the eviction list, let's call them that, that have been created or were being passed around in a lot of case and hurt people because they were completed un-vetted they had no responsibility outside of that, whereas the credit reports do. There are federal laws regarding credit reports and how to fix them and don't let me be curt to say that those are perfect either, but at least there is a system involved there to try and get rid of inconsistencies and of things that are not correct. Though I think that its goal, let's call it that, was to allow people more time to make good on their contractual arrangements, that's if we are talking about non-payment cases and I think that has been effective. It allows people to find a safe landing or to pay back the rent that they might otherwise owe. In the past, I would have cases where, I'll just say it out loud, where we would have what we called snap hearings, which is we would appear in court, we can't negotiate a settlement, and the judge would hold a factual hearing right then and there, which I thought to be completely unjust. In a lot of cases and the people would be issued warrants of eviction if they didn't have every single dollar that the judge found right there. This gives people more time to come up with rent if they do have a valid factual defense then that could be heard with some development and some assistance and in getting those facts out there whether it's in documents or in other forms. So when I'm defending people, I think that it makes the system a lot more just. I can definitely understand that on the outside or when people are trying to re-rent that it has caused a lot of problems. I will not deny that. But that's where I'm coming from.



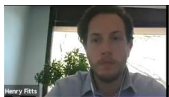
Henry Fitts: Great. Mary, how about your perspective?



Mary Leo:

Yeah. I think that we have a unique perspective at the Housing Council. We are talking to folk on all parts of the housing spectrum, and so how this has affected the acute relationships, short-term relationships between landlords and tenants with the problem that they are dealing with now, versus the down-river effects of how tenants that were tenants under one set of laws and looking for housing maybe getting more stable or facing issues. Folks may be wanting to transition into home ownership because of some of the effects of these laws or some of the folks heard from a lot of landlords who said look, I just can't manage with this set of laws, so I think there is a set of long term problems not just the short-term adjustment to these laws. My feeling overall for statewide policies and laws it's a broad stroke, it's a big-big program with lots of unintended effects positive and negative. I want to highlight something that Mark brought up earlier with part of the intention with this is that we wanted to put it more in-line with the protection of the tenant to be more in-line with the timeline that homeowners have to address some of the inequity in housing that inherent to tenants versus homeowners and try to balance the scale in some ways. So it adjusts a lot of timing issues. We do see that there are unintended consequences of this new timing for both tenants and landlords and the issue that I think that goes maybe unrecognized or didn't get the most attention when we are talking about the new laws is ultimately that there's an unhealthy and instable relationship in a lot of landlord/tenant relationships, and the only way to address many of the issues is that the landlords and tenants are facing is through eviction court. So really a lot of the times when people are calling us on the hotline and saying I'm behind on my rent, I'm facing eviction, and then they have 20 other things that they are dealing with and by extending the timeline of eviction maybe some of those other issues that they are dealing with can get rectified, housing quality, repairs, income instability. A short time issue that they are having, and I think part of the hope is that by extending this timeline would give more time to network the resources that are available for landlords and tenants to address some of those issues so that we don't have to use eviction as a way to problem solve for other housing issues that are community is facing, so income is a huge problem when we are talking about eviction, the ability for human service providers to get the assistance that eligible families are eligible for to them in the amount of time they have to work with. Many of our services are designed to work in short term emergency service time

frames and it's not perfect. We are going to keep tweaking it. No first draft of anything works great the first time, and I think by making such broad changes so many stake holders are following the leadership of those like Jaime and Mark and others to say, "Hey we are now paying attention. We got used to the last set of laws. We knew how to work it. We're having to revamp our entire business model and our communities are having to adjust to the new needs that people have under them, and it's bringing a lot of voices to the table that had been silent for quite a long time. If were not happy with it, we will get engaged and improve it, but we are moving towards moving in the right direction.



Henry Fitts: Great. Thank you panelists. Very good perspectives all around. Alright we have one more prepared question, and hopefully we will have a little time for submitted questions.

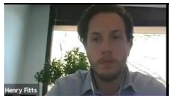
Panel Question 4:

All: Since the COVID moratorium began many landlord have gone many months without rent, what resources would you recommend for a landlord to navigate for both the financial and legal issues they are facing?

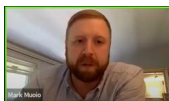


Jaime Cain: So I'll lead. I guess for our group we've been encouraging landlords to obviously first start by reaching out to their tenants and trying to open lines of communication to figure out is it a COVID problem, and if it is, what could be done. We encouraged everyone to work with the security deposits when asked and educated them on the law on that to try and help get some cash flow to landlords because that was something to help. The CARES Act funds that's something that we have actually had guests on the roundtable from the Continuum of Care, and tried to encourage people to reach out to organizations like Catholic Charities and figure out if there is any help. And I know that Mark and I are sitting on a variety of sub groups that are trying to get this organized at the court level, but all of this before the courts have gotten involved we've been trying to educate and at least give avenues. For landlords it has been really tough, the PPP (Federal Paycheck Projection Program) exempted landlords as passive business owners, so

they weren't able to get that loan. They recognized that they do have obligations to pay things like the taxes, the water, sewer, mortgages, their payroll, their contractors. So it's much more than just that we hear things like you just can't pay your mortgage, it's so much bigger than that and the implications of not being able to pay taxes will hurt everybody from school teachers to fire departments to the police, so I am hopeful for when the courts open and we get communication to sort of misdirect some of things that we've been hearing, not necessarily up here, but on a statewide level. There a lot of advocates out there were champion going on rent strikes and holding parties to do so in COVID and we tried to temper that for our group and to really be a resource against and to mount those frustrations with a resource that they could listen to, but also change it into positive energy. So again, try and break out of this model of being greedy landlords and racist landlords, that's not what we need on either side of things. We need to work together, so it's really fostering that communication. So for landlords, my best advice is to hold on for the court as it's going to roll out, I've been saying every day since I've been part of it, I do feel like this is the best set up to be in a position to address all of the concerns in a vacuum and hopefully get some help, and Mark maybe you can lend some more to that, but I think it's coming.

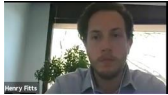


Henry Fitts: Mark, yep go ahead.

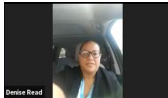


Mark Muoio: Sure. I can try and answer some of that. There's a lot of what's called Federal CARES money that came down to the municipalities and that they are doing their best to these entities in maybe talking details to help people who are in a difficult situation. I'm speaking about the tenants, and then obviously subsequently the landlords and hopefully that can try and make people whole or whatever we consider whole to be at this point. So whether it's coming from the City of Rochester and running through Catholic Family's Center, whether there are other community organizations that are out there DHS. There are things coming down the line that are not actually one hundred percent enforced quite yet so if I'm a landlord or if I'm communicating with the community, I'm just want you to keep your eyes open for all of that stuff that is going to be coming out soon. I don't mean to play hide the ball, but if people are not ready to make phone calls, I am

not going to start giving out phone numbers. So keep a look out for press releases and politicians talking about things that are coming down the line. So again, sorry to play hide the ball, but I'm not about to hand out information that's not ready to go.

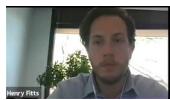


Henry Fitts: Great, and we will have a little bit more on some of those details later on in the presentation. **Denise, do you want to address some of the resources you'd recommend for landlords?**



Denise Read: Yes. So I would recommend for landlords, I think, what everyone else is saying about communication. When clients call us and indicate that they're having an issue with their landlord, that's the first thing that we say that they need to communicate to the landlord if we're paying a portion of the rent and they are not able to pay their portion because they lost their income or have changed in income, it's really about communication so encouraging them to let us know when they have a change that we can adjust their cases as needed. If they have their cases closed and we stopped the rent for them to be communicating with their landlord to let the landlord know that they are trying to rectify the case closing so that the closing to be cancelled. What we see right now is new clients coming in, and these people who have never been on public assistance before. When you're filling out landlord statements for them I'd make sure that it's on the landlord statement that you indicate the past due rent, because we're trying to look at those cases as we open them and address any back rent that we can right at the case opening. Again without having a legal eviction, I saw in a chat that Mary had a question about whether a legal eviction is required for public assistance- that changed many-many years ago. We did used to require that there was a legal eviction, and clarification of the regulations changed that many years ago and we don't need that. All we need is verification that the rent is past due, and so you can indicate that right on the landlord statement so when you are sending someone in or you are working with one of your tenants that is applying, make sure that you put that on the landlord statement, and I know we are going to talk about later. Like Mark said we're not ready to release, there'll be some press releases in the next couple weeks, but the county and the city both making some CARES Act

funding available above and beyond regular public assistance. That will have some different requirements, some different income requirements, so you might have tenants that were never eligible for public benefits before that might be eligible for some of this other funding because the income limits will be higher. We hope to be able to get that money directly to landlords through applications through CBOs (Community Based Organizations) and other entities because we know that we won't be able to handle the crush ourselves since we just have the 691 St. Paul Street Office that's taking individuals in with social distancing, we're never going to have as many people as we had in the waiting room in the future, and so we will be limited but we'll be working with community partners to accept applications on our behalf and get this funding out again directly to the landlords and get notices out to you that will let you know when individuals are eligible and when you could expect to receive funding from either regular public assistance to some of the other special funding programs that are going to be announced in the next few weeks.



Henry Fitts: Great. **Finally Mary, real quick, do you want to address top resources for landlords?**

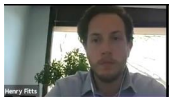


Mary Leo: Quickly, yea, we have a bunch of resources at the Housing Council. We have a Landlord Ambassador Program. You get one-on-one work with a professional to talk about your current practices, connect you to resources that are available in the community now. There will be lots of press releases in programs specifically for tenants that will benefit landlords indirectly, but at the Housing Council we have some information about resources that are available now and have been available will continue to be available directly to landlords. To advertise those, we will be doing a lunch-n-learn on September 2nd from 12:00 p.m. to 1:00 p.m. to talk about some of the things that are happening in the City, GRHP, which is another local housing non-profit, and what we are doing at Pathstone through are Home Rehab Energy Services Program. In addition to back rent, we know a lot of folks have had deferred maintenance and other questions and concerns about being able to afford the maintenance of their properties during this time, in not getting rent and probably not really able to invest in your properties. So, yea, we are going to be holding it tight until courts reopen and funds are available to tenants, so in this meantime, I think it would be a great opportunity for

you to reach out to the Housing Council, our Landlord Ambassador Program and go over your business practices, including screenings if you think that you are going to be looking for new tenants in the short term. Many of the applicants for your upcoming apartments are going to be people who were evicted previously because it's just going to be a musical chairs of people who fell behind, so how are we going to be screening tenants coming up into us is going to be some of the issues. So if you are interested in the one-on-one service, please reach out to us and then if you want to start with some of our classes those are all available virtually and you can also call us on our hotline from 9:00 a.m. to 1:00 p.m. with some basic quick questions, we try to get you either a quick answer or referral to the right place of what you are looking for, so call us at 585-546-3700 from 9:00 a.m. to 1:00 p.m., Mon-Friday. If the calls increase, we will increase those hours as well.



Henry Fitts: Great. Thanks Mary. We will have that number in the Power Point Slides later and we will be distributing to the attendees. Alright so we got, we have time for one question, and then we will have to address the other questions we have gotten at the end where we have almost an hour for questions and answer time.



Henry Fitts: How do I deliver a 14-day notice to a tenant, and can it be delivered tomorrow or do I have to wait until October 1st?



Jaime Cain: Alright, so I guess this is an interpretation, because it's hard right, because this is unprecedented because we have some cases already filed that had been done in July that are just kind of waiting. What I have told clients is to continuously watch to make sure that the notice to quit has not been cured. Because if it has been cured and rent has been paid, a new one is necessary; however, with the late notice I would continuously make sure that notice goes every single month to bring it forward to make sure that you are still having that form of communication to say that rent is still due and it has not been paid. I don't know, and I don't know if Mark you know, what the judge will do when we get into court if a 14-day hasn't been given to the tenant the very preceding month before we actually get in court. It's not a bad idea, it's probably a safeguard that I would

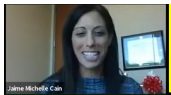
encourage you to do. And again, I think there are some legal arguments on both sides to whether or not a new one is necessary if the old one is still not paid. So that's my point of view on that one, and I'm not giving legal advice.



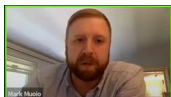
Mark Muoio: It was a little unkind of me to throw that to Jaime, because it's a hard question. Ok. I'll take you the way to serve it is our PAPL 735. That's pretty clear about how to serve that paperwork. But in terms of whether you can give it now, I don't know the answer to that. I know that there are different interpretations out there, and Jaime just outlined them. Some people will think that you can, and other people think that because there is not an action that you can file now, and these need to be updated in the future, that right now it may not be good. I do not know what a judge would do. In the past, judges have done different things with those. And again, because we are still learning those new laws, and people are taking different positions and that's one of the things that I was king of referencing earlier saying that things haven't gone through how it processes yet. We don't have a clear answer for you. It depends on your level of risk that you want to take, I would say.



Henry Fitts: In general you are recommending to engage a lawyer for all of our landlords?

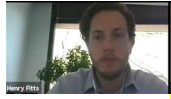


Jaime Cain: Yea. I wouldn't do any of this on my own. Even if you are in a jurisdiction that allows you to go into court on your own despite the fact that you are a LLC, I know those judges exist out there. I would not navigate this without counsel besides the fact that there's counsel on both sides this should go faster and be more thorough in evaluating all the different elements that are going into the claims.



Mark Muoio: Yes, to double up on this. When you are thinking about the timelines that I outlined before, if you have to re-file and do this all again, if you mess up your 14-day notice and that gets kicked out, that's 14 days and then 17 more days and then a hearing and then a 14 day warning that you would have to

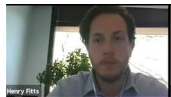
re-do all of that to get yourself back into court. Probably worth the money to go see an attorney now. Maybe you want to do it one time or consult with them, but in some form I think it's a good idea to speak to an attorney about these issues.



Henry Fitts: Great. Thanks guys. We are going to save the rest of the questions we got on this topic to the big Q&A time at the end.

Q&A

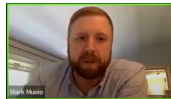
1. New Tenant Laws & Evictions



Henry Fitts:

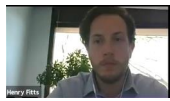
1. Do these policies, does this eviction law apply to the whole state? Yes, this eviction law and the moratorium applies apply to the whole state from what was presented by Mark.

2. Do we know when the courts are going to reopen?

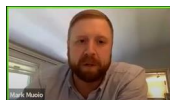


Mark Muoio: It gets a little complicated, so I'm going to do my best. Any case that were filed before March 17th, that was either heard by a judge or was filed and never heard by a judge, or a third category where a warrant was issued but never fully executed, those cases, and I'm just telling you that it's my understanding, each of those cases is going to be conferenced in front of a judge in City Court or in the towns and you're going to get a letter if you fall into that category. You or you and your attorney going to get a letter giving you a court date. It's either going to be 9:00 a.m. in the morning or 2 p.m. on a certain date for a conference to be held. I not going to say, I don't believe that the judge is going to have the ability of issuing a warrant on that date because as we discussed earlier,

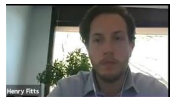
all warrants are either stayed or can't be issued until after October 1st, and since these are going to start taking place on September 1st, the judge isn't really going to have the ability to use any sort of a warrant condition. That's at least my understanding right now, but I just want to be clear that some things in there are fluid and because they haven't happened yet I only have the information that I have.



Henry Fitts: It seems like the only one very clear point, is that nobody can actually be physically evicted until October 1st. No matter the scenario.



Mark Muoio: That's my understanding. Yes.



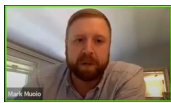
Henry Fitts: Great. I'm going to move down through general question that I think we've touched on, so...

3. Haven't been able to collect rent, and I can't evict my tenant, what are my rights? How can I collect the money? Can I collect the money?



Jaime Cain: So I think that I can answer for this, its communication. Obviously we still encourage you to communicate, and hopefully when the courts open as I mentioned previously it will be an opportunity to make sure that everybody is on the same page about what the laws are. There have been as I mentioned, so many executive orders, and then on top, the administrative orders. A lot of the tenants are just not aware as to what the procedure and the law is right now in New York, and so eviction moratorium versus canceled rent is very confusing to some of our tenants, and they don't understand the differences. I'm hopeful that the number of people that are facing eviction for non-payment actually have the money there that they are just don't know if they have to pay it in some instances, to make those numbers less. And then, you know for the landlord is trying to figure out what is the capacity to maintain their tenancy and to set payment arrangements. Making sure that we hashtag in our coalition to have

compassion for their tenants. I think its unique to have a landlord group with that hashtag, recognizing that nobody asked for COVID to have occur and asking for compassion back to our landlords because anything that a tenant can do we should be encouraging them to do and wanting to work with tenant associations to get to that point where they do set the laws right, and they do say rent still owed in the State of New York, and encouraging anybody who can pay to recognize that may help maintain the landlord through the end of the year and not have to declare bankruptcy or close shop right now. I think it's very important to acknowledge those paying tenants are going to be sacrificed if landlords can't make it to the end of all of their obligations.



Mark Muoio: To add on to a little bit to what Jaime just said on top of the moratoriums that have come from executive order, a new law passed, I think in the end of June or very beginning of July, that New York States Safe Harbor Act, which threw in some more complications and more things for tenants who might not be lawyers to worry about or to think about excuse me and for landlords as well, so we have set the Safe Harbor Act yet, but it basically states that any person that has been financially impacted by COVID which is only defined by a couple of things, but says that those aren't the only things, cannot be evicted for not paying the rent, but you can get a money judgement, but those months of rent are essentially what we would call non possessories that you can't get a warrant of eviction for non-payment of rent after March 7th through a date uncertain in the future. Jaime can add on to this if I've got any of it wrong, but if somebody has been financially impacted by COVID then this law would come into effect. It's an affirmative defense so someone would have to state that on the record or prove it if necessary, but that's part of the discussion going on now.

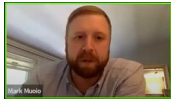


Jaime Cain: I agree with Mark what he said in that tenant protection act for sure.



Henry Fitts: Great. **Quick question on small claims court.**

4. Is that an avenue that people should be trying, or should they be sticking with the eviction official process?

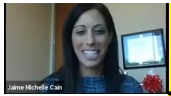


Mark Muoio: It depends on your circumstances. If somebody doesn't have possession of the property anymore, I saw one of those questions in the Q&A. Landlord/Tenant Court is mainly for possession. That's a lot of what judges will tell you in certain cases if someone has moved out you really aren't going to get the relief that you are looking for in landlord/tenant court that would be what we call either a plenary proceeding to get a judgement in city court or supreme court, or you can go to small claims court depending on where the property is, how much money you are looking for, those are all contingent factors in going to small claims court. I think that answers the question, sorry.



Henry Fitts: Great. Thank you.

5. So in general we are encouraging communication with tenants, and try and put together a plan, get them back on track. What types of/what would you suggest in terms of formalizing a payment plan if somebody is trying to get back on track?



Jaime Cain: Definitely want to put it in writing. Whether or not that waiting until court is involved in that process. We've been advocating for some form of ADR's (alternative dispute resolution), so that there is conversation and more people available to help the tenant. We do think it's important from our coalition stand point to have the tenants represented, so that we don't have a payment made and then undone by an order to show cause, when they talk to an attorney. I think it is very important that at this stage that tenants are being counseled and know the law and have it straight before they make any decisions on what they are going to bind themselves to. I think landlords, if they can give longevity of time to make those payment arrangements, great. Most have, I will tell you. Almost every one of the landlords that we represent, around 2500 across the state, almost everybody has done where they could do a payment arrangement to minimize the evictions that will be filed. But I think when we look at it, detailing court terms, when the payment is due, how much is going to be paid towards rent

that becomes due, how much is going to be paid towards arrears, whether or not those payments are going to be due the same day. That may be very hard for the tenant to be able to pay everything on the first of the month, so recognizing some considerations or maybe split payments maybe one on the 1st, one on the 15th, or one on the 1st and one on the 30th or 25th, be flexible. Again, everybody needs to work together. I keep referring to this as a Jenga game, and when I talk to people, we built the housing and now we have to maintain the stability every time we pull out a piece we're weakening it. So whether it's tenants willfully not paying or a landlord locking a tenant out that is going to destabilize the whole structure. So communication KEY, working together KEY, and recognizing sympathy and empathy on both sides. Because, we are very sympathetic in the public light to the tenants and nothing really to date has been a major support to landlords, and I think we stand to be the city that could do that and show it's really a problem the statistical data showing the rent short falls, excess of way over to 30-40 percent. That's just really scary because that equals homeless people that you know won't have housing if these individual landlords can't make it, so encouraging the process to maintain itself is my main thing.



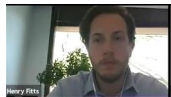
Henry Fitts: Great.

6. Are there existing templates, maybe a question for Mary, templates for these types of work-out agreements? You know, getting somebody on track, is that something that the Housing Council has?



Mary Leo: Yea we love templates, we love things that can help people move this process along. I think Jaime and Mark have brought up great points. We don't actually know when you will be able to get in front of a judge, so the best that you can do is maintain this relationship with your tenant, and the odds are that even if someday they are evicted, the person that you are going to be filling that spot with maybe somebody who was delinquent previously. So we need to document that you are doing your best efforts to have a great relationship. The Housing Council's website, we try to make a lot of things available for free download. We created a Corona response page for adding things to templates we have from other organizations, templates we find from other non-profit legal

services providers. We don't really have the capacity to review something that you are going to create yourself over our hotline service, but if you do want to make an appointment with our Landlord Ambassador they would talk to you about how to structure some kind of template to document what both parties are going to be doing to remediate the situation the best they can until they can have some formal form of payment. That is definitely some support that we can provide, and stay updated on our website with the new things that we are putting on there. Hopefully share some best practices that we're finding.



Henry Fitts: Great. Question for everybody.

7. If the landlord has had an impasse with a tenant, the communication is just not healthy or whatever, are there mediation type services before you have to go to court you can engage to help with that communication?



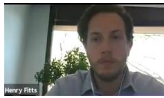
Jaime Cain: We're working on that from the court perspective. I'm sitting on the ADR (alternative dispute resolution) subcommittee, so that is something that is being formulated. I'm sure that more details will be rolled out about that process shortly.



Mark Muoio: I would just add that the courts are a lot more likely to take the ADR (alternative dispute resolution) resolutions if both parties are represented, especially if it's done by video or written stipulation. If both parties are represented then they are likely to take that outside of a court appearance personally in court so it could save people a lot of time and energy to make that happen to get an agreement on the record. We are hoping that the funding that they were talking about from the DHS community organizations and elsewhere can come in and make those rumors happen.



Mary Leo: Lastly, we can get financial agreements worked out in the meantime, and you just want to get back to positive communication that the relations involve. We have always recommended that folks approach the Center for Dispute Settlement if both parties are willing to meet with a licensed or an accredited mediator or if you just need to get that communication open again to work towards something positive in the future so we always recommend the Settlement for Dispute Settlement here in Rochester.

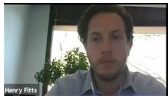


Henry Fitts: Great. Alright, I got another technical question. If a landlord wants to terminate a lease sometime during this period, can they do that given the 2019 laws and the COVID moratorium, and how does that work?

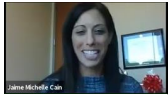


Jaime Cain: So, we need to bifurcate that for a second. New York State Laws were different than for CARES Act, and the federal side of things, so I'll speak to the New York State side of things first I guess, and somebody else if they would want to take the federal but under New York State it was a law change so Section RPL 232B changed in the HSTPA (Housing Stabilization and Tenant Protection Act) as it applies to landlords. Now landlords need to follow the RPL Section 226C, which is a brand new section under the HSTPA, which requires the landlord to look at the totality of the time that the tenant has resided at that property not just the most recent lease. It's actually in the amendment just to get it specified in the culmination of the time period if they had been in possession for under a year than it's a 30 day notice still. If it's the year just before the 2nd year mark and a day before the 2nd, it's a 60 day notice, and anything where there is a lease over 2 years or equal to a 2 year time period, that's a 90 day notice. That would need to be complied with if your lease expired in COVID. That is something that I would still, I'm assuming, that the judges will still be looking for that. I know that when we terminate, that we make sure that we attach all of the documents to my petition. I'm probably a little unique in that to give the judge as part of the petition all the supporting notifications that are required with the affidavits of service. I don't know if anybody else wants to take the CARES Act or but do you want me to just keep going? In that the CARES Act specifically will as it's related to non-payment

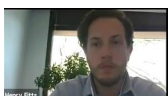
did prohibit any notices from going out until July 24th. Thereafter, it was required to give a notice of termination you can start that on July 25th. If you wanted to terminate the tenancy, there was much conversation about whether a 14 day notices counted as a notice to terminate? I think that all the attorneys ended up in Rochester folding into doing a 30 day notice so if you had a federal backed mortgage or you had a tenant who was subject to one of the HOWA protections that were numerated then you would have to serve that notice before you were able to terminate. Recognizing that if you were terminating a tenancy that you might not be just subject to the 30 and that you would need to look at your lease to make sure and consult whether or not the 30, 60, 90 also would apply to your scenario under the federal law



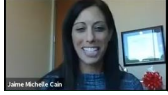
Henry Fitts: Great, and I guess a follow up question is so if somebody terminated the lease and the tenants refused to vacate what would be the process to actually evict, would that still be on hold per the moratorium?



Jaime Cain: Yes. So the most recent Judge Marks order that we just received does clarify that hold overs that were commenced after March 17th are on hold that's the first time that we got the word holdover specified in any of the documents to my knowledge. I can tell you that there is a need and that there is conversation taking place in Albany about violations that rise to criminal levels we are very concerned about. In the governors executive order 202.8 dating back to the original order there were exceptions for code violations and things like that for tenants in COVID to commence an action if necessary. We are hoping that at some point we can get a reciprocal carve out. If there is a gravity of circumstance like a criminal offense or come kind of major objectionable conduct that occurs on the property because we have seen unfortunately an uptick of that in COVID and landlords have no resource there and you know unfortunately it's spilling over so that other tenants are affected. Right now there is no distinguishing those types of cases so that is a concern of landlords.



Henry Fitts: So really, unfortunately, you can't do anything about a criminal squatter type situation?



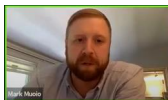
Jaime Cain: All on hold. I, myself, I have filed some and I'm not sure what the judges are going to do with that. There is a portion of the law under section RPL 713 where no landlord/tenant relationship exists which would cover your squatters, your licensees. They do have some like that, some pre-COVID like that, some post-COVID like that so the governor did get them some protections to people who would otherwise be deemed squatters in COVID so if they were there for a period of 30 days or more, they weren't going to be considered squatters, so its really important for your guys to look and go to an attorney to make sure you have the most up to date and best information in your case facts, because these are landlord/tenant laws. I mean, Mark you can probably agree, landlord/tenant law used to be somewhat easy, right? Now, it is a field of lots of different bombs and things waiting to get you, and I tell my clients all the time don't navigate that yourself. There is so much change it is so fluid and so hard to put it all together to make sure you are understanding. Talk to an attorney.



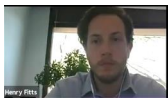
Mark Muoio: Absolutely right. Yes.



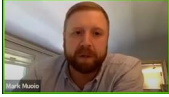
Henry Fitts: Great. Anything else on that point? Otherwise, I have another question.



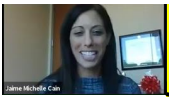
Mark Muoio: I think Jaime did a good job separating out lease violations or criminal activity from squatters. That's important.



Henry Fitts: Gotcha. So this is a sticky one. **Basically, how do you approach a tenant who is working, they seem to have the money. Clearly seem to be that they just seem to know that they don't have to pay it. The system is working in their favor. How do you approach that situation? A tenant really taking advantage of the moment and the system.**



Mark Muoio: I guess I would say that at some point things are going to come to a head, or come to a point, and they will have to make a decision whether they have kept this money. Maybe there are things that are unseen on the opposite side. Maybe there are things unseen in terms of COVID hardship. I've been able to keep my job. I'm lucky, but I have had a lot of things happening with family members and child care. If someone was in a worse condition than me and plenty of people are, so those are things that maybe unseen and maybe someone is keeping their job and making \$10 to \$12 an hour, but other things happened where someone fell sick and couldn't watch their kids anymore and they had to pay for something. So those whether that is in the law as COVID hardship, I do not know, but those are facts that we are probably going to have to litigate on fact by fact and case by case basis. I just want to point that out.

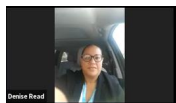


Jaime Cain: I agree too. I think, to add to Mark, this is a case impression situation where you are going to see people that would have never been evicted in the past. These are some professionals, lawyers, you know CPA's, who have just lost their jobs in this, whose jobs were eliminated because the business couldn't pay everybody. So it is not just people who are in the lower income bracket, and I think that is important to note this is different and these are people to Mark's point you know 2 families that have kids or 2 family households, 2 parent households, thank you, who have one has stopped having to work and we're going to see it. I mean my school district is only going for 2 hours a day requires somebody to stay home with my kids. Those are tough decisions to be making and could have an economic impact on the way that the family will be able to pay the rent and so, I think, we are going to see a lot of first impressions on evictions and bad stories.



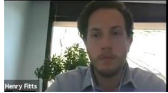
Mary Leo: Just to add to that it is true. Most of the people who are not paying rent are unable to pay rent. Renters want to pay so that they can stabilize their housing. Some people may be flat out taking advantage of it, and if they understand the conditions to be, and I hear that. I hear that probably more often than it actually happening as Mark and Jaime are saying, but people are very private about their hardships so it's a mixed bag. But if this is your concern, that you're not

being paid and you have no indication that a true hardship is happening, you can invite your tenants through a statement that says just an account of where we stand at this point. These are the months that have gone unpaid of the records that I have of official payments, or whatever happened over the course of the time you are concerned about. Explain to them that you're engaging in resources to be able to keep your business afloat and that you are still delivering the services promised to them and if they need additional resources, to create a plan if they intend on staying, and you can include the Housing Council's Hotline. They can call and get information about the truth around what's happening when you're not paying rent, the truth that they will be issued a judgement even if they are not evicted out of the property, so if they do have a true COVID related hardship and whenever they can be seen by the judge they could be issued a judgment and what impact they would have on future housing choices, their ability to get a car, their ability to buy a house in the future, all of those things. A third party could be a good resource to share the true facts so it's not heard through a lens of my "Big Bad Landlord is coming after me for money", or if you just feel uncomfortable having that conversation, point people to other resources, the Financial Empowerment Centers so that they could again get the re-precautions of their choices or maybe it's not a choice that they actually can't pay but what their options are be down the road because we are not going to be in this particular disaster forever though we could for a long time but we are going to have to navigate our way through. Get people on the right road to get out as soon as possible.



Denise Read: And I'm just going to add something. So people might have been receiving pandemic unemployment, and we would all look at these situations like "you should have had enough money to pay", and where we stand now where individuals are not receiving that. When we look at a case if they apply for public benefits, we only look at the month of application, so a person could be eligible for some back rent payment, even though they would have had the income during that time that would have covered it. Now they may have to pay it back to us, but they could be eligible for it. So people shouldn't think that they can't apply because they had what would seem like the income to pay during the month that they owe because we know it's over now. We would consider the income in the

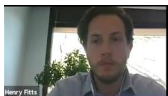
current moment, so of course they would have to be under the income limits now, and most likely are if they have ended unemployment and the person should be encouraged to apply for public assistance and have the back rent considered even if they would have had the income during most month that would have covered it.



Henry Fitts: Gotcha. That's helpful. Very complex situations and we appreciate that. So we are out of time for this section. Any other questions on this topic we will address in writing and send back out to all the attendees and post on the website. So look for that hopefully by the end of next week on the website. We are now going to switch gears to talk about some of the new landlord/tenant programming and funding resources.

Q&A

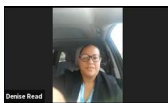
2. New Landlord and Tenant Assistance Funding



Henry Fitts: First Questions: **1. Does the government have a program to pay landlords past due rent?**



Gary Kirkmire: So I guess our response to that would be in the information that I covered, right. It's through direct rent assistance to the tenant that payment will go to the landlord, of course, following that process and all of the eligibility standards.



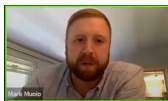
Denise Read: Yeah, and in DHS, requires the same, so it goes to the landlord, but the application has to be made by the tenant/client. It's based on the

client, but when we make the payment, it will directly go to the landlord, or to the mortgage holder.



Henry Fitts: Alright. So again, in that process, I think communication between the landlord and tenant will be important, because in that process the landlord will need to be engaged to give their address, bank information, and etc. So encourage your tenants to look into these programs.

2. Will there be free legal services for landlords?



Mark Muoio: In my time at the Legal Aid Society, I've helped plenty of landlords at various levels. So let's say we just answer questions, sometimes helping them fill out paperwork where they represent themselves at court, and then in other times actually representing people in court on various sets of facts. The funding that we are getting (from the City's CARES Act allocation) is not inclusive of landlord representations though. That's a lot of the times where our confines are in terms of our contract with either the City of Rochester, Monroe County, the State Government. So under these circumstances we're not going to be opening it up to landlords to represent them for free especially since we're kind of sorta saying that we are going to be representing all tenants, it would create a conflict.



Jaime Cain: I will say that on the landlord side of things, my roundtable is completely open, there is no membership requirement and any landlord who isn't necessarily looking for some free pieces of advice, I give it daily on how it helps support or at least guide to assist in that. Just you know, shoot me an email and I'll be glad to see what we can help with.



Mary Leo: Same here. I mean we have a registration fee for some of our classes we are giving to be holding specific topics related to this process as it goes forward. There's no eligibility basis on your income or previous income to be included in any of our programming same with that Landlord Ambassador. A Landlord Ambassador is not an attorney, but she will be able to make referrals and

there are resources around the BLSBP and Monroe County Bar Association and legal referral service that we can make. Can't promise free services, but we can provide affordable guidance to navigate the process.

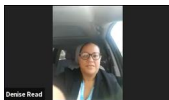


Henry Fitts: Great. Alright. Next question.

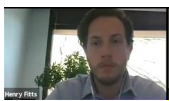
3. Can a tenant apply for assistance if they get other housing assistance like Section 8 or other benefit funding?



Gary Kirkmire: Yea. They'll follow the same process again the funding that we reference today primarily was COVID related so assuming they were impacted by COVID that funding would apply there's also some other funding in the community that's not tied to COVID. But they would facilitate or reach out through the same processes.



Denise Read: For the most part tenant rent amounts should have been adjusted if the household had a change in income. If they we're on Section 8, a subsidy based on their income, it should have been adjusted but at DHS, yes, we pay even if the person has subsidy.

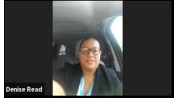


Henry Fitts: Great. Next question.

4. Is there a way to find out if the tenant has applied for the rent support?



Gary Kirkmire: Yea. I guess I won't speak for Catholic Families, but we want again we are going to reinforce engaging in the process. So, you know you should be aware of that through your conversations continued conversations with the tenant. It's a problem you jointly own with them. You are part of and so you know to the extent that you could be on the same page with respect to that process. You are ultimately going to be involved with that process and know that they are in the process as you will have to play a role in it. But I think communication is KEY in knowing where you are in that process.



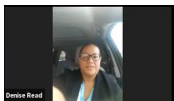
Denise Read: Yea. It’s my understanding that for the ESG Funding Program involves us, we are going to be asking the tenant if they heard from you about the back rent that is owed and then confirm with a phone call calling you to confirm with that information is accurate and so while you may not be able to call us at DHS and say an you tell me if Joe Smith applied as we would not be able to do that unless they explicitly gave permission for us to do that, but if they do apply, you will be getting a call from us. “Hey, Joe Smith is your tenant at such and such place and he’s applying is this information accurate?” and that let you know that they have applied with us.



Henry Fitts: Alright. And following a follow-up question is..

5. Will the landlords receive the check directly?

*All panelist nodded, and said yes.



Denise Read: Yes. Even if on-going rent isn’t on voucher to a landlord, anytime we pay back rent it goes on voucher to the landlord. It always goes on voucher to the landlord. It won’t go to the client.

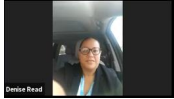


Henry Fitts: Next question.

6. Many tenants have been denied assistance. Are the guidelines supportive of all tenant situations?



Gary Kirkmire: So again there is a variety of funding that’s directed towards direct rent assistance not all of it is CDBG or ESG or even HUD related, so CDBG for the most part serves residents at or below 80% ami, ESG is at or below 50% ami, and Catholic Families Center also gets resources from outside of those funding that can serve people above 80% ami.



Denise Read: Yeah, and most denials are usually not related to income. There are some for excess income. What's usually the reason for denial is all programs ESG funding program and CDBG, our programs, United Way Funded Programs, is that the tenant doesn't have the ability to pay the rent on-going, and that is a requirement for almost all programs. That's when a person has no income at all and they owe 3 months in back rent no programs going to issue them 3 months of back rent when they can't pay the on-going rent. So then the person is usually referred to DHS to apply for on-going assistance. And 1, that's where you see a delay because we cannot make a determination of back rent until a person gets through the eligibility process and we make a decision that, yes ok, their case will be open and now they will have on-going rent assistance and the ability to pay on-going so then we can address the back rent as well as paying the on-going rent. But if the person has hard time applying for DHS or doesn't get through the eligibility process, you know, gets denied and has to reapply or just take longer than normal to get all the documentation in, that then prevents them for getting some of the back rent assistance because all of these programs have some requirements that you have the ability to pay on-going and if the rent is so high that even on public assistance they can't afford it on-going and they don't have a family member or friend that can write an application for the difference, and then they wouldn't be eligible either. So usually denials revolve around their inability to pay rent on-going and that's why people are hung up really there's no relief that the back rent won't be paid because future rent can't be paid.



Henry Fitts: **And what resources would we want to send people to if they truly were denied from some of these programs?**



Gary Kirkmire: They should consult with Housing Council they might have other information to other resources/programs that we predicted today and the primary programs that we support to help support.



Denise Read: And I would say some of the community work that has been done to try to help people through the process at DHS, didn't talk about in depth today, but there are programs that you hear about, that Gary eluded to, are about community wide solutions really work for people who don't have on-going income to help them get through the DHS process. Because one of the biggest things at DHS is that our application is 21 pages and so sometimes people can't even get through that to start the process and so we will have community agencies helping people even with something that simple to get them started because at least once we receive the application we can go from there, work with them. So these are some of the things that will be coming. Some kind of creative support because those people are just going to have to come back to DHS and try and get through the process. And the process is much different in COVID. You know we don't do face to face interviews. All the employment requirements are waived, and so people have been getting their cases opened much faster because the eligibility process is much abbreviated, but some people still need help and so these community agencies will be helping us with that process so hopefully people can get on-going rent. The on-going income to pay rent established, and then that way the back rent can be addressed.



Henry Fitts: Great. Thank you Denise. Alright, we are out of time for this topic. Next we're moving into Code Enforcement questions. Again any additional questions on benefits in the new programs, we'll address in writing following this session.

Q&A

3. Code Enforcement/Inspections



Henry Fitts: Alright. Code Enforcement questions. **1. So I was in mid-C of O inspection in March, this is a landlord speaking, how and when is my final inspection?**



Gary Kirkmire: So, I'll comment and Kurt can chime in as well. So precluding to when we talk about the current inspector protocols: If we did a full inspection, certainly we can abate interior violations using the video evidence as per the policy that you'll get a copy of if you don't now have a copy. It has to be clearly depicted. Think of it in terms of if an inspector was there that long ago, they need to be comfortable and familiar with what you're depicting on the video that you shoot. So you have to show the house walking up to and you got to talk him or her through the inspection and you have to talk your way into the particular apartment that's in question. Got to talk your way into the particular area of the unit that was subject to the code violation because it's only on the inspector feeling 100% comfortable that he or she can validate that an abatement that we can use the virtual policy. Now that aside, you can certainly call and schedule a re-inspection, those are open for business. We're just going to follow that protocol that Kurt went through before exterior violations we can see that without any involvement to the extent that you can see it in the right of way. So yes, you can get through the processes as soon as you are ready for it.



Kurt Martin: The only thing that I have to add to that is we would invite you to call us and schedule for an appointment as fast as you can when you're ready, because we would like to get more of these properties that are out there that started the process to completion so that we can move onto the next batch because we are 4 ½ months behind with our C of O processing. So anybody that's out there that's interested in getting an inspections you can do it virtually as long as you follow all of the guidelines or call and get an inspection set up as soon as possible.



Henry Fitts: Great. Next one.

2. What COVID19 requirement need to be met by the landlord to prepare a property for new tenants?



Gary Kirkmire: So, I don't know if Jaime is familiar with any of the state's to be applicable policies, and I'll certainly defer to her if she is.



Jaime Cain: Go ahead. I'll chime in if necessary.



Gary Kirkmire: Yeah. So you know that we're not regulating that, if you will. I think common sense rules the day here. You should be preparing that unit and clean that unit to the same extent you would do your own environment and to the same extent that we do our work environment. So practicing clean proper mechanisms to clean properly and do your best to prepare it in a manner that serves both the tenant and yourself.



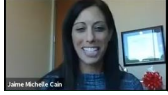
Jaime Cain: I will add to that just to say maintenance policies when you're entering a unit, showings, if you're doing showings, I would highly encourage #1-reducing it to writing so that you have a policy and procedure for everybody to follow but also to make sure asking those key questions whether somebody has been in approximately to somebody who has symptoms or has tested positive or is subject to quarantine rules whether or not you left the country, whether or not you are part of the travel requirement for quarantine, because you traveled outside New York state of one of the affected areas based on the governor's executive order, making sure that you ask those questions ahead of time before you do anything. So that you don't impact either your worker or somebody who is going to receive services to the unit showing or things like that. Be very careful of that and make sure they are reduced to writing so that you have a record and can contact trace if positive.



Henry Fitts: Gotcha, but no city COVID19 in terms of actually preparing a unit beyond the inspection process? There's no...



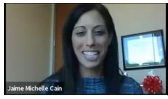
Gary Kirkmire: We don't have any inspections COVID, no.



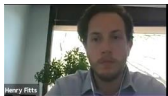
Jaime Cain: There was... It's been very hard to get any guidance out of the state for property specifically. I will tell you my coalition leader and I tried very hard to get the New York State Empire Development to give us like specifics as to thing revolving around code and maintenance and things. We just never even heard back on certain points we asked for.



Gary Kirkmire: And I'll tell you the ones that we are familiar with is like the gyms that want to open now. If they can open, the Health Department will have to perform inspections inside of the 2 weeks of them opening, but we have not received any guidance in terms of our responsibility in residential settings.



Jaime Cain: Correct. I second that.



Henry Fitts: Alright. Next question.

3. What is the plan of action to address slumlords, who have multiple properties, multiple violations, and no C of O? It's not necessarily related.



Gary Kirkmire: Yes, so that's. Thank you for that question. We don't really use the term "slumlord" but I'll say somebody with a bad business model. You know everything we talked about today in the evolution of forward-thinking operation that we were talking about is purposefully designed to allow us the opportunity to focus our limited resources and capacity of authority for where its most worthy of our time. You know the challenge with running a rental inspection program, because I can tell you that no one in the country does it like us, nobody. Everybody claims they do, but when you dig down deep enough, we're going in 14,000 units a year. You'd be hard pressed outside of New York City, so when you're doing that, it kind of bogs down the structure in code enforcement. In terms of issuing tickets that's not an issue. We issue 4800 a year. Now COVID impact, we want to step back, right, and say, well we know landlords are impacted when the tenants are impacted. So to the extent that we are talking about light and non-

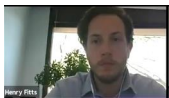
hazard we are kind of pulled back a little bit during this period and time. As Kurt mentioned, we pulled back the C of O renewal process, so you know we are slowly getting back up to speed, but all of these programs that we are talking about and all this technology that we are using is purposefully to let the lights shine where it needs to shine most which it's undebatable where the worst properties are, who the worst property owners/managers are. It will stick out like a sore thumb when we can navigate through deprioritizing those that are doing the right thing. So all these incentive based protocols that we just deployed, you know you want to take advantage of that. We want you to carry smoke alarms with you during the C of O, we want you to carry carbon monoxides with you at the C of O. If that's the only issue to mitigate it. We are only going 40% of the units in a multiple. Prepare for your inspection, because you for the most part on this call is doing the right thing. You're not the problem, and you can help us focus on the problem by getting us through your property in an expediting manner.



Henry Fitts: Alright. That's all we had on code enforcement. Any other follow up questions, please submit them and we'll get back to you in writing. Next topic is our Other Section. Anything else related to stuff presented or other questions.

Q&A

4. Other Questions & Feedback



Henry Fitts: So first question we have is from a property manager perspective related to the licensing program.

1. Sometimes the lack of repair is not due to the property manager, but it's due to the owner not wanting to make those repairs and invest in their property. How are we going to parse through that with a licensing program?



Gary Kirkmire: That’s an excellent question, so I thank whoever reported it. That is exactly what we are trying to eliminate. To right the playing field here, we have to eliminate that problem. How do you eliminate that problem? The same way we do with private refuse services. So with the City of Rochester, if you have something other than a 1, 2, 3 family, you can have private refuse service. So if you are paying for private refuse service, when you stop paying your bill and that refuse piles up, we tell the company get your equipment out of here and we’ll go after the owner for not having refuse service. The same rule applies here. If you are a local dedicated rep for property managers, legit property managers, and you find yourself in a partnership relationship with somebody who is not dedicated to maintaining their properties, our advice to you is going to be you is to sever that relationship and we’ll go after that person for not having a reachable property manager. So if they are from afar, they are going to need somebody local to represent them. So this will happen over time this will happen building in the accountability that not only puts that type of investor out of our area but also makes sure that the people that do have good intentions locally that want to represent the people right will not have that type of client because you’re going to sever your relationship with them because it’s going to be detrimental to you if you don’t and it’s going to be detrimental to them when you do.



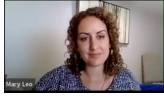
Henry Fitts: Great. Next question.

2. Does the City have a procedure to help a landlord who cannot pay their taxes or water due to COVID besides asking the tenants to apply for assistance?

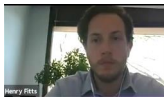


Gary Kirkmire: City has a tax agreement process. Code Enforcement does have a role in that process, but that starts with tax collection obviously and they have structure protocols in terms of how much down payment you have to have, how far out you can spread out that payment. I think it’s 10% for 5 years. But Code Enforcement does have authority to sign off on those applications and we do look holistically at all of the aspects with that applicant. So if the applicant is the type of person that wants to protect to preserve 3 of their 5 assets, and the other 2 are fire damage tickets that are detrimental to the neighborhoods, they are

not going to get a tax agreement. Not short of not remedying that situation, so it's a collective effort on the part of financing and Neighborhood Business Department, but it's a very easy process if you're not in that type of scenario.



Mary Leo: Also, through our Landlord Ambassador Program, we can help with the communication and advocate for plans to be put in place especially with mortgage companies, and taxes as well. We'll help you with the communication with the City, but mortgage especially is something that we are very good at, so you can reach out to us and work with somebody to help navigate that and advocate for you.



Henry Fitts: Great. Yes. To in addition to contacting the Housing Council, Mary's Organization, to apply for tax agreement, you can go on the City's website and search tax agreement and there's a web page on how to start that process. Alright. Another question we got related to licensing is basically...

3. Can we license Property Managers and/or Contractors?



Gary Kirkmire: Legally we can. We can't supersede the State Law that license the brokers, which we don't intend to do. We're really going to license people or certified people one way or another that are responsible as the point of contact of the property maintenance. So, yes we can go on that path and that's the path that we're going to discuss moving forward. Contractors, we do license Electricians, Plumbers, Stationary Engineers, Elevator people in the elevator business. We have not contemplated going beyond that at this point. The general contractors we have the authority to do that, it's more about it's hard to create a new processes now if there's not some form of funding associated with that to support it. The government since 2007 has been shrinking dramatically. Most of you that don't know, we lost 33% of inspectors since 2007. You wouldn't know that without with the structure with the things that we've done to combine inspection staff around the city and cross trained people. We are in a fiscal crisis. We're in the same challenged environment that landlords and other business operators are.

It remains to be seen how desperate this situation is going to be with local government.

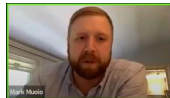


Henry Fitts: Absolutely. One quick, one back up into evictions and property law...

4. Can a landlord raise the rent during the pandemic and moratorium?



Jaime Cain: Subject to 220.16, I would say that landlords are under an obligation if they are going to increase rent of 5% or more to notify the tenant that they are going to do so there has to follow up 30, 60, 90 day rule. There's nothing precluding increasing the rent otherwise to my knowledge. I haven't seen anything.



Mark Muoio: The thing that I'd like to point out is this piece is that you can't unilaterally increase the rent. You can propose to increase the rent and that needs to be agreed to either verbally, in writing, or by action. They would need to pay you the higher rent or agree to it in some manner whether in writing or verbally. So landlords just sending out a statement that says your rent is a million dollars next year isn't useful because it's never been agreed to. I know that's an extreme example, but that's where the principle goes to. So it does need to be an agreement between the two parties just like the initial agreement had to be between both the parties.

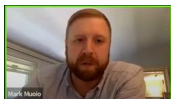


Henry Fitts: Great. So that's what we've got for written questions for now. I think to keep us on track, I will just ask the panelists if they have anything else they want to share before we start the closing out with Gary and some survey questions for the group. **Anything we missed? Anything you really want to leave landlords with?**



Mary Leo: I'll start. I have plenty of shameless plugs. We have lots of things coming out for landlords. I've said it 10 times, the Landlord Ambassador Program is a one-on-one service to go over business practices, address some basic

questions. Not an attorney, but some great education in the materials we would really like to see more people engaging in the classes we are offering now that we are virtual and there's no real cap on those classes and it's a great opportunity for peer sharing. We take that information back, our staff sits on different policy working groups, prevention groups. The more people we have there both learning from us. We learn just as much from you. So please, please, participate in our classes even if you have before. We are changing and updating information and now we are launching a new series of one hour classes. Next class is going to be on the 26th. We are focusing on fair housing. We'll be talking about sexual harassment service and emotional support. Criminal background checks, tenant screening. We have a lunch and learn on the 2nd from 12-1 that's going to focus on financial resources for landlords specifically and then you can call that hotline from 9-1 Monday-Friday. There's somebody there to talk to. We might not always have a solution or a perfect answer for you but whether it's your tenant or you calling. You are going to hear the same information and you can advise your tenants to call us as well if that would help reinforce any next steps that you are trying to take and of course to have some accurate information shared to either party. And then we launched a Youtube channel available both in Spanish and English and if you have ideas or requests for topics that you're interested in, please send those our way. We are pretty adaptable and we want we are here to serve you and please tell us what you need and if it's something that we can do, we are going to come up with a way to do it.

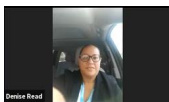


Mark Muoio: I can jump in and give a closing thought. My best advice is to make sure that doing whatever actions you're doing, that you are focusing on from a business perspective, and not trying to think about things in a personal manner. It can feel very personal I understand that, if folks haven't paid their rent and you feel they are responsible. But if there's an offer made and you can move forward and get you off and into the future hopefully when we're not in a pandemic anymore, its probably going to benefit you to have a tenant there and not go off into the abyss of lord knows when someone new is going to move in with have finances going into the future. So I think it's a good idea think of everything from a business perspective of how's this going to benefit me in the future. Can I get a

little bit of rent or some portion of what's due in the past and move on when hopefully when people's health and safety is not so much at risk.



Jaime Cain: I guess I'll conclude by saying I guess I challenge the panel to be the city that actually proves that we can just be a housing industry and there doesn't need to be sides to this at all and if we work together we can be stronger and we can show the rest of the state to how it's done. The courts are getting there certainly, all that Gary's done, the percentages are out in Rochester are outstanding. I don't want to see any of that deteriorate because our landlords can't keep things in motion so as much as having compassion and understanding for tenants also recognize that we need to foster that landlords are not slumlords and are not racist and try and make it so that landlords are property owners, get away from that landlord word, and recognize that they are providing a service that is necessary for affordable income to exist in the city.



Denise Read: I'd echo all of those things and I would say that, you know, for us its really going to be about preserving housing so we are going to try to make back payments in any situations that is regulatory possible. We are going to try and make rent payments to keep people's housing and so encourage your tenants to apply if they have issues. Help them call us and get their permission to seek information on their pending applications get them the information and help them through the process they need that because we are trying to prevent evictions and get cases open and get money into the landlords hands that tenants owe.



Henry Fitts: Alright. Super. Thank you guys so much for participating in the panel and providing your expert knowledge on topics that are continuously evolving and quite complicated. We really appreciate it and we encourage the attendees to reach out to your organizations if they are interested in accessing services and we will provide more information to the attendees with that information so a big thank you. Thank you. Thank you. Alright with our remaining few minutes we are going to have some closing remarks from Commissioner Gary Kirkmire and immediately following there will be a poll, a series of polls asking you about your experience today and hopefully you enjoyed it.



Gary Kirkmire: