

Questions and Answers
City of Rochester Landlord Summit
8/2/2023

An unscheduled Q&A session was held at the end of the summit. Questions from attendees were captured, and the following written responses were compiled by City staff.

| Topic | Question | Draft Response |
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| Code Enforcement Policies + Procedures | What is the job of the Code Inspector, and should their job include noting criminal activity that is taking place at a property? | Code Enforcement Officers (aka inspectors) inspect existing and new construction to make sure that the property is up to building and fire code standards. Our main goal is to make sure that the property is free from conditions that would impact the owner, occupant, or community. Criminal activity is not something that inspectors are directly responsible for addressing, but if the CEO comes across something they are to report it to the Neighborhood Service Center office. The NSC staff will review and may refer the matter to the Rochester Police Department. |
| Code Enforcement Policies + Procedures | What can we do to provide interpreting services for deaf/hard of hearing people when they are interacting with CEO's, also possibly a video relay service? | If the person emails CodeEnforcement@CityofRochester.gov and gives advance notice that an interpreter or video relay service is requested, we will coordinate with the individual to make sure that that this need is met at the time of the applicable inspection or meeting. The same is true for any disability accommodation request. |
| Code Enforcement Policies + Procedures | The new fines are higher, will there be any cap? | There is not a cap in place for ticketing or fines, but the Code Enforcement Officer (inspector) and Senior CEO will balance the ticket amounts and the end goal of driving compliance when it comes to the number of tickets issued to a property. If ticketing is not driving compliance, the City may instead pursue taking the case to court. |
| Crime and Police | Can something be done about the shootings and drug problems that are a daily issue at Weld and Union St. | We have forwarded this request to the Rochester Police Department and asked them to ensure that this location is on their radar as a hotspot for patrols. When you see regular criminal activity taking place at a location, please report it to the City by calling 311 and ask to speak to your Neighborhood Service Center. If you see an active crime taking place or dangerous situation, please don't hesitate to call 911 to report it. The more residents report issues via these methods, the higher they rise on priority for patrols and crime enforcement. |
| Crime and Police | What is the city planning to do about the homeless population? I spent | The City has been working diligently to address the needs of the homeless population. Major renovations were made to House of Mercy, and there was a recent expansion at Open Door Mission. The City is also planning new housing |

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| | <p>more than \$70K rehabbing my property and a homeless guy keeps going over my fence, and onto my porch. I called 911 at 9pm and did not get any response until 12pm. This has been going on for 2 years.</p> | <p>units at Peace Village to house individuals. Open-air encampments have been eliminated.</p> <p>The City also contracts with Person Centered Housing Options for Street Outreach services. If you contact them about an unhoused individual living nearby, they will come and attempt to speak with them and offer to get them into housing and supportive services. Please view their website for contact information: https://pcho.org/</p> <p>If you have questions or concerns about code violations cited at your property or tickets, please contact your inspector or email CodeEnforcement@CityofRochester.gov. You can look up inspector contact information here</p> |
| <p>Evictions</p> | <p>Is there a way that we can get assistance to evict bad tenants?</p> | <p>Evictions are governed by NY State Law and municipalities cannot amend or change those laws.</p> <p>For general advice on the eviction process, please contact the Housing Council: https://www.thehousingcouncil.org/</p> <p>The City always recommends hiring an attorney to assist with the eviction process.</p> <p>City Code Enforcement Officers do note in the official record when they can confirm a tenant or occupant refuses access, or if they can confirm the presence of tenant caused damage. These notes may be used in any eviction or enforcement proceeding.</p> |
| <p>Evictions</p> | <p>What can be done to improve and speed-up the eviction process?</p> | <p>The eviction process depends on both New York State Law and City Court procedure. The City of Rochester does not have the power to regulate or alter these laws or procedures, nor does any other municipality outside NYC. We recommend reaching out to your New York State Senator or Assemblyperson for your district, or to the City Court administrators: https://ww2.nycourts.gov/courts/7jd/monroe/City-Court/Rochester.shtml</p> <p>The City always recommends hiring an attorney to assist with the eviction process.</p> |

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| Evictions | Why has [a local judge] said “No Evictions”? This is a concern for new organization “Landlord Lives Matter” | The judge referenced has been retired for over 5 years. We are unaware of any comments from any sitting or retired local judge advocating for no evictions. |
| Evictions | Why are we collecting photo evidence/text messages when judges are then saying it is inadmissible as evidence. Why can't these items be used as evidence? | <p>Photos and texts are admissible evidence upon laying the proper foundation in the eviction process. They are commonly used in court hearings.</p> <p>There may have been a unique circumstance in your particular case that made the evidence inadmissible. Please consult an attorney for further assistance.</p> |
| Evictions | Can you bring politicians and judges the next time we do this so that they can see how their policies are impacting property owners? | Yes, we will continue to reach out to the judiciary and New York State legislature representatives to ensure that they understand the challenges that property owners are experiencing as a result of the updated eviction laws and the implementation of them in the courts. We will plan to invite them to participate in the next Landlord Summit. |
| Other | <p>Part 1 What is the outlet for questions/interface with City Officials?</p> <p>Part 2 Also, can there be an “objectionable tenancies” clause in a lease that provides a limited number of days for a “notice to cure”?</p> | <p>1. City Council holds a “Speak to Council” session every month where the public can voice concerns and issues. Please see this page for more information. https://www.cityofrochester.gov/publicmeetings/</p> <p>Another option is to dial 311 and ask to speak with your Neighborhood Service Center. They can help you work through a variety of issues and bring concerns to the right individuals at the City, or refer you to external agencies if necessary.</p> <p>2. A lease for a property outside NYC may define a process to provide written notice and a specific number of days to “cure” a lease violation. Section 8 and HUD rentals have additional regulations governing lease terminations and lease violations.</p> <p>The Housing Council offers a lease template for free download on the following website which includes an example of this clause with a 30 day notice to cure period: https://www.thehousingcouncil.org/forms-and-resources</p> |

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| Next Landlord Summit | Are we going to have meetings like this on a regular basis? | The City hopes to hold the Landlord Summit on an annual basis. The City will take into consideration the idea of having other meetings. |
| Other | Can something be done about the old Synagogue on Joseph Ave (secure and redevelop)? In particular, concerned about the amount of littering and trash. | This property is privately owned and the current owner has a development plan that is ongoing. The City is working with them on a better solution to secure the building and mitigate littering and dumping. |
| Other | Can we do something about the damaged platform at the AMTRAK station, it is dangerous and the gravel is slippery when wet or frozen? | We will contact AMTRAK for a resolution. |
| Other | What can be done about littering at properties, particularly properties on corners? | <p>The City attempts to place public trash cans in high traffic areas to provide the appropriate location for the public to deposit trash. If you see an area where there is a high frequency of littering, you think needs a trash can, call 311 to request it.</p> <p>The City is also implementing a new "Adopt-A-Block" program to provide daily street clean-up/sweeping on commercial corridors. On all corridors, litter cleanup remains the primary responsibility of the adjacent property owners.</p> |
| Public Data | Can the general public be able to see our private address in the system? | <p>The contact information for the property owner and property manager has been available publicly on the City's online tools since at least 2017, as reported in the Building Owner Registry. The name provided for the property owner is the same as listed on tax records, and the owner address is the property tax bill mailing address. The address provided for the property manager contact is the address provided in the Building Owner Registry form.</p> <p>This will not change with the new LLC disclosure requirement that will go into effect 1/1/2024. Any information about individual members of LLC property owners will not be publicly available.</p> |

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| Refuse Bills | Can tenants be responsible for refuse payments and fines? It should be electronic billing. Landlords often get the refuse charge after the fact for items left on the curb on the wrong day, or other issues. | <p>Landlords and Tenants can agree that a tenant is responsible to pay the refuse bill and any special charges as long as it's in writing and in the lease. However, if there is an unpaid refuse bill, the ultimate responsibility still falls to owner per City Code section 6-92. Any unpaid bills will be added to the next annual property tax bill.</p> <p>Regarding faster landlord notification of refuse violations, the City will be implementing new email notifications in the coming year through the Civics online portal. These emails will come immediately upon citation, and could be received 2 or more days earlier than the existing paper mail notice. Please sign up and register your properties, and your email will be used as an additional contact method for notifications in the future: https://www.cityofrochester.gov/CivicsPortal/</p> |
| Refuse Bills | Can we consider charging less for refuse if I have a 2-family unit but only 1 unit is occupied? | <p>The City does not currently offer this as an option. Refuse charges are included on the annual tax bill and determined by the number of residential units at the property. The City does not have a process or system for tracking which specific units are occupied at any given moment.</p> |
| Rehab grants | How can the City help landlords with rehab costs. I have \$50K in repairs. | <p>The City offers the Lead Hazard Control grant program which can provide funds to rehab 1-4 unit structures, including rental units, where there are confirmed lead dust hazards. This most commonly involves rehab of windows, doors, and porches. The program is not currently open for applications, but will be opening soon.</p> <p>The City will also be announcing the launch of a new Rental Rehab grant program very soon. Check this page for more information in the next month: https://www.cityofrochester.gov/HomeRepairGrants/</p> <p>There are also a variety of weatherization and energy efficiency grants available from local partners that may be able to assist with portions of the rehab costs. See this page for information: https://www.racf.org/collaborations/rochester-energy-efficiency-and-weatherization/</p> |
| Scoring System | If I have a newly purchased property does the property score reset after my purchase? | <p>You will be provided a “grace period” for the property for 90 days from the sale date. During this time, the property doesn’t count against your average score. After the 90 days expires, any violations still open will count against your score. If you submit a work schedule, and have it approved by Code Enforcement, you can reactivate the grace period for additional 90 day increments.</p> |

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| Section 8 | Can there be any opportunities for folks who have been affected by Covid to get a higher rank when applying for Section 8 housing? | Section 8 is a federally funded program operated by Rochester Housing Authority and is bound by federal regulations for the selection of participants. The City does not have any influence or control over Section 8 waiting list or the selection process. |
| Sewer System | What can be done for repeated sewer backup into the basement? | <p>Monroe County Pure Waters manages the sewer system within the City of Rochester, please call them for assistance.</p> <p>Please visit this page for detailed information on this topic and contact info: https://www.monroecounty.gov/des-basement_sewage</p> <p>There are unfortunately no known grants to cover this expense.</p> |
| Tax Payment Plans | Can there be a payment plan for owners with multiple properties that have fines? | <p>It is the City’s longstanding policy not to issue tax agreement payment plans to any owner who has open code violations at any of their properties. Once violations have been abated, a payment plan for delinquent taxes can be considered.</p> <p>The City does not offer payment plans for fines. Any unpaid fines are added to the next annual tax bill.</p> |
| Tenant Accountability | Can we eliminate the ability for tenants to score landlords or can we provide some sort of voluntary process to score tenants? | Tenants will NOT be able to score landlords. The City’s scoring is based solely on the City’s Code Enforcement data system, and markers for open code violations and expired Certificate of Occupancy. |
| Vacant Registry | How will we register properties that are vacant but being rehabbed. We don’t want to have to pay for the vacant registry during the work period. | <p>Per the new local law, you will have to register any property that will be vacant for more than 60 days, even if it is being rehabbed. For the first year, that fee will be reduced to \$100 if the plan is to rehab or demo the property.</p> <p>If owners don’t register as required, the property will be eligible for ticketing and fines.</p> |
| Water Bills | Why do I have to pay the water bill, the tenant should be responsible for consumption? Also a comment that some tenants are “weaponizing” the | Landlords and Tenants can agree that a tenant is responsible to pay the water bill and as long as it's in writing and in the lease. However, if there is an unpaid water bill, the ultimate responsibility still falls to owner per City Code section 23-17 . Any unpaid bills will be added to the next annual property tax bill. The landlord can attempt to collect on the tenant’s unpaid water bill through the eviction process if necessary. |

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| | water usage by letting the water run, or allowing things like neighbors filling pools. | Regarding weaponization of water use by tenants or neighbors, this is a matter that the landlord will unfortunately need to address through their lease agreement and the eviction process, or through referring the matter to the police. Generally, civil matters on private property are beyond the scope of the City's powers to directly intervene and will require action through the court system. |
| Water Bills | What can be done about massive water bills due to major leaks? I have a \$1,000 water bill and we have been told that there is only once chance per owner to eliminate. | <p>Please call 311 and request a high consumption investigation as soon as something like this is identified to determine if there is a leak and how to best address it. The Water Bureau may waive excessive charges under certain circumstances.</p> <p>Please call 311 and ask for the Water Bureau to discuss your specific situation.</p> |
| Work Schedule | Will the requirement to submit work schedule allow extra time for repairs in the case of tenant issues? | <p>A situation like this would only be eligible for work schedule leniency if the owner/manager provides specific photographic or written evidence when submitting the work schedule that confirms that the tenant is refusing entry necessary to complete the repairs.</p> <p>Refusal of entry should be documented by a written request to enter the premises to conduct the repair(s) with at least 24 hour advance notice, and then some form of evidence showing that the tenant denied entry upon the attempt to do so.</p> <p>Denial of entry can also be documented by the City inspector if they are scheduled and present for an inspection at the unit.</p> <p>The landlord could also supply copies of official court documents which indicate the scheduled dates of hearings for an upcoming eviction, and if an eviction warrant has been issued, the date that the warrant will be executed by the Monroe County Sheriff's Office.</p> |
| Zoning | Why would we ban STR's in R-1, R-2 when these are some of the most desirable areas for STR's? | The current proposed zoning code on www.rochesterzap.com shows that short term rentals will not be permitted in the R-1/Low-Density and R-2/Medium-Density Residential Districts. This topic has generated a significant amount of feedback and will continue to be discussed through the community engagement process before the zoning code is finalized. This section of the draft zoning code is subject to further potential changes. |

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| <p>Zoning</p> | <p>My property is located near the UofR. I can't get anyone to come and paint my fire escape and need to have this done can you help? Also, I am renting as STR, but for traveling nurses and typically 3 months at a time. Is this ok?</p> | <p>It is unfortunately beyond the capacity of the City to assist a private property owner with securing contractors, unless the property is part of one of the City's rehab grant programs.</p> <p>The City Zoning Code does not currently define "short term rental," however, the occupants of any dwelling unit must currently meet the definition of a family in the City Code:</p> <p>FAMILY</p> <p>Persons occupying a dwelling unit and living together as a family unit. It shall be presumptive evidence that more than four persons living in a single dwelling unit who are not related by blood, marriage, domestic partnership or legal adoption do not constitute the family unit.</p> <p>A.</p> <p>In determining whether individuals are living together as a family unit, the following criteria must be present:</p> <p>(1)</p> <p>The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by the functional equivalent of a traditional family;</p> <p>(2)</p> <p>The group shares expenses for food, rent or ownership costs, utilities and other household expenses;</p> <p>(3)</p> <p>The group is permanent and stable. Evidence of such permanency and stability may include:</p> <p>(a)</p> <p>The presence of minor dependent children regularly residing in the household who are enrolled in a local school;</p> <p>(b)</p> <p>Members of the household having the same address for the purposes of voter registration, driver's license, motor vehicle registration and filing of taxes;</p> <p>(c)</p> <p>Members of the household are employed in the area;</p> <p>(d)</p> <p>The household has been living together as a unit for a year or more whether in the current dwelling unit or other dwelling units;</p> <p>(e)</p> <p>Common ownership of the furniture and appliances among the members of the household; and</p> |

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| | | <p><u>(f)</u> The group is not transient or temporary in nature;</p> <p><u>(4)</u> Any other factor reasonably related to whether or not the group is the functional equivalent of a family.</p> <p><u>B.</u> A fraternity or sorority will not be considered the functional equivalent of a family.</p> |