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**EQUAL HOUSING OPPORTUNITIES IN NEW YORK;  
AN EVALUATION OF SECTION 8 HOUSING PROGRAMS IN  
BUFFALO, ROCHESTER, AND SYRACUSE**

**FACT-FINDING MEETING**

- - -

Hall of Justice  
65 Exchange Street  
Rochester, New York

Monday,  
December 16, 1996

9:00 a.m.

New York Advisory Committee Members

M.D. (LITA) TARACIDO, Chairperson

MICHAEL HANLEY

PAUL D.Q. NGUYEN

JUAN PADILLA

NORMAN WAGNER

DR. SETSUKO NISHI

GLORIA LOPEZ

Staff Members

FERNANDO SERPA

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## A G E N D A

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Chairperson  
New York Advisory Committee

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Rochester Housing Authority

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M.D. (Lita) Taracido, Chairperson  
New York Advisory Committee

## P R O C E E D I N G S

9:10 a.m.

Welcome, Introduction of Committee and Guests

CHAIRPERSON TARACIDO: Good morning. My name is Lita Taracido. I am a business person in my private life and chairperson of the New York State Advisory Committee to the United States Commission on Civil Rights. Joining me today are the following Committee members and Commission staff:

Michael Hanley, attorney and housing specialist at the Greater Upstate Law Project serving Western New York.

Gloria Lopez, attorney and Director of Human Services and Civil Rights Compliance Officer of the Urban League of Rochester.

Setsuko Matsunaga Nishi, a Professor of Sociology at Brooklyn College and the Graduate Center of the City University of New York. Her academic specialties include American Race Relations and Institutionalized Discrimination.

Paul Nguyen, attorney with the Law Department of the Port Authority of New York and New Jersey.

Juan Padilla, Administrator for the Rochester School District's Bilingual Education Project.

Norman Wagner, Safety and Health Inspector

1 for the New York Department of Labor.

2 Fernando Serpa, Civil Rights Analyst, USCCR.

3 The United States Commission on Civil Rights  
4 was created under the Civil Rights Act of 1957 as an  
5 independent bi-partisan fact-finding agency whose  
6 mission is to protect and promote the civil rights  
7 afforded all of us under the Constitution and the Acts  
8 of Congress.

9 The New York State Advisory Committee is one  
10 of 51 committees created to advise the Commission on  
11 matters relating to discrimination or denials of equal  
12 protection of the laws based on race, color, religion,  
13 national origin, age, disability or the administration  
14 of justice.

15 The mandate of the SACs is to bring to the  
16 attention of the Commission the civil rights issues of  
17 concern to the various states and to assist the  
18 Commission in its statutory obligations to serve as a  
19 national clearinghouse for information on these  
20 matters. Our primary role is to gather pertinent  
21 information in our state and report to the Commission.

22 Today's fact-finding meeting is the second of  
23 three that have been held to inquire into Section 8  
24 housing programs. The first was held in Syracuse and  
25 the third will be held tomorrow in Buffalo. We are

1 here to investigate allegations that minorities and  
2 other protected classes are encountering barriers and  
3 experiencing discrimination in the Section 8 Programs.

4 This is the second time the New York SAC has  
5 looked into Section 8 housing. In a 1982 report issued  
6 by the New York SAC, "Fair Housing in America, Vol. V:  
7 Section 8 Housing in Buffalo and Syracuse", we found  
8 that Hispanics were under-represented in Section 8  
9 housing in Buffalo, as compared to their representation  
10 in the community and all minorities were in Syracuse.

11 The focus of today's fact-finding meeting  
12 will be to collect data and testimony to accomplish the  
13 following: (1) to identify what barriers are faced by  
14 the intended recipients of Section 8 Programs in  
15 utilizing Section 8 vouchers and certificates; (2) to  
16 determine what strategies may help remove or overcome  
17 identified barriers faced by Section 8 protected class  
18 recipients; and (3) to identify exemplary models of  
19 Section 8 Programs and practices.

20 The meeting will run from 9:00 a.m. to 3:00  
21 p.m. We are pleased to have the participation of very  
22 knowledgeable panelists to address the matter before  
23 us. As time permits, we also hope to hear from many in  
24 the audience.

25 There will be three panels, each of which

1 will have a New York SAC member as moderator. The  
2 first panel will deal with the Community Attitudes and  
3 Actual or Perceived Discrimination. The second will  
4 deal with the Quality and Quantity of Available  
5 Affordable Rentals and Accessibility to Transportation  
6 and Jobs. The third will deal with the Relationship of  
7 Section 8 Administration and Fair Housing.

8 Each panelist will make a presentation  
9 limited to about 10 minutes. The members of the  
10 Committee may ask questions of the panelists and the  
11 members of the audience may make a presentation, ask or  
12 answer questions or both. We're asking members of the  
13 audience to limit their remarks to about two minutes,  
14 so that everyone who wants to speak gets the  
15 opportunity to do so.

16 If any of the panelists have a prepared  
17 statement, please submit a copy. It will be considered  
18 for our published report. On occasion, prepared  
19 statements are printed in their entirety. Those of you  
20 accustomed to speaking without a statement, please help  
21 us by keeping your presentations and comments sharply  
22 focused. And also help us abide by our legal  
23 obligations by refraining from defaming or degrading  
24 any individual in your remarks, whether present or not.

25 Panelists are here voluntarily offering

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1        comments for the public record. Therefore, although  
2        the media has been invited, panelists or any speakers  
3        retain the right not to be photographed while  
4        addressing us today. Should you wish to exercise that  
5        right, please inform the staff so that we may  
6        accommodate you.

7                Also, this session is being taped and a  
8        written transcript will be generated from the taped  
9        proceedings. To ensure that the statements are  
10       correctly attributed to the person speaking, we ask  
11       that before beginning your presentation you indicate  
12       who you are and your affiliation. Moreover, both  
13       participants the SAC members should identify themselves  
14       by their last name whenever they speak, again to ensure  
15       that commentary is attributed to the correct person.

16               Lastly, let me emphasize that as the eyes and  
17       ears of the Commission in New York State, our first  
18       duty is to listen in an impartial manner. If we fail  
19       to understand a statement, we may ask for  
20       clarification.

21               Therefore, when we pose questions, please do  
22       not feel you are being subjected to cross examination.  
23       If later it seems that have continued to misunderstand  
24       something you have said, you will have an opportunity  
25       to review the draft of our report and explain further



1 prior to the completion of the report.

2 Moreover, after this meeting has adjourned,  
3 we may need to seek further clarification on  
4 information submitted to us, so we look forward to your  
5 cooperation should this prove necessary.

6 Also, our records will remain open for 30  
7 days to receive comments from any person who wishes to  
8 contribute to our understanding of this important  
9 subject.

10 As indicated earlier, a report will be  
11 submitted to the Commission based on the facts  
12 compiled.

13 We will begin with a presentation by New York  
14 SAC Member Michael Hanley, who will provide an overview  
15 of this project, after which we will move into the  
16 first and second panel discussions. We will break for  
17 lunch from 12 noon to 1:30 p.m. and return for the  
18 continuation of the second panel discussion and end  
19 with the third.

20 Background on Project

21 MR. HANLEY: Thank you, Madam Chair, and  
22 thank you to our invited speakers today, several of  
23 whom, most of whom, I guess, are here, and I think a  
24 few more will be joining us later.

25 We're privileged to be hearing today from

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1 representatives from the city, from community  
2 advocates, from the real estate community, Section 8  
3 subsidy holders. We hope there will be a couple of  
4 people who have said that they wanted to address the  
5 Committee. We are hoping that they're able to make it  
6 today, and, finally, from the administrators of the  
7 Section 8 Programs themselves.

8 Let me take just a minute to try to give some  
9 context as to why the Advisory Committee to the U.S.  
10 Commission on Civil Rights is here to look at a federal  
11 housing subsidy program, the Section 8 Program.

12 I suppose the purpose of this fact-finding  
13 forum would be obvious, if the committee had come to  
14 Rochester to investigate allegations of overt  
15 discrimination as, for example, if the Section 8  
16 Programs were refusing to serve minority households or  
17 landlords were blatantly refusing to accept black or  
18 Latino subsidy holders or subsidy holders with  
19 disabilities based on their race or disability.

20 But civil rights monitoring in the 1990s is  
21 by necessity a more detailed and requires a closer  
22 examination, not only of the more subtle methods of  
23 discrimination which minorities face as they're treated  
24 differently in the rental market, but just as  
25 importantly and perhaps more subtle is the complex

1 legal issue of whether federal programs are meeting  
2 their special obligations that are imposed upon them by  
3 law under the Civil Rights Acts.

4 Let me briefly describe the two specific  
5 federal civil rights laws that are relevant to our  
6 inquiries here today.

7 First, there's the Civil Rights Act of 1964.  
8 That statute is perhaps more generally recognized for  
9 its prohibition against discrimination in restaurants  
10 and motels, public accommodations, but just as  
11 importantly, Title VI of that Act, the Civil Rights Act  
12 of 1964, prohibits discrimination with respect to the  
13 use of any -- any use of federal funds for any federal  
14 programs.

15 Each agency issues its own regulations on  
16 implementing Title VI, and HUD has interpreted Title VI  
17 to mean that any agency that is using HUD funding must  
18 ensure that the policies used in administering the HUD  
19 programs do not have the effect of excluding minorities  
20 or otherwise failing to serve minorities as well as  
21 they serve non-minorities.

22 In that regard, a neutral policy, such as a  
23 preference for local residents of a community, can  
24 violate Title VI, even if applied to communities or if  
25 it is applied to communities already segregated by

1 race, since such a preference could have the effect of  
2 perpetuating existing residential patterns in  
3 segregation.

4 The second civil rights law that is relevant  
5 is Title VIII of the Civil Rights Act of 1968. That  
6 provision is also known and more commonly known as the  
7 Fair Housing Act.

8 Most of us are very familiar with the fact  
9 that the Fair Housing Act makes most forms of racial or  
10 ethnically-based housing discrimination unlawful, and  
11 that since 1988, the law extends to protect persons  
12 with disabilities and families with children.

13 Less familiar, however, is another part of  
14 Title VIII, namely Section 3608(e), which imposes a  
15 legal duty to ensure not only that federal programs are  
16 -- do not discriminate but on the broader context, and  
17 in many ways much more important duty, to ensure that  
18 the HUD programs are administered in a way that -- in  
19 the language of the statute affirmatively furthers fair  
20 housing.

21 In recognition of that mandate, an Executive  
22 Order was issued in January of 1994, Executive Order  
23 Number 12892, which required that heads of all federal  
24 agencies assure that all forms of federal funds are  
25 administered in a way that promotes fair housing.

1           So, the issues we have to consider today deal  
2 with much more than the simple question of whether  
3 there's unlawful discrimination directed against  
4 minorities by landlords. We are now charged with the  
5 responsibility to take an honest and open-minded look  
6 at how well we are doing at our job of making sure that  
7 the \$5 billion that is spent annually on the Section 8  
8 Program is well used to open doors for minorities, and,  
9 in the words of the goals of the Housing and Community  
10 Development Act of 1974, which created the Section 8  
11 Program, that the funds are being used to "reduce the  
12 isolation of income groups within communities and  
13 geographical areas", and to "promote an increase in the  
14 diversity and vitality of neighborhoods through the  
15 spatial de-concentration of housing opportunities for  
16 persons of lower income".

17           Section 8 did not create residential  
18 segregation nor did Section 8 create the "white flight"  
19 that would eventually leave our central cities racially  
20 and economically segregated, but federal housing  
21 programs did contribute to the isolation of minorities  
22 as HUD's out-going Secretary Henry Cisneros has  
23 acknowledge for the last four years.

24           Now we do know that the Section 8 Program has  
25 tremendous potential to provide housing choice for

1 minorities and to literally open doors for them, doors  
2 to new educational opportunities and doors closer to  
3 where the jobs will be located in the next decade.

4 We also know that if we don't help open those  
5 doors, the economic vitality of entire metropolitan  
6 regions, such as Rochester, Syracuse and Buffalo, are  
7 in considerable jeopardy.

8 In Syracuse, we were somewhat surprised to  
9 hear that the Section 8 Program administrators felt  
10 that there had been no clear direction from HUD that  
11 they were expected to address the needs to promote  
12 mobility opportunities for minorities.

13 We need to examine that issue further today  
14 with the panel here, and we'll take it up with the  
15 Buffalo HUD -- in Buffalo with the representatives from  
16 HUD's Washington Fair Housing Office at our discussions  
17 tomorrow.

18 At any rate, we'll hear today from our  
19 speakers about what is right with the Section 8  
20 Program, what's wrong with the Section 8 Program, and  
21 what we can do better.

22 We'll also hear about the problems that  
23 minorities face and the problems that face persons with  
24 disabilities as they try to use Section 8, and we'll  
25 hear, I hope, about some creative approaches now

1 getting underway, particularly here in Rochester, to  
2 fully explore and utilize the potential of Section 8 to  
3 break down the economic barriers to better housing  
4 opportunities.

5 Once again, thank you all for coming, and at  
6 this point, I'll ask our chair, Ms. Taracido, to  
7 introduce our moderator and the first panel speakers.

8 CHAIRPERSON TARACIDO: The first panel, as I  
9 indicated earlier, is going to be about Community  
10 Attitudes and Actual or Perceived Discrimination, and  
11 the moderator is going to be Gloria Lopez.

12 Ms. Lopez?

13 Panel 1: Community Attitudes and Actual or  
14 Perceived Discrimination

15 MS. LOPEZ: Good morning. Welcome and thank  
16 you for coming.

17 As you know, I'm from Rochester, and I'm with  
18 the Urban League, and I also happen to be the Director of  
19 Community Resources and an attorney.

20 I'd like to introduce our first panelist, and  
21 that's Mr. Robert Barrows. He's the Assistant Director  
22 for Housing, City of Rochester and has played a role in  
23 developing our action plan based upon the analysis.

24 Welcome, Bob. The floor is yours.

25 MR. BARROWS: Thank you.

1           Should I restate my name and -- my name is  
2           Bob Barrows. I'm employed by the City of Rochester. I  
3           hold the title of Assistant Director for Housing in the  
4           Department of Community Development, and, in addition  
5           to that, I -- I served as the city's project manager  
6           for a recently-completed report entitled, "Analysis of  
7           Impediments to Fair Housing Choice in Monroe County", a  
8           copy of which I would like to offer into the record.

9           In addition to that, I -- I served as one of  
10          12 members on a Housing Choice Strategy Team that was  
11          jointly convened by the city and the County of Monroe  
12          and Towns of Greece and Irondequoit, which was in  
13          follow-up to the impediments analysis and undertook the  
14          task of drafting a series of strategies to address  
15          impediments that were identified as a part of that  
16          study.

17          I would like to extend a welcome to all of  
18          you who are not from Rochester on behalf of Mayor  
19          William A. Jensen, Jr., who happens to be out of town  
20          today.

21          Metropolitan issues that affect the long-term  
22          well-being of this community have been high on the  
23          Mayor's agenda, issues such as racial and economic  
24          segregation, including concentration of poverty in the  
25          City of Rochester, as well as fair housing have been



1 topics of public forums hosted by the Mayor over the  
2 past three years, and he has spoken out on these  
3 matters with some regularity as he seeks solutions for  
4 these metropolitan issues.

5 He welcomes your objective efforts to assess  
6 the local situation as it relates to the potential of  
7 the Section 8 Program and the ability to realize its  
8 full potential in de-concentrating poverty and  
9 minorities in this metropolitan area.

10 I had hoped to provide you today with some  
11 background information concerning the demographic and  
12 other characteristics of this community, information  
13 about impediments to housing choice, and strategies  
14 which are being developed to address those impediments,  
15 and I did think I was going to have slightly more than  
16 10 minutes. So, I'll try and keep my remarks as brief  
17 as I can.

18 According to the findings of a 1993 analysis  
19 by the Urban Institute, the most pronounced segregation  
20 in this country is now found in the industrialized  
21 centers of the Midwest and the Northeast. Upstate New  
22 York communities, like Rochester, Buffalo and 'Syracuse,  
23 are highly segregated. Rochester perhaps a little less  
24 so than our neighbors to the west and east, according  
25 to the Urban Institute Index.

1           The Rochester MSA and Monroe County are  
2 highly segregated with regard to minority population  
3 and income. These are two of the findings from the  
4 "Analysis of Impediments to Fair Housing Choice in  
5 Monroe County", which was completed in April of this  
6 year.

7           I would like to offer information from that  
8 study for the record in the hope that it will provide  
9 you with a base of objective information. The study  
10 itself was commissioned by four cooperating parties,  
11 the City of Rochester, the County of Monroe, and the  
12 Towns of Greece and Irondequoit. It was conducted by a  
13 local consulting firm, Development Planning Services,  
14 and again was completed in April.

15           That -- that study effort was a federally-  
16 mandated requirement of the Department of Housing and  
17 Urban Development of all participating jurisdictions  
18 who are entitlement communities in the Community  
19 Development Block Grant and Home Programs.

20           Before doing that, though, I would like to  
21 offer one additional contextual piece concerning the  
22 severe shortage of affordable housing in this  
23 metropolitan area. That is from a 1992 study conducted  
24 by the Center on Budget and Policy Priorities, a  
25 Washington-based non-profit organization. That

1 analysis, I have a copy of it here, is entitled, "A  
2 Place to Call Home: The Low-Income Housing Prices in  
3 44 Major Metropolitan Areas", and just as a point of  
4 reference for you, Rochester MSA is the 39th largest  
5 MSA in the country, and the city, I think, is perhaps  
6 the 66th largest central city in the country, just as a  
7 point of context for you.

8 I would just like to read very briefly from  
9 the highlights of the center study. "The most severe  
10 housing problem confronting poor households in the  
11 Rochester Metropolitan Area is affordability. Poor  
12 households in the Rochester Metropolitan Area face the  
13 greatest likelihood of paying large proportions of  
14 their income for housing than their counterparts in any  
15 other metro area in the nation." So, we have the  
16 distinction of being Number 1 in that -- in that  
17 perspective.

18 98 percent of the approximately 19,000  
19 households in the metro area spent at least 30 percent  
20 of their income on rent and utilities in 1986, the date  
21 of the available data that was analysis.

22 Poor earner households, those below the  
23 poverty level, of those, 89 percent spent at least half  
24 their income on housing costs in 1986.

25 Further, some 80 percent of poor white house-

1 holds and 93 percent of poor black householders spent  
2 at least 50 percent of their income on housing in 1986.  
3 Minorities were much more heavily affected by housing  
4 -- by high housing costs burdens primarily because  
5 minorities are far more likely than whites to be poor.

6 One last note. In 1986, there were 31,200  
7 low-income earner householders with only 9,700 low-cost  
8 housing units. Thus, there was a shortage of 21,500  
9 affordable housing units or more than three low-income  
10 renters for each low-rent unit. This was one of the  
11 highest -- this was one of the seven highest ratios of  
12 this comparative statistic of all metro areas in the  
13 nation.

14 We have recently looked at '90 Census data  
15 and confirmed these same general pieces of information  
16 within the City of Rochester. We currently are looking  
17 at a -- in the city alone of a deficiency in affordable  
18 housing units of about 15,000 units.

19 So, I would like to now turn my attention to  
20 the "Analysis of Impediments" and some of its findings.  
21 What I will do for you is just highlight information  
22 taken from the Executive Summary section of that  
23 document.

24 The -- the analysis did include a -- a rather  
25 comprehensive analysis of demographic and housing

1 characteristics in the county, and that information  
2 provided an objective basis for assessing whether  
3 members of protected classes are confronted with  
4 impediments in seeking a place of residence.

5 Particular attention was given to identifying  
6 patterns of segregation, concentrations of poverty, and  
7 other characteristics which are indicative of the  
8 presence of impediments to housing choice, and now I'd  
9 like to just read a series of observations that were  
10 made.

11 There is a distinct concentration of racial,  
12 ethnic minorities in Monroe County. While the city  
13 accounts for about one-third of the county's population  
14 and five percent of its land area, nearly 80 percent of  
15 all racial minorities and 76 percent of local Hispanic  
16 population reside within the City of Rochester, and,  
17 furthermore, within the city itself, four of 10  
18 planning sectors account for nearly 80 percent of all  
19 minorities.

20 Nearly 60 percent of the city's households  
21 are classified as low-income compared to fewer than 30  
22 percent of suburban households. Even more pronounced,  
23 73 percent of all Monroe County residents below the  
24 poverty level reside within the City of Rochester.

25 Minority populations in Monroe County have a

1 much higher incidence of poverty and are far more  
2 likely to reside in areas of low-income concentration  
3 while 28 percent of whites live in neighborhoods having  
4 a poverty level of 20 percent or higher, and these are  
5 people below the poverty level.

6 70 percent of Hispanics and 79 percent of  
7 blacks live in such areas. Areas of the city that are  
8 characterized by high proportions of minority and low-  
9 income population are also characterized by high  
10 incidents of households without access to a motor  
11 vehicle. The absence of a motor vehicle effectively  
12 limits housing choice and employment opportunities to  
13 locations served by public transportation.

14 Furthermore, rental housing is concentrated  
15 here in Monroe County within the City of Rochester. 55.  
16 percent of all the occupied rental units in Monroe  
17 County are located in the city.

18 There is some information in the report as  
19 well about the Section 8 rental assistance program. It  
20 was found that that program was currently serving  
21 predominantly minority households in the City of  
22 Rochester, approximately 70 percent of the participants  
23 are minority households in the city, and predominantly  
24 white households in the suburbs, where 87 percent of  
25 the participants are white.

1           From these observations, we identified in the  
2 context of impediments a series of impediments which we  
3 think may be pertinent to your deliberations. The  
4 racial and economic segregation, which I identified  
5 earlier, such as we find in Monroe County, is an  
6 indicator of the extent to which minorities may find  
7 neighborhoods inaccessible. We think that's very much  
8 the case based on our investigation.

9           We outlined impediments, and it's six  
10 different areas, household income being the first, and  
11 in that instance, we noted that minority households do  
12 have a much higher incidence of poverty and are  
13 therefore disproportionately impacted by housing costs,  
14 availability of affordable housing.

15           It was noted again that approximately 70  
16 percent of all low-assistance program certificates and  
17 voucher -- vouchers in the metro area are used within  
18 the City of Rochester. It's thought that fair market  
19 rent levels may limit the eligibility of some suburban  
20 rental properties in the Section 8 Program.

21           From the standpoint of mobility as an  
22 impediment category, it was noted that the Section 8  
23 Program does not significantly increase mobility among  
24 participants who remain concentrated, at least minority  
25 participants remain concentrated in the city, and at

1 the time this study was done and currently, the local  
2 housing authority was not providing mobility counseling  
3 to program participants.

4 We do -- we did find that the suburban  
5 Section 8 Programs maintained a resident-preferred  
6 waiting list, thus limiting participation by non-  
7 residents. The lack of adequate transportation  
8 restricted housing choice of many low-income  
9 households. Convenient fixed-route bus serve is not  
10 available in most of suburban Monroe County.

11 We found that in investigating real estate  
12 practices, that there were some landlords, primarily  
13 suburban, who are unwilling to accept Section 8  
14 tenants.

15 There is a section of this document which I  
16 would bring to your attention. It specifically  
17 addresses Section 8, and it's Section 8 of the document  
18 actually, Public and Assisted Housing, and Subsection B  
19 of that -- of that element does review the local  
20 situation as it relates to Section 8 Program.

21 I'll refrain from reading the details of that  
22 information, since you will have access to it in the  
23 record.

24 I did want to point out that, as I mentioned  
25 earlier, I've been a participant in a process to pick



1 up where this document left off and begin to address  
2 the impediments that were identified, how do we deal  
3 with those, and I have distributed to you for your  
4 information a copy of a document entitled, "Community  
5 Choice: Strategies for Promoting Fair Housing  
6 Opportunities in Monroe County", dated November 21st,  
7 1996.

8 That report does acknowledge that the  
9 capability -- the potential of Section 8 to assist us  
10 in beginning to address the concentrations of both  
11 poverty and minority concentration is -- is of  
12 paramount importance.

13 In fact, this report, which is outlined in a  
14 contemporary format of CQM with key result areas, key  
15 result measures, the very first key result area that we  
16 identified and addressed in this effort dealt with the  
17 Section 8 Program.

18 The first is as follows: increase the  
19 effectiveness of the area's Section 8 tenant-based  
20 subsidy programs and promoting housing choice by  
21 minority households to housing outside of areas of high  
22 poverty concentration.

23 Again, the vast majority of minorities in the  
24 program are utilizing their vouchers within the City of  
25 Rochester, where the vast majority of the minority

1 population has historically resided in the community.

2 We -- we proceed in this -- in this  
3 strategy -- in this series of strategies to outline  
4 some nine specific strategies which we hope to begin  
5 implementing within the next several months to address  
6 the potential of Section 8 in reducing these  
7 concentrations of minorities.

8 MS. LOPEZ: We had some questions that we  
9 would like to ask you.

10 MR. BARROWS: Sure, sure.

11 MS. LOPEZ: Specifically, what problems do  
12 you see in implementing the plan that you have?

13 MR. BARROWS: Problems in implementing it?

14 MS. LOPEZ: If any?

15 MR. BARROWS: Well, undoubtedly, there will  
16 be. It's going to be -- what we -- what we have  
17 prepared is really an outline of strategies, and those  
18 strategies need to be fleshed out with considerable  
19 detail.

20 We hope to be moving forward over the next  
21 several months with some broader community  
22 participation in designing the details of those steps.  
23 Cost is always going to be an issue, and we have been  
24 fortunate in that the Rochester Housing Authority has  
25 recently received an award from HUD that will be of

1 great assistance to us in carrying out our efforts.

2 The -- you know, I -- I certainly believe  
3 there are going to be a need for much coordination  
4 among various programs that operate in the community.  
5 Section 8 administration together with administration  
6 of Department of Social Services programs need to be  
7 given careful consideration.

8 Receptivity on the part of suburban landlords  
9 to participate in the program is going to be something  
10 that we're going to have work very hard at. Fair  
11 market rents, as I indicated earlier, could pose a  
12 serious impediment to the ability to begin to address  
13 that problem as well.

14 MR. PADILLA: Juan Padilla, Committee member.  
15 I was going to ask you. Are you concerned about not  
16 only the impediments but really the things that are  
17 proposed by municipalities that provide these programs,  
18 and I don't see nothing in the analysis that deal with  
19 that.

20 How -- what are they after? What are they  
21 really doing within the things that they can control?

22 MR. BARROWS: Are you talking about the  
23 various towns and villages that -- and the city that  
24 exist in Monroe County? We have 19 towns, 10 villages  
25 and a city. We have 20 different municipalities that

1 do exercise a lot of control in terms of land use,  
2 zoning issues, things of that nature.

3 The impediments study does address many of  
4 those issues in it. I didn't feel that they were  
5 directly pertinent to the Section 8 Program. They are  
6 pertinent from the standpoint of the ability to  
7 construct multifamily housing, and we are constantly in  
8 the community confronted with barriers and impediments  
9 particularly for affordable rental housing when that is  
10 a known aspect of the project that's being proposed.

11 I think we are -- certainly I can only speak  
12 from the perspective of the city, and we have not  
13 really identified any impediments or barriers the city  
14 has erected that impede those purposes.

15 We are working and are encouraged in our work  
16 with the county that there is a sincere intent on their  
17 part to work with the other 19 municipalities to  
18 address issues where those problems may be present.

19 MS. LOPEZ: Ms. Taracido?

20 CHAIRPERSON TARACIDO: Actually, it was sort  
21 of the same kind of question because I understand that  
22 30 years ago, there was a similar inquiry which went no  
23 where, and I was wondering whether or not, you know,  
24 you feel that the commitment is there on the part of  
25 all the parties that are concerned about getting this

1 to happen.

2 MR. BARROWS: I -- you're very right. There  
3 was an effort 30 years ago on the heels of racial  
4 unrest that created some very deep wounds in the  
5 community, and -- and there was not aggressive pursuit  
6 of many of those recommendations, and we're saddened by  
7 that.

8 We do see, though, hopeful that this most  
9 recent effort will bear more fruit than what our lack  
10 of success was previously.

11 CHAIRPERSON TARACIDO: Is it because there's  
12 a greater understanding of the fact that there are some  
13 civil rights implications here, some requirements to  
14 meet affirmative action in terms of these issues?

15 MR. BARROWS: I think that's -- that's  
16 certainly true on the part of the City of Rochester and  
17 the county and the Towns of Greece and Irondequoit, and  
18 I think that the County of Monroe, through its  
19 consortium with other municipalities, is trying to get  
20 that message out very clearly.

21 So, I think that is playing an important  
22 role, and not that we did not see instances in the past  
23 where challenges were brought forward after the effort  
24 30 years ago, and those challenges were overturned and  
25 there were not the strides that we thought would be

1 accomplished on the zoning front during that era.

2 We did have a period of time during the early  
3 and mid-'70s in this community where the New York State  
4 Urban Development Corporation, which had authority to  
5 override local zoning requirements, was successful in  
6 building several thousand units of affordable housing  
7 in the community, but those efforts have left their own  
8 legacy in the community and have not been seen  
9 positively, and --

10 CHAIRPERSON TARACIDO: Would you tell us why?  
11 What would you say? They haven't left a very what?

12 MR. BARROWS: Legacy.

13 CHAIRPERSON TARACIDO: Legacy. A positive  
14 legacy why? Why is it not positive?

15 MR. BARROWS: I think in large measure,  
16 because the types of projects that were built at that  
17 time were -- were exceeding -- exceedingly intense in  
18 terms of their numbers of units that we saw  
19 constructed, were very large projects, on the order of  
20 probably three to five hundred units, you know. They  
21 -- they did not fit in the community. They merely  
22 created, I think, from the perspective of other  
23 municipalities a new concentration of poverty and  
24 minority population outside the city.

25 They have not been received well in those

1 communities because of this concentration, and some of  
2 the problems that are attended to any concentration of  
3 poverty is really -- I think it's been viewed as a  
4 transposition or relocation of the problem, not a real  
5 effort to address the underlying issues.

6 CHAIRPERSON TARACIDO: I have one more  
7 follow-up on that. This is public housing you're  
8 talking about?

9 MR. BARROWS: No, no, this is not public  
10 housing.

11 CHAIRPERSON TARACIDO: This is low-income  
12 housing, subsidized housing?

13 MR. BARROWS: This is subsidized housing.

14 CHAIRPERSON TARACIDO: Where?

15 MR. BARROWS: Largely built through the  
16 Federal Government's Section 236 program.

17 CHAIRPERSON TARACIDO: But outside of the  
18 city?

19 MR. BARROWS: Outside of the city.

20 CHAIRPERSON TARACIDO: Where outside the  
21 city?

22 MR. BARROWS: There were a number of projects  
23 in the Village of Webster and the -- the Town of  
24 Webster as well, the Town of Clarendon, the Town of  
25 Greece, the Town of Chili. I think that may be the

1 extent of what was built during that era, as well as  
2 many more units within the City of Rochester.

3 CHAIRPERSON TARACIDO: And all segregated?

4 MR. BARROWS: Excuse me?

5 CHAIRPERSON TARACIDO: All segregated?

6 MR. BARROWS: I cannot speak to the occupancy  
7 characteristics, but I -- I think that -- I can't speak  
8 to that. I'm not intimately familiar with that.

9 CHAIRPERSON TARACIDO: Dr. Nishi?

10 DR. NISHI: Yes. I'm interested in the local  
11 residency preference. That is in place in what? What  
12 proportion of your jurisdiction?

13 MR. BARROWS: It's actually a very small  
14 proportion. I can speak to that more specifically.  
15 At the time of our study, there were a total of 3,743  
16 certificates and vouchers in use in the community. 81  
17 percent of 3,020 vouchers in the Rochester program,  
18 which does not have a residency preference. So, the  
19 remaining 19 percent of the units or some 723 units  
20 outside the city.

21 DR. NISHI: But the residency preference  
22 provision does exist as an impediment for people who  
23 live in --

24 MR. BARROWS: Yes.

25 DR. NISHI: -- Rochester who cannot -- so,



1 what I'm saying is outside of the Rochester area --  
2 excuse me -- outside of the City of Rochester, the  
3 municipalities or the areas which do maintain residency  
4 preference, what proportion would you say that would  
5 be?

6 MR. BARROWS: Well, the programs that are  
7 beyond the city, would be Greece, Irondequoit, Fairport  
8 in terms of the programs.

9 DR. NISHI: Yes, and do they all practice  
10 residency preference?

11 MR. BARROWS: Yes.

12 DR. NISHI: Yes, they do. You've considered  
13 this an impediment? Did I understand you correctly, --

14 MR. BARROWS: Yes.

15 DR. NISHI: -- that you consider this an  
16 impediment?

17 MR. BARROWS: Yes.

18 DR. NISHI: Yes. Now, what is your  
19 assessment of the possibility that these residency  
20 preferences which do exist -- which do clearly -- that  
21 are clearly an impediment, but what is the possibility  
22 that that might be changed?

23 MR. BARROWS: I'll give you some, you know,  
24 anecdotal information. I can't speak on behalf of  
25 those programs that are in place, but I know that in a

1 -- a couple of years ago, in an effort to obtain  
2 additional certificates and vouchers, the Town of  
3 Fairport expressed their intent to the Department of  
4 Housing and Urban Development to rescind their  
5 residency preference in an effort to receive additional  
6 allocations.

7           So, there's, I think, an indication that in  
8 Fairport, that might be something they'd be willing to  
9 kind -- I think later in the day, you're going to be  
10 hearing from Ken Moore, the Village Administrator of  
11 Fairport, who you might be able to question more  
12 specifically about that.

13           DR. NISHI: Well, we certainly shall do so.  
14 But it's -- as far as you know, the other localities in  
15 the outlying areas of -- from Rochester, their grants  
16 or their resources have not been conditioned?

17           MR. BARROWS: No.

18           MS. LOPEZ: Any other questions? Paul?

19           MR. NGUYEN: In the commitment of the city,  
20 tell me how much staff you have, how much in term of  
21 budget did the city locate to low-income housing for  
22 last year and next year.

23           MR. BARROWS: I may have to come back to you  
24 later in the day with the specifics on that, you know.  
25 The city annually receives about \$3 million in federal

1 fund dollars, and probably in the neighborhood of \$12  
2 million in community development block grant funds.

3 I think in total, our commitment is in the  
4 neighborhood of about \$6 million annually for that  
5 purpose.

6 MR. NGUYEN: How about staffing?

7 MR. BARROWS: Staffing. Our -- I work in  
8 what's called the Bureau of Housing and Project  
9 Development. We have a staff of about 25 to 30 people.

10 MS. LOPEZ: Mr. Hanley?

11 MR. HANLEY: If I could just follow up on the  
12 question about the fact that an initiative was started  
13 30 years ago to address some of these problems and  
14 nothing has come along since then.

15 The "Analysis of Impediments" really grew out  
16 of a recent change in the federal requirements, the HUD  
17 regulations, regarding the expenditure of the community  
18 development funds and the Home program.

19 I'd like to return to that issue of how  
20 important it is that communities get the signal from  
21 HUD regarding that, and whether or not you think that  
22 change is what precipitated this, and if you think --  
23 what you think the effect is of HUD making clear its  
24 policies or clarifying its policies about what it  
25 expects to be done.

1           MR. BARROWS: Yeah. I would say there's, you  
2 know, probably no question that, you know, this study  
3 was undertaken as, you know, as a mandate of HUD. We  
4 as a community were beginning to address some of these  
5 issues just prior to that pronouncement by HUD.

6           In terms of how I understand our reporting  
7 responsibilities back to the Federal Government, it's  
8 -- it really continues to be pretty much a self-  
9 policing role for us. We -- you know, we will prepare  
10 an action plan. We will carry out matters identified  
11 in the plan. We will maintain local records, and I  
12 would imagine periodically, there could be some review  
13 and oversight by -- by HUD officials, but it's --  
14 it's -- it's not built into the reporting requirements  
15 for the programs as many other stipulations are.

16           MS. LOPEZ: One last question. Mr. Padilla?

17           MR. PADILLA: I was going to ask you for your  
18 opinion in regards to we all know that we always been  
19 dealing with these two issues, the issue of disbursing  
20 the poor around the metropolitan area, and the issue of  
21 concentrating and preserving the neighborhoods.

22           So, how you deal with that dilemma, and is  
23 that relevant for facilitating or what?

24           MR. BARROWS: Well, we -- we in the city  
25 recognize that, you know, it's a double-edged sword for

1 us, and that if we are encouraging, you know,  
2 opportunities for housing choice beyond the city's  
3 boundaries, that in fact may lead to some level of  
4 increased housing vacancy in the community.

5 We already are dealing with a very soft  
6 market. We really have an over-supply of housing in  
7 the city at the present time, not that that's -- not  
8 that all of the housing that's available is -- is -- is  
9 really suitable for -- but that that problem might be  
10 exacerbated somewhat.

11 I think, however, the reality is that the  
12 resources we have at our disposal to create these  
13 opportunities are -- are somewhat limited, that we will  
14 not see immediately wholesale flight of people from the  
15 city into outlying communities.

16 I think that, you know, our progress in  
17 accomplishing some of that will be, you know, somewhat  
18 slow and limited by -- by the resources that we have at  
19 our disposal.

20 So, while -- while it may create -- might  
21 exacerbate the housing vacancy problem, I don't think  
22 it will, you know, create the situation that is over-  
23 whelming to the city. If we are successful in -- in  
24 our outset in accomplishing this for, you know, 2 or  
25 300 households, I think we would view that as, you

1 know, as -- as a positive effort, and that would not  
2 really -- we have a total city-wide household of about  
3 a 100,000 households in the city.

4 So, a few hundred in the context of a  
5 100,000, while it's progress, is not going to create  
6 overwhelming problems for us.

7 MS. LOPEZ: Two more questions. Norman, and  
8 then Lita.

9 MR. WAGNER: Norman Wagner. Mr. Barrows, you  
10 stated earlier that your bureau employs 25 individuals.  
11 What's the racial and ethnic composition of that 25?  
12 What's the breakdown racially and ethnically of the 25  
13 employees in your bureau?

14 MR. BARROWS: I am not going to quote to you  
15 statistics on that, but I -- I would probably have to  
16 say that -- I mean while there is some diversity in the  
17 -- in the office, there are African Americans. There  
18 are Hispanics employed. They represent, you know, a  
19 pretty small percentage of the overall employment.

20 MS. LOPEZ: Ms. Taracido?

21 CHAIRPERSON TARACIDO: I had a question that  
22 has to do with the city's responsibility in terms of  
23 oversight questions. Is there any oversight over this  
24 process on the part of the city?

25 MR. BARROWS: Well, the process of the

1 impediments analysis?

2 CHAIRPERSON TARACIDO: Yeah. The impediments  
3 analysis, the whole question of how the housing  
4 authorities are operating. I mean obviously they're  
5 under the jurisdiction of HUD because they're getting  
6 HUD money. So, they're going to be in some -- some  
7 level being monitored, but what responsibility does the  
8 city have, --

9 MR. BARROWS: Well, --

10 CHAIRPERSON TARACIDO: -- if any?

11 MR. BARROWS: -- the housing authority is --  
12 is a separate and distinct entity from the City of  
13 Rochester, although its board of directors is appointed  
14 by the Mayor. But they operate as an independent  
15 corporate entity.

16 We in our department have no oversight  
17 authority in terms of the operation of the housing  
18 authority.

19 In terms of -- of our efforts as they relate  
20 to fair housing choice in the community, we have  
21 oversight. We have direct responsibility for what we  
22 ourselves will commit to and carry out. We have  
23 entered into this whole effort in a -- in a cooperative  
24 nature with the county and Greece and Irondequoit.

25 We hope to continue that cooperation into the

1 future to the extent that we are jointly going to carry  
2 out efforts, there will be accountability back to all  
3 four of the cooperators, and that would be the manner  
4 in which we would have some oversight, I suppose.

5 CHAIRPERSON TARACIDO: Is it fair to say that  
6 as -- if the Mayor appoints all these folks for the  
7 housing board -- housing authority board, which is the  
8 policy-making board, the composition of that board is  
9 very important?

10 MR. BARROWS: I would agree with you that  
11 it's very important.

12 CHAIRPERSON TARACIDO: Okay. What kind of  
13 representation do you have on that board?

14 MR. BARROWS: I cannot -- I do not work  
15 directly, you know, with the authority board in any  
16 way, and I -- I cannot tell you what the composition of  
17 the board is in terms of gender, race, ethnicity.

18 CHAIRPERSON TARACIDO: We can get that,  
19 though, right?

20 MR. BARROWS: I'm sure you can.

21 CHAIRPERSON TARACIDO: Okay. Thank you.

22 MS. LOPEZ: Thank you very much, Mr. Barrows.  
23 Thank you for speaking with us.

24 MR. BARROWS: Thank you.

25 MS. LOPEZ: Our next speaker will be Louri



1 Lambrix. She's a staff attorney with the Monroe County  
2 Legal Assistance Corporation.

3 CHAIRPERSON TARACIDO: Before we start, I  
4 would hope that most of you, if not all, would remain  
5 for the rest of the hearing, if you can. I think that  
6 you are more than welcome to do so.

7 MS. LOPEZ: And Louri will give us a 10-  
8 minute presentation. Thank you for coming.

9 MS. LAMBRIX: Thank you. Thank you for  
10 having me and inviting me, and as Gloria stated, I'm a  
11 staff attorney with Monroe County Legal Assistance  
12 Corporation. We're the legal services office for  
13 Monroe County. So, we got federal and state funding to  
14 represent low-income people in civil matters and free  
15 of charge, and I specialize in housing cases, and we  
16 actually -- my salary is funded by a grant from the  
17 state to do homelessness prevention. So, I do a lot of  
18 eviction defense work, and Monroe County Legal  
19 Assistance specializes in representing tenants who are  
20 public or subsidized housing tenants, and that includes  
21 the Section 8 certificate program.

22 So, I'd say in any given time, probably about  
23 a third of my open cases are Section 8 tenants. So, in  
24 fact, I have quite a bit of interaction with families  
25 who are on the Section 8 Program and who frequently,

1 when I'm dealing with them at my office, they are going  
2 through the process of searching for housing.

3 So, I think the purpose of having me come  
4 today is to talk about the experiences that my clients  
5 have once they are given their certificate or their  
6 voucher, and they are told, you know, go out and find  
7 housing. So, I'm going to try and put a kind of human  
8 face on what happens.

9 First of all, almost all of my clients -- I  
10 would say I've never actually done the statistical  
11 analysis, but probably over 85 percent of my clients  
12 are women. Okay. It's a female-headed household.  
13 There usually is not a man in the house. There's  
14 single parents. So, they're women who are single, who  
15 have children.

16 Some of my clients are on public assistance,  
17 some of my clients are disabled and receiving  
18 disability benefits, and some of my clients are  
19 working, and even though they're working, they're still  
20 poor enough to qualify for our services and to be on  
21 Section 8.

22 So, these tend to be women who already are  
23 dealing with the challenges of being single parents, of  
24 being low income. Now they get this wonderful  
25 opportunity after maybe two or three years on the

1 Section 8 waiting list, their name comes up, and  
2 they're going to get their subsidy. So, it's a really  
3 great time for them because they've been waiting for it  
4 for a long time, but what happens is they go to their  
5 briefing, and they get their paper work, and they're  
6 told that they have a 60-day search time to get lease  
7 approval papers back on a unit, back to the Section 8  
8 office, who then will arrange for an inspection of the  
9 unit, will check to see if the rents are appropriate  
10 for the fair market rents, etc., etc.

11 So, -- and as I think you all know, there is  
12 no obligation on the part of any private landlord to  
13 take a Section 8 certificate holder. So, somebody --  
14 the family is going out and searching for housing, and  
15 I think what a lot of my clients find is it's hard to  
16 find landlords outside of the inner city that accepts  
17 Section 8, and even my clients who are looking in inner  
18 city neighborhoods, what I see, and what I hear back  
19 from my clients, is even those people who are searching  
20 in the city have a difficult time getting a lease  
21 approval on a unit before the 60-day deadline is up,  
22 and if you fail to do that, then you lose the subsidy,  
23 and it's gone.

24 So, I end up talking to a lot of very  
25 stressed-out people who are searching for housing and

1 having a hard time of it.

2 One of the things I did last week, something  
3 that I -- I've never done, I went down to the Section 8  
4 office, and I got a list of the apartments. I guess  
5 every week, -- I'm not sure actually how frequently  
6 it's done, maybe it's done only once a month. Somebody  
7 at the Section 8 office spends a lot of time and puts  
8 together a list that looks like this, which is  
9 addresses.

10 Okay. This happens to be a three-bedroom  
11 list. Okay. There's a two-bedroom list, a one-bedroom  
12 list, four-bedroom list, and I picked up the two- and  
13 three-bedroom lists, and, so, if you're a family that's  
14 in the search period, and you go down to Section 8  
15 office, and you say I need help finding housing, you're  
16 going to get a list of addresses that looks like this.

17 Okay. So, what I did was I -- I mapped out  
18 where the addresses are in the city, all right, and I  
19 was actually going to show my map. Would that be  
20 helpful to see the map again?

21 MS. LOPEZ: Yes.

22 MS. LAMBRIX: Okay. This portion is the City  
23 of Rochester, okay, in the middle. So, out here is  
24 Monroe County and the suburban towns, okay, and this is  
25 a map that shows minority population percentages.

1       Okay. So, the census tracks that unshaded end. Our  
2       census tracks where the minority population is 80  
3       percent or more, and the census tracks that are colored  
4       in yellow have minority populations between 30 and 79  
5       percent, and the pink census tracks are the  
6       predominantly-white neighborhoods that have minority  
7       populations of less than 30 percent.

8                 Okay. So, what you see is the northeast and  
9       southwest part of the city are black and Latino  
10      neighborhoods. They also seem to be very poor  
11      neighborhoods, the poorest neighborhoods in the city.  
12      The inner ring is a little bit more integrated, and  
13      then we have the outer ring neighborhoods that are more  
14      affluent and -- and overwhelmingly white, and also the  
15      thing I don't like about this map is it doesn't show  
16      the suburbs because the minority population in the City  
17      of Rochester is 42 percent. In Monroe County, the  
18      minority population is less than five percent.

19                So, there would be -- if this map showed the  
20      whole county, there aren't any suburban census tracks  
21      that would even be pink because there aren't any  
22      suburban census tracks that even have 10 percent  
23      minority population. So, you have overwhelmingly white  
24      suburbs where there are no -- very few minorities and  
25      no concentrations of minorities like you have in the

1 northeast and southwest part of the city.

2 So, let me go back to my addresses. When I  
3 mapped out by census track where these addresses are,  
4 if you look at the addresses in terms of minority  
5 population, if you want to consider my definition of a  
6 census track that has a concentration of minority  
7 population is one where the minority population is  
8 greater than 42 percent. If the overall city minority  
9 population is 42 percent, I'm defining a census track  
10 as having minority population, if it has a greater than  
11 42 percent minority population. Does that make sense?

12 MS. LOPEZ: Yes.

13 MS. LAMBRIX: And 72 percent of the addresses  
14 on this three-bedroom list are in census tracks that  
15 have a greater than 42 percent minority population.  
16 Okay. So, that would be -- they would be in those  
17 white census tracks or the census tracks that aren't  
18 shaded in in the northeast and southwest part of the  
19 city, and out of the 72 percent of those units,  
20 actually 30 percent, almost one-third, of the units are  
21 in census tracks where the minority population is  
22 greater than 80 percent. So, that's -- that's --  
23 that's pretty high.

24 When you look at where these addresses are in  
25 terms of poverty population, HUD defines a census track

1 to be a poverty census track if 20 percent or more of  
2 the population in the census track is below the poverty  
3 line. HUD considers that a distressed neighborhood.

4 65 percent of the addresses on the list are  
5 in poverty neighborhoods. Again, kind of the high  
6 percentage considering that these are people who have  
7 mobile rental subsidies, and they're getting lists that  
8 are showing them properties where poor people live, and  
9 -- and -- and out of the 65 percent, actually 22  
10 percent or almost a quarter of the addresses are in  
11 census tracks where 40 percent or more of the  
12 population is poor.

13 I'm not sure what the official HUD term is  
14 for that. Maybe a very distressed neighborhood. These  
15 are the neighborhoods where you see probably somebody -  
16 - it would be interesting to map out homicides last  
17 year and show how those match up to these same census  
18 tracks that we're talking about, and also I do look at  
19 the data.

20 In these census tracks, you are seeing turn-  
21 over rates in the schools anywhere from, I think it  
22 was, 47 percent to a 103 percent. So, these are  
23 neighborhoods that have schools where there's people  
24 who move around quite a bit, it's such a poor  
25 neighborhood, and the schools are impacted. We have

1 kids, you know, in and out of the schools within the  
2 school year, and it makes getting a good education very  
3 difficult.

4 So, it's concerning to me when I see my  
5 clients being issued their certificates, this is their  
6 chance perhaps to go anywhere in a six-county region,  
7 but then when they're asking for help about where to  
8 find housing, they're getting this kind of a list that  
9 is to me going to reinforce the map of segregation that  
10 we just looked at.

11 On this list, all -- there's 87 addresses,  
12 only one is from a suburban rental property. So, if  
13 you were somebody who was thinking you might be able to  
14 pick this list up and find out where in the suburbs you  
15 might be able to go, you would be disappointed to see  
16 that there was only one suburban address.

17 So, -- but to get back to what individual  
18 families are seeing, if -- if -- if -- if families  
19 are -- families are having a hard time finding housing  
20 even in the inner city in the 60-day limit, it would be  
21 virtually impossible to do a search of suburban  
22 communities as well within 60 days. You just couldn't  
23 do it. You just couldn't do it.

24 MS. LOPEZ: Louri, do you have any  
25 information as to the condition of the housing stock



1 that most of these tenants are living in?

2 MS. LAMBRIX: Well, that's the other thing  
3 that we see at MCLAC, is we -- when we're talking to  
4 our clients, one of the nerve-wracking things that's  
5 going on while this 60-day period is running and you're  
6 desperately searching is you might be able to find a  
7 unit and turn the papers in, and then the Section 8  
8 inspector comes out and very frequently the tenant is  
9 told that the unit hasn't passed inspection, and we  
10 recently became aware that I believe RHA data shows  
11 that 90 percent of the units that are turned in failed  
12 the first inspection.

13 Okay. I think that partly has to do with the  
14 neighborhoods that people are being steered into.  
15 They're kind of directing people into the poorest  
16 neighborhoods, the housing stock reflects that, and  
17 it's very hard for the families when the unit doesn't  
18 pass inspection.

19 I even had these low-income families  
20 sometimes will try and do some of the repairs. They  
21 can't force the landlord to do the repairs. They're  
22 wondering if the landlord's going to do it. They don't  
23 know. They're hoping. They don't know. I think it  
24 becomes hard at a certain point to know whether to give  
25 up on this unit and start -- and look for another one

1 because, you know, the time's going to start going  
2 again or whether you should continue to put your time  
3 and energy and working with this landlord and get the  
4 thing through inspection, and it just -- for -- for --  
5 you know, it just puts a lot of stress on people, a lot  
6 of stress.

7 MS. LOPEZ: Dr. Nishi?

8 DR. NISHI: Yes. For people who are seeking  
9 to use Section 8 vouchers and certificates that live  
10 outside the City of Rochester, --

11 MS. LAMBRIX: Hm-hmm.

12 DR. NISHI: -- do they get the same list?

13 MS. LAMBRIX: If they're in the city program,  
14 they would get the same list.

15 DR. NISHI: They would get the same list.

16 MS. LAMBRIX: They would get the same list,  
17 and I think probably what you would see -- if people  
18 are living outside of the city, they have more  
19 information in their own database as to what the  
20 housing is, I mean even to know where an address is.

21 You know what I mean? If you were to go in  
22 the phone book and look under rental properties, --  
23 but, no, it's the same list.

24 DR. NISHI: It's the same list.

25 MS. LAMBRIX: Well, let me -- all right. Let

1 me clarify because there's different programs outside  
2 of the city. Rochester Housing Authority administers  
3 the city program, the Greece program, the Irondequoit  
4 program, and the Fairport program.

5 DR. NISHI: Yes.

6 MS. LAMBRIX: So, those people would all get  
7 the same list, but the thing to note that's important  
8 is the Fairport program, which is administered by the  
9 Fairport Urban Renewal Agency. So, it's the one  
10 Section 8 Program in the county that's not administered  
11 by Rochester Housing Authority.

12 Okay. So, it serves the southeast part of  
13 Monroe County, the suburban part of Monroe County, and  
14 they have -- their client population is 77 percent  
15 white, okay, because they have a residency requirement  
16 as well. 77 percent of the families in the Fairport  
17 program are white families. That agency has a list  
18 of -- of landlords in Southeastern Monroe County that  
19 accepts Section 8, okay, that they've developed for  
20 themselves.

21 The thing that really bothers me is that that  
22 list is not available to people in the RHA program. Of  
23 course, in the city program, it's the opposite. You've  
24 got 70 percent minority participation. So, the city  
25 program is overwhelmingly minority. This is the list

1 they get. The Fairport program is overwhelmingly  
2 white, has a totally separate list that the people  
3 through the RHA programs don't ever see.

4 Now, I don't -- you know, probably RHA can't  
5 force the Fairport program to give them -- I don't know  
6 what -- you know, what discussions have taken place.  
7 It might be an interesting inquiry to ask the  
8 administrators, but it does bother me that there's this  
9 body of information that the Fairport program has.  
10 It's just for the landlords, that's just for their  
11 families.

12 DR. NISHI: Yes. What is it that prevents,  
13 that is, what is it, is there any statutory requirement  
14 that the Fairport list, that is, the Fairport-generated  
15 list, is not shared with the Rochester Housing  
16 Authority, whereby the Rochester Housing Authority list  
17 apparently has suburban -- that is, it could have  
18 suburban addresses, though it's rare that such an  
19 address appears?

20 Now, so, there's no legal barrier, that is,  
21 the -- they are not required to only make that  
22 available to their clients, is that correct?

23 MS. LAMBRIX: I'm going to be violating a  
24 legal --

25 DR. NISHI: No.

1 MS. LAMBRIX: -- allegation where they share  
2 the list.

3 DR. NISHI: Yes.

4 MS. LAMBRIX: It's much more to do with the  
5 fear of the Fairport Urban Renewal Project that their  
6 landlords that they've recruited for their white  
7 families may not want to get phone calls from poor  
8 black families in the city.

9 I'm speculating, but I would care. I was  
10 born and raised here, and I do have a sense of --

11 DR. NISHI: But in the -- in the  
12 implementation plan for the -- following the -- to  
13 follow up the analysis of the impediments, that there  
14 is the -- presented here the need to integrate the  
15 approaches of the county and the city.

16 So, Fairport would be an example of one which  
17 has its own program which maintains the -- when I say  
18 privileged access to their housing, to their residents,  
19 because -- or one factor being that it does not share  
20 its listing with the Rochester Housing Authority.

21 So, I think that's one factor, but may I ask  
22 another question? I'd like to ask another question.  
23 60 days seems to be under these circumstances an  
24 extremely stressful limitation.

25 What -- what sets that 60-day limit? Is

1 there a possibility of changing it?

2 MS. LAMBRIX: It's actually governed by HUD  
3 -- HUD regs, and --

4 DR. NISHI: I see.

5 MS. LAMBRIX: -- the thing that's very  
6 frustrating for us is that RHA has authority to extend  
7 the 60 days to a 120 days. They have discretion. So,  
8 they can do it if they want to, and if they feel like  
9 it.

10 Our experience as legal services attorneys  
11 here in Monroe County is -- is next to impossible to  
12 get an extension on the 60-day deadline. Perhaps if  
13 you're hospitalized with a life-threatening condition,  
14 you might have a shot.

15 We routinely advise people that they better  
16 comply with the 60-day deadline because while RHA has  
17 discretion to extend it, what we see in our practice is  
18 it almost never is extended, except under the most  
19 extreme circumstances.

20 DR. NISHI: It seems to be the general  
21 experience is that 60 days is unrealistic for the  
22 Rochester residents who are seeking housing. What do  
23 you see as the obstacles to getting a general change?  
24 This would be a matter of -- could there be enough  
25 local pressure generated?

1 MS. LAMBRIX: I think that that pressure came  
2 last year with the AI. There was a lot of public  
3 participation in development of that plan, and I think  
4 the Urban League and MCLAC convened a coalition where  
5 we tried to educate more people so that people  
6 understand what Section 8 is.

7 So, I think the pressure's come. I also  
8 expect to hear today that in the mobility counseling  
9 program that HUD is going to fund, the families going  
10 through that program in fact will be allowed a 120  
11 days. I can't speak for anybody, but I'm hoping that's  
12 what I hear, and I guess my recommendation would be  
13 don't limit that just to families going through  
14 mobility counseling. It should be available for any  
15 family who can show that they've made a good faith  
16 effort to search, and in fact, most people are making  
17 good faith efforts, frantic good faith efforts, and I  
18 think, you know, I -- I don't know.

19 You know, I don't know what the turn-back  
20 rate is on the certificates. 60 days. I don't know  
21 the percentage of families who in fact find units. My  
22 concern is for the people who do find units within 60  
23 days, where are they? You know, they're probably not  
24 disbursed.

25 MS. LOPEZ: Ms. Taracido?

1 CHAIRPERSON TARACIDO: I'm sort of curious to  
2 know how it is on a list such as you've indicated  
3 there's one suburban unit when the housing authority  
4 has jurisdiction over the other sections, the other  
5 three towns, is it, villages?

6 MS. LAMBRIX: It's actually six-county  
7 region.

8 CHAIRPERSON TARACIDO: Six counties. So,  
9 it's a six-county region, and yet one apartment is from  
10 somewhere outside of Rochester?

11 MS. LAMBRIX: Right.

12 CHAIRPERSON TARACIDO: Do you have any -- do  
13 you have any idea of why that's happening?

14 MS. LAMBRIX: I -- I think that there's never  
15 been a concerted effort to recruit landlords into the  
16 Section 8 Program. I would expect the public housing  
17 officials here today to say that that is a hard sell,  
18 to get suburban landlords into the program.

19 I would suggest that that is -- is -- is  
20 totally a racially-based impediment because when you  
21 look at the Fairport program that's working with white  
22 families, they are able to place white families in the  
23 suburbs and get suburban landlord participation.

24 I think, you know, to a certain extent, RHA  
25 officials are right to sell their program to suburban



1 landlords is going to be harder because they have a  
2 different racial make-up of the families that they're  
3 serving.

4 So, I think, you know, two things are  
5 happening. One -- one, there's never been what I would  
6 consider a concerted effort, you know. I -- if -- if  
7 it was me, I would have hired a consultant long ago to  
8 do a marketing plan for me because it is a tough sell,  
9 and you do need probably professional help, and why not  
10 hire somebody to help you market it?

11 So, I think there's never been that kind of  
12 an effort, and I think, though, that when that effort  
13 is hopefully mounted this year because the mobility  
14 counseling money is coming in, then you're going to  
15 find the racism and discrimination in the housing  
16 market in Monroe County is -- will make it a tough  
17 thing to accomplish.

18 CHAIRPERSON TARACIDO: Just a follow-up  
19 question that had to do with -- this is Lita Taracido.  
20 I want to try and follow my own rules about saying who  
21 I am, so that the court reporter will know who's  
22 talking.

23 Anyway, this has to do with the list itself,  
24 and the fact that that -- what your experience has been  
25 when you talk to these clients about what else they get

1 in terms of assistance, do they just get a list handed  
2 to them, say here it is, go and find out?

3 MS. LAMBRIX: They get -- they get a --  
4 that's as much as my clients have gotten. I tried to  
5 find ones. I have a client who -- a Section 8  
6 certificate holder, who is living in Irondequoit, which  
7 is one of the suburbs, and she was living in a  
8 subsidized housing project in Irondequoit, and that  
9 wasn't going to work out. We were actually in court on  
10 that, and -- and then -- oh, this is another issue.

11 You know, the -- the waiting lists are  
12 separate, and I just happen to hear because my  
13 colleague at work had been in a meeting, I think, with  
14 John and happened to hear that the Irondequoit waiting  
15 list was open.

16 So, I called my client. I had her get on the  
17 Irondequoit list, and a couple things happened. First  
18 of all, she got on the list, and it was, I think, less  
19 than three months later that her name came up, and she  
20 got her certificate, whereas I know that my city  
21 clients wait for years to get their certificates. So,  
22 I was shocked at how quickly the suburban list moved,  
23 and then the second thing that happened, though, was  
24 she could not find -- she wanted to stay in  
25 Irondequoit. She had a little boy who was in the

1 Irondequoit School District, and she really -- and she  
2 had been living in Irondequoit, and she went down and  
3 got a list similar to this.

4 So, I called the Greece and Irondequoit  
5 Community Development Department to see if they had any  
6 separate lists, you know, that would have Irondequoit  
7 listings. They didn't have anything. They referred me  
8 back to RHA. I called RHA and said, you know, can you  
9 give her something with Irondequoit addresses, and  
10 there wasn't anything to be had, and in fact, she ended  
11 up -- somebody was living in the suburbs, and she got  
12 the Section 8 certificate, and then was -- and ended up  
13 reluctantly in the city because she had been unable  
14 and, you know, had to take her son out of the suburban  
15 school district, and she was quite concerned about his  
16 transition into the city school district.

17 So, not a good outcome for her. She was  
18 happy to have the subsidy, but she found that she  
19 wasn't able to find housing in the place where she  
20 wanted to live, and I wasn't able to get assistance.

21 CHAIRPERSON TARACIDO: But as far as that  
22 list is concerned, I mean you talked earlier about the  
23 conditions of the housing. Now, one of the nice  
24 things, I guess the good thing about Section 8, is that  
25 there is some kind of inspection attached to it. So,

1 you're not sending people presumably into substandard  
2 housing.

3 But how often is there, to your knowledge,  
4 and I don't know that you know the answer to this, is  
5 there any review of those lists so that you don't keep  
6 sending people back to the same substandard housing  
7 that are not going to pass inspection?

8 MS. LAMBRIX: Yeah. I'm not sure. It does  
9 say right at the top of the list that these units have  
10 not been approved or inspected by this office. So,  
11 they're clearly telling you that these are addresses of  
12 landlords who are willing to take Section 8, but they  
13 may or may not pass inspection.

14 CHAIRPERSON TARACIDO: Well, --

15 MS. LAMBRIX: And I -- I -- I'm not sure.  
16 We'd have to probably ask the --

17 CHAIRPERSON TARACIDO: Is -- is it fair to  
18 say that maybe one might want to have that kind of  
19 inspection precede any listing?

20 MS. LAMBRIX: I guess it's a matter of  
21 resources, being able to do that.

22 MS. LOPEZ: Any other questions?

23 MR. PADILLA: I think --

24 MS. LOPEZ: Mr. Padilla?

25 MR. PADILLA: I think also that has to do

1 with the city code, and -- and the regulation that when  
2 a tenant moves, it has to have inspection. After that,  
3 so in one way, that work on behalf of the tenant, also,  
4 you know. So, we have to look deeper to deal with that  
5 situation.

6 I was going to ask you. If you're looking in  
7 the market to buy a house or -- or even to rent,  
8 probably they tell you about this -- it tells you about  
9 the access of that particular neighborhood that you're  
10 going to be moving in. Just to give a list to a  
11 tenant, I don't think it's appropriate -- it's an  
12 appropriate service.

13 So, if you have any suggestions how that  
14 service could be enhanced, you know, to include other  
15 information that --

16 MS. LAMBRIX: Well, first, you have to  
17 recruit suburban landlords. That's the first thing.  
18 So that you have something to put on a list, and I  
19 think, you know, you have to do the kinds of things  
20 that are hopefully going to happen now that the  
21 mobility counseling money is -- by that, I mean you sit  
22 down with people and, you know, find out, you know,  
23 talk to them, find out, you know, do they have a  
24 particular area of the county they're interested in.  
25 If they're able to identify an area they're interested

1 in, you know, sit down and talk about where the buses  
2 are in that community, you know, the public  
3 transportation, where are the schools, where are the  
4 churches, where are the hospitals, and the doctors, and  
5 really sit down and help somebody figure out, you know,  
6 which community they might be interested in, and then  
7 give them, you know, names of landlords in that  
8 particular community, and probably help them get to the  
9 units to look at them, because, you know, it's like we  
10 live in different worlds here.

11 If you're from the inner city, you probably  
12 don't even know how to drive around out in the suburbs  
13 and find places, and if you live in the suburbs, you  
14 have no idea how to drive around and find an address in  
15 the inner city. So, it's got to be taken into account,  
16 and people need to be given quite a bit of help  
17 probably.

18 So, -- and there was one last thing that I  
19 was going to raise, and Mr. Wagner's question brought  
20 it to mind, is the diversity of the staff at the  
21 Section 8 office, and I think out of 27 employees,  
22 there are three African Americans and one Hispanic, and  
23 I know as a lawyer, the majority of my Section 8  
24 clients are minorities. I sometimes do feel -- I  
25 sometimes do wish that there was more racial diversity

1 of the staff, and that there might be -- I don't know  
2 -- sometimes makes transactions easier.

3 MS. LOPEZ: Thank you, Louri.

4 MS. LAMBRIX: Thank you very much.

5 MS. LOPEZ: Our next speaker will be Michele  
6 Olyer. She's a housing specialist with the Rochester  
7 Center for Independent Living.

8 Welcome, Michele.

9 MS. OLYER: Good morning. Again, thank you  
10 for the opportunity to be here today.

11 MS. LOPEZ: Excuse me. By the way, Louri,  
12 can you provide us with that rental listing?

13 MS. LAMBRIX: Sure. I can do that  
14 afterwards.

15 MS. OLYER: I do have a document that I can  
16 hand in to Fernando. Okay.

17 First of all, I want to just give a general  
18 comment that -- well, let me back up. Again, I'm from  
19 Rochester Center for Independent Living and primarily I  
20 work with individuals with disabilities.

21 All of the issues that individuals without  
22 disabilities face, all of the comments that you hear  
23 today, not only --

24 MS. LOPEZ: Michele, can you speak a little  
25 louder?

1 MS. OLYER: Sure. Can you hear me better?  
2 Okay. I'll try to speak up. Can -- am I heard better?  
3 Okay. All of the comments that you hear today not only  
4 do the people I work with face the same dilemmas, but  
5 on top of that, because of their disabilities, they  
6 face additional comments. So, I'd just like you to  
7 bear in mind that when -- excuse me -- when you hear a  
8 comment about transportation, the individuals I work  
9 with, not only do they not have access to  
10 transportation because it doesn't exist, but even if it  
11 did exist, it may not be accessible. Those kinds of  
12 things, I'd like you to take -- bear in mind.

13 I'm not going to take time to elaborate on  
14 all of those things because I could be here all day. I  
15 do want to give a few general comments. Individuals  
16 with cognitive disabilities, due to the complexity of  
17 both the paper work and the rules of the Section 8  
18 Program, a person of average intelligence has  
19 difficulty completing all of the necessary steps.

20 An individual with some type of cognitive  
21 impairment, including mental retardation, traumatic  
22 brain injury, or mental health disabilities, has that  
23 much more difficulty completing those steps.

24 In addition, it is not uncommon for these  
25 individuals to experience more difficulty negotiating



1 with landlords and may give up the process much sooner.

2 I would like to see extra assistance to these  
3 individuals in both paper processing, going over rules  
4 maybe three or four times, especially for an individual  
5 with a traumatic brain injury who tends to have a  
6 short-term memory loss and may not -- may remember one  
7 day what you've said, three days later may not remember  
8 that.

9 I -- I realize that there are some  
10 assumptions that are made, that individuals with  
11 disabilities always have a case manager or a service  
12 coordinator to work with. There are some individuals  
13 who believe that. Unfortunately, that is not true, and  
14 in fact, it's becoming more and more difficult to get  
15 those kinds of social workers and case managers to  
16 provide that kind of assistance.

17 Credit is a big problem for individuals with  
18 disabilities for one obvious reason, the persons with  
19 disabilities tend to be lower income, and as with all  
20 lower-income individuals, credit can be difficult to  
21 manage. However, in addition to the added problem that  
22 these individuals face are specifically for individuals  
23 who have acquired disabilities, that may have a heart  
24 attack, and have been accustomed to living in a certain  
25 way.

1           What -- how that relates to the Section 8  
2 Program is that these individuals who go to apply for  
3 housing in complexes, any place that has an application  
4 process, they very easily -- basically, they're told  
5 I'm sorry, you have a credit problem, we won't accept  
6 you. It's a very easy way to weed out people from low-  
7 income and minority populations, although it is legal,  
8 unfortunately.

9           The second area that I'd like to talk about a  
10 little bit is individuals with mobility impairment.  
11 Again, individuals with mobility impairments have lots  
12 of reasons that looking for housing is difficult, but  
13 -- including the unavailability of transportation to go  
14 from one place to the next to the next to the next, to  
15 look for housing on that list that you're provided  
16 with. It's not -- it's not easy to get out in the  
17 winter, and that 60-day limit is also an impediment to  
18 these individuals.

19           I do understand, again I want to re-  
20 emphasize, Louri Lambrix's comment that, yes, there is  
21 a possibility of getting 60 days extended. However,  
22 it's not something that most people with mobility  
23 impairments know is available, and, secondly, even if  
24 they know -- even if they know it's available, they may  
25 face difficulty in getting it -- having that accepted -

1 - the request accepted.

2 I do want to say that if I have become  
3 involved with someone who's got -- who has a mobility  
4 impairment and makes that request, usually I'm  
5 successful in getting that request preempted. However,  
6 if that individual did not have my assistance, they're  
7 not as likely to get that request granted.

8 Now, the next thing that I want to address is  
9 -- is -- is really my perception and -- and a  
10 possibility, if not -- I don't have facts to back this  
11 up, but landlords who are knowledgeable on Section 8  
12 and federal laws may -- may actually discriminate  
13 against individuals with disabilities who have -- who  
14 require modifications to their apartment, for example a  
15 ramp, because once you've accepted a Section 8  
16 certificate, you are now subject to 504 regulations,  
17 because you are now receiving federal money.

18 So, an individual who -- a landlord who is  
19 knowledgeable about this may say I don't want to be  
20 subject to those kind of guidelines. The 504 requires  
21 program participants to make reasonable accommodations  
22 to individuals with disabilities and actually take it  
23 out of their pocket. Those individuals -- those  
24 private landlords who do not accept Section 8  
25 certificates and will accept an individual with a

1 disability, they do not have to provide the ramp or  
2 they do not have to pay for it. They only have to  
3 allow it to be constructed or allow the modification to  
4 be in place.

5 An individual -- a landlord who accepts  
6 Section 8 because they are now subject to 504  
7 guidelines, they may actually have to pay for it if  
8 it's not considered an undue hardship. Okay.

9 MS. LOPEZ: Michele, can you tell us what  
10 percentage of disability people by --

11 MS. OLYER: Unfortunately, I don't have that  
12 information. I would like to see that kind of  
13 information myself, but we have not been able to gather  
14 information such as that.

15 MS. LOPEZ: Any questions?

16 (No response)

17 MS. OLYER: A couple of more things. So, one  
18 of the things I would like to see is some sort of  
19 perhaps money set aside for individuals who need  
20 modifications. That would alleviate the fear of  
21 landlords having to provide that kind of an obligation,  
22 and one more area of concern is related to Hispanic  
23 individuals with disabilities.

24 Individuals with -- within this group face  
25 discrimination in a dual form. In addition to the

1 above-described difficulties, this group also faces  
2 language and cultural discrimination.

3 It is not uncommon for Hispanic families to  
4 continue to care for elderly and disabled members of  
5 the family, and from what I understand, that is a  
6 cultural issue. People like to stay together in large  
7 families, and therefore you have larger families, and  
8 therefore you need larger accessible apartments. That  
9 is practically non-existent in this community.

10 It's very difficult to find accessible three-  
11 four-bedroom apartments, and what I see happen is that  
12 even with Section 8 certificates, you have individuals  
13 in either over-crowded situations or not accessible  
14 apartments, and bear in mind that when -- my under-  
15 standing is that when there's an inspection made upon a  
16 property, accessibility is not an issue that's covered.

17 So, you could have a family -- an apartment  
18 that is -- passes inspection because of the local  
19 codes, but it's not accessible, and therefore you have  
20 an individual in a family that is sort of stuck in a  
21 room some place and can't get out.

22 In addition to the unavailability of an  
23 acceptable unit, the lack of a Spanish-speaking  
24 receptionist and the lack of materials and  
25 correspondence in Spanish creates an even more

1 challenging dilemma.

2 This is my understanding. Hispanic  
3 individuals who are also deaf or hard of hearing find  
4 this process again even more difficult. Their  
5 difficulty with speech is sometimes misinterpreted to  
6 be a language barrier when in fact they simply need you  
7 to look more -- look at them, to pronounce your words  
8 better, so forth and so on, and the -- this -- the  
9 information I'm presenting now is -- comes from our  
10 Hispanic outreach worker, who basically feels that  
11 staff really -- staff at Section 8 really needs to have  
12 some type of a training -- disability awareness  
13 training, how to deal with individuals with different  
14 types of disabilities. Don't look down at your desk  
15 while you're writing, so a deaf individual can see your  
16 lips move, those kinds of things.

17 I think that's it.

18 MS. LOPEZ: Dr. Nishi?

19 DR. NISHI: Yes. Do you have any data which  
20 indicates such things as how much longer it may take,  
21 the success rate and the failure rate, etc., of people  
22 with disabilities as compared to other populations in  
23 this program?

24 MS. OLYER: I cannot give you data because,  
25 unfortunately, our office is not able to keep track of

1 that kind of data at this time. However, --

2 DR. NISHI: How are you supposed to maintain  
3 such records?

4 MS. OLYER: The obstacles? Basically  
5 funding. We don't have the staff available to keep  
6 track of that kind of information, and it's not kept  
7 anywhere else in the community. There are no housing  
8 organizations that really keep track of that  
9 information. There are no -- there are -- basically  
10 that -- this group of individuals are left out of the  
11 loop in most situations, and the impediments study does  
12 show that.

13 There is really no data available. So, I  
14 would like -- that's one of the things I've asked for  
15 for quite a few years, that that kind of a process is  
16 undertaken.

17 DR. NISHI: In the new counseling program  
18 that's going to be instituted, are you -- do you feel  
19 assured that the concerns of people with disabilities  
20 will be included?

21 MS. OLYER: I would say that --

22 DR. NISHI: Because as you point out, in many  
23 instant situations in which there are needs to  
24 sensitize persons who deal with this situation.

25 MS. OLYER: I -- unfortunately, I'm not sure

1 that all of those things are going to be covered simply  
2 because the program hasn't actually been developed yet  
3 or it's under development. I -- I really am not -- I  
4 would like to become involved in that process to ensure  
5 that that kind of thing does happen.

6 One thing that I did have a concern about  
7 that I spoke with Mike Hanley about was that it's very  
8 often that individuals with disabilities get Section 8  
9 certificates as single persons with no family, and this  
10 -- the mobility program is specifically for families,  
11 and I just wanted to be assured that there would be  
12 some type of a waiver or, you know, it would be  
13 documented that individuals with disabilities who are  
14 single can also participate in the program.

15 DR. NISHI: Isn't that required by state law?  
16 That is not necessarily in federal civil rights laws,  
17 but in the state requirements, I mean family status  
18 can't be a basis of discrimination or differential  
19 treatment, is that not correct?

20 MS. OLYER: That -- that's correct.

21 DR. NISHI: Uh-huh.

22 MS. OLYER: There is a family status.

23 DR. NISHI: Yes.

24 MS. OLYER: Well, what my concern was, that  
25 the mobility program itself says it's for families who



1 are working actually, and I believe that's the way that  
2 it's written, and it's very often the patients with  
3 individuals -- persons with disabilities do -- may not  
4 be working. They may be receiving SSI or SSD, and I  
5 just wanted to ensure that they didn't get left out  
6 because of that.

7 MS. LOPEZ: Ms. Taracido?

8 CHAIRPERSON TARACIDO: I wasn't quite -- I  
9 wasn't clear about your actual office of work. In  
10 other words, this position -- is yours a client-based  
11 --

12 MS. OLYER: Hm-hmm.

13 CHAIRPERSON TARACIDO: -- office? And, so,  
14 you actually see people --

15 MS. OLYER: Hm-hmm.

16 CHAIRPERSON TARACIDO: -- who come to you  
17 with problems, is that correct?

18 MS. OLYER: That's correct.

19 CHAIRPERSON TARACIDO: And, so, as far as  
20 data is concerned, when you say you don't have data, is  
21 it just that you don't keep records?

22 MS. OLYER: Well, we can keep our records,  
23 but that doesn't really -- we don't see all of the --  
24 every person with a disability in the City of Rochester  
25 and Monroe County does not come to our office. So, we

1       may be able to keep our data, but we can't keep the  
2       data from every other organization or agency.

3               CHAIRPERSON TARACIDO: But you have some  
4       sense of who your folks are, and how many of your folks  
5       end up getting Section 8 housing, correct?

6               MS. OLYER: Hm-hmm.

7               CHAIRPERSON TARACIDO: Do you have that kind  
8       of information?

9               MS. OLYER: I don't have it today. I could  
10      get that information.

11              CHAIRPERSON TARACIDO: That would be helpful.

12              MS. OLYER: Okay.

13              DR. NISHI: And if you could get it, that's a  
14      breakdown by race on that, too, as well, I think that  
15      would be useful.

16              MS. OLYER: Hm-hmm. I would be able to give  
17      you that information for the individuals that we served  
18      this year because our database starts all over every  
19      year.

20              CHAIRPERSON TARACIDO: And, so, you lose the  
21      other records? Is that what happens?

22              MS. OLYER: That's basically what happens.  
23      Exactly. We have the records, but it's not -- because  
24      of our funding requirements and our reporting  
25      requirements to our funders, those -- we -- we are

1 required to start over every year.

2 CHAIRPERSON TARACIDO: So, there are no past  
3 reports that indicate what you've done when you've --  
4 when you report to your funders?

5 MS. OLYER: Yes, there are, but we -- they  
6 don't ask us for this kind of information. So, it  
7 simply wasn't something that was reported on a regular  
8 basis. I could pull that information out of our  
9 database very -- fairly easily for this funding year,  
10 but for previous funding years, we probably couldn't do  
11 that.

12 MS. LOPEZ: Mr. Hanley?

13 MR. HANLEY: I was intrigued by your comments  
14 regarding Section -- you referred to Section 504, and  
15 that's a statute that we haven't talked about so far  
16 today, and I don't think we've talked about it in  
17 Syracuse, addressing specifically the prohibition  
18 against discrimination in federally-funded programs for  
19 persons with disabilities. Section 504 of the  
20 Rehabilitation Act.

21 MS. OLYER: Hm-hmm.

22 MR. HANLEY: Now, your recommendation was  
23 that some programs be set up to help property owners  
24 absorb the expenses they would incur rather than --  
25 and I just want to make clear, you weren't recommending

1 that the Committee advocate for an exclusion of Section  
2 8 landlords from the 504 requirements, were you?

3 MS. OLYER: No. Our ultimate goal is to see  
4 more accessible housing. So, I would think -- I think  
5 that that basically is too easy of an out. I would --  
6 I would really like to see more accessible housing.

7 MR. HANLEY: You'd rather see it as, say, an  
8 incentive in a mobility program --

9 MS. OLYER: Exactly.

10 MR. HANLEY: -- that landlords could be  
11 attracted if they knew this money was available to --

12 MS. OLYER: Exactly.

13 MR. HANLEY: -- improve their properties,  
14 make them accessible?

15 MS. OLYER: Hm-hmm.

16 MR. HANLEY: Thank you.

17 MS. LOPEZ: Any more questions?

18 (No response)

19 MS. LOPEZ: Thank you, Ms. Olyer.

20 MS. OLYER: Thank you.

21 MS. LOPEZ: Our next speaker is Elston  
22 Hernandez. He's the President of the Isla Housing  
23 Corporation.

24 Welcome.

25 MR. HERNANDEZ: Good morning. As I -- I am

1 Elston Hernandez, Director of Isla Housing and  
2 Development.

3 As I reviewed my -- my presentation this  
4 morning, and I -- and I listened to the -- to the  
5 conversation, I certainly see how it fits and how it  
6 doesn't fit, but certainly I can provide you some  
7 insight, I hope, with regards to parts of my  
8 presentation with regards to my experience in -- in  
9 several of these areas.

10 Isla Housing and Development has been  
11 involved in several development types of ventures which  
12 are not typical, not typical for the -- for the not-  
13 for-profits while we've explored our developing housing  
14 outside of the city.

15 I've done it on -- on a personal level. We  
16 talk about some of the barriers encountered. We tried  
17 to do that as a developer, minority developer. You --  
18 you learn quite quickly which are the barriers.

19 I am -- also, as I work with housing from the  
20 different arenas, different areas that I work with,  
21 I've worked on the housing -- renovating housing for a  
22 family with disability outside of the city, to the  
23 point even getting them to be owner-occupants of the --  
24 of the unit that -- that we rehabbed.

25 So, as I listen to the information today and

1 the presenters, I -- I -- I am able to draw from some  
2 of our past experience. Presently, I am also one of  
3 the very, very, very few owners of a property in the  
4 suburb which I do rent to a Section 8 person, and,  
5 fortunately, it is not within the RHA jurisdiction  
6 because I am also a board member to the Rochester  
7 Housing Authority, but I also -- but it is out of the  
8 -- the Fairport region or Fairport office, but my years  
9 in housing development has taught me that Rochester is  
10 fairly new to addressing the needs of the low- and  
11 moderate-income families in the area of housing.

12           There have been many housing efforts, and  
13 some of them have been very good, very noble, as we all  
14 remember the big rush in the mid-'70s to develop a lot  
15 of the state-subsidized 236 housing projects, those  
16 larger development complexes that ended up outside of  
17 the city, but there's been very little effort on -- on  
18 the single-family development end. Very little has  
19 been done even nowadays to start promoting and moving  
20 families outside of the city.

21           I think part -- if I -- if I had to say what  
22 is going on or -- or what the concerns might be, I  
23 would say it's two-folded. One is typically housing  
24 programs are cookie cutters. You know, you take this  
25 program here, and it works here, and we try it there,

1 and it works there, but when you get out to the  
2 suburbs, I don't think that this is necessarily true.

3 While it may on some larger types of  
4 development because the mechanics of these kinds of  
5 development are pretty much -- are pretty much the  
6 same, but when you start trying to do moving families  
7 into single-family houses as seems to be the effort  
8 now, it's a little different. It's a little different.

9 Certainly there are barriers. I think there  
10 is a lot of discrimination among suburban landlords.  
11 As an owner of -- of property outside of the city and a  
12 suburban landlord, I still to this day owning a piece  
13 of property, oh, seven years, have yet to meet two of  
14 my neighbors.

15 Now, perhaps I'm also guilty because I'm only  
16 visiting the property several times during the year.  
17 However, I know that, and I strongly believe that, some  
18 of the barriers are -- are the perception of -- of the  
19 smaller landlord believing that -- that -- that the  
20 minority population, the low- and moderate-income  
21 families, may be a bigger liability, a liability,  
22 either to the towns, a liability to the neighborhood,  
23 and I think these concerns were pretty much addressed  
24 in -- in the report that was -- that many of us are  
25 referring to today.

1           I -- I also believe that public or -- or town  
2 staff seem to reflect the attitude of what passively  
3 some of the residents or town officials feel.  
4 Certainly the staff is going to try to stay within what  
5 they believe are those parameters, whether they are  
6 said directly and publicly or whether they're implied,  
7 and I think that -- that certainly that kind of  
8 discrimination, a little more subtle, certainly exists,  
9 becomes difficult for one to say, well, you know, I'm  
10 having to do this because of this or I'm having to have  
11 more inspections because of that, but certainly the --  
12 the county has -- and county residents, if you will,  
13 and -- and staff have quite a bit of growth and need  
14 to, I would say, address some of these kinds of  
15 concerns.

16           The -- as I believe that -- that when I  
17 listen to this -- as I listen to our presentations this  
18 morning, certainly there is a lot of room for  
19 improvement, and some of these efforts have been  
20 underway both from -- internally from my -- my  
21 involvement as I worked with the Rochester Housing  
22 Authority, as well as I -- I would say some of -- some  
23 of the changes are on the way, but the way the city and  
24 the county feel that -- that they're going to help  
25 alleviate the -- the concerns of the low- and moderate-



1 income families by giving them more choice outside the  
2 city.

3           However, one thing that has not been stated  
4 is that we need to do some capacity building. See, the  
5 not-for-profits are typically the vehicles in which a  
6 lot of this development gets done. Unfortunately,  
7 there's very few not-for-profits working outside of the  
8 city, and when that for-profit has either a proposal  
9 deadline or a development venture that they want to do,  
10 they have to look for success.

11           How am I going to achieve what I want to  
12 achieve in -- in this town or in that town or in this  
13 development or build the 20 units that -- that we  
14 believe we want -- want to create or that we want to  
15 create?

16           Working in the towns certainly means that you  
17 run a whole other agenda. Takes a longer time to go  
18 through all the zoning process. Certainly takes a long  
19 time to convince the governing body and the officials  
20 that -- that this kind of development is needed.

21           So, I think these are some of the reasons  
22 that -- that some of the not-for-profits may find it a  
23 little more difficult. Certainly when you do some kind  
24 of development or any kind of development, you try to  
25 put up a fence, and you now have to go and meet with

1 the town and give them a drawing of it. You can  
2 imagine when you try to take on a development, the  
3 kinds of obstacles that can be thrown. It can be very  
4 tedious, time-consuming, and may even -- may even make  
5 the project undoable, can't be done, only because it  
6 just is going to take too long to do these kinds of  
7 developments.

8 So, in -- in my presentation, I -- I -- as I  
9 go through it, I -- I would like to say that -- that  
10 some of the other complicating issues that we have  
11 found as we did some developments for families outside  
12 of the city was the issue with transportation, the  
13 issue of entering and egressing a dwelling. These are  
14 concerns. These are concerns because many families do  
15 not -- and even lending institutions do not want to buy  
16 either a family wanting to buy a house that -- that  
17 looks like it's been renovated for persons with  
18 disability nor the lending institutions want to provide  
19 mortgages to these individuals.

20 Why? Marketability. Many times, as you see  
21 in the foreclosure, a bank is now left with the house  
22 that -- that the doorway is too wide, that may have  
23 perhaps a lift, a chair lift inside the dwelling unit,  
24 the cabinets are lower, the bathroom is bigger.

25 So, as I worked with housing over the years,

1 I've found this to be one of the -- the concerns by  
2 some of the banks. Do we want to get into something  
3 that we may not be able to sell in the future?

4 Certainly I -- I think this morning or later  
5 on in the day, there will be other presenters who will  
6 be able to give you information about the certificates  
7 that are available as well as some of the efforts  
8 that -- that are being discussed and implemented.

9 But I -- I'd be happy to answer any questions  
10 that you may have.

11 MS. LOPEZ: Mr. Hernandez, you said you're on  
12 the board of RHA. Would you know how many members sit  
13 on this board?

14 MR. HERNANDEZ: Hm-hmm.

15 MS. LOPEZ: How many?

16 MR. HERNANDEZ: Seven.

17 MS. LOPEZ: What's the composition of this  
18 board in terms of gender and ethnicity?

19 MR. HERNANDEZ: There are three females, four  
20 -- no. Three females and four males. The females are  
21 Afro American, one Hispanic male, and --

22 MS. LOPEZ: Did you say all three females are  
23 Afro American?

24 MR. HERNANDEZ: Yes.

25 MS. LOPEZ: Okay. Okay. I'm sorry. And the

1 remainder three males?

2 MR. HERNANDEZ: Are -- are -- are white.

3 MS. LOPEZ: And what, if any, efforts are you  
4 making to recruit more minorities on to this board?

5 MR. HERNANDEZ: That -- that is not something  
6 that I'm prepared to discuss. I would leave that --

7 MS. LOPEZ: All right. Dr. Nishi?

8 DR. NISHI: Yes. As a person who's  
9 participated in the Section 8 voucher program, could  
10 you give us some insight as to what incentives there  
11 are for landlords? It seems to me that the supply and  
12 demand situation here is so out of kilter, that what  
13 are the incentives for landlords to make their housing  
14 available for this program, and what changes might you  
15 propose whereby this could be a greater incentive?

16 MR. HERNANDEZ: I would say that, first, it's  
17 the fair market rents. In the suburbs, you're able to  
18 get a higher rent. Typically, you're renting a whole  
19 house, and the fair market rent certainly is something  
20 that needs to be looked at because you -- you pretty  
21 much are at that maximum level of getting that fair  
22 market rent in the suburbs, whereas in the city, you --  
23 you do get a good rent with -- with the Section 8  
24 certificates, but certainly in the suburbs, you can --  
25 you can demand more.

1           So, I think that's one of the -- the concerns  
2 as well as, you know, the -- the cost. I mean rents  
3 are -- are certainly structured around the cost of --  
4 of maintaining this house, not only the -- the mortgage  
5 but your taxes, your -- the different services that you  
6 pay the town for them are not part of your tax base.  
7 So, -- so, in a town, you may have a -- you have more  
8 expenses attached to that single-family unit.

9           DR. NISHI: So, when -- when the landlord  
10 does participate in this program, this is simply to  
11 enlarge the market for him, right?

12           MR. HERNANDEZ: Correct.

13           DR. NISHI: Uh-huh. So that the implication  
14 being that if the Section 8 clientele are not as  
15 desirable, whatever the perception is, or the criteria  
16 are whereby landlords judge the desirability of sectors  
17 of the market, this is not considered a desirable  
18 sector at this time, is that correct?

19           MR. HERNANDEZ: That -- that's true.

20           DR. NISHI: So, it's only in times of when  
21 the market is low, right, that there would be -- so, do  
22 you have any suggestions as to how the -- how this  
23 might be made more attractive?

24           MR. HERNANDEZ: Yeah. Certainly it needs to  
25 be part of an educational process, but -- but again I

1 also think that capacity building -- you see, there  
2 needs to be somewhere someone to work with suburban  
3 landlords to get them not only knowledgeable about the  
4 program but also needs to be able to go to a specific,  
5 if you will, location for the types of assistance  
6 questions that they may have, concerns that they may  
7 have.

8 Remember, a landlord is not looking to become  
9 more bureaucratic. A lease that may be 10-15-16 pages  
10 may certainly be a concern to a landlord, and as -- as  
11 you start looking and listening to other concerns,  
12 lead-based paint issues, as you start thinking of  
13 having someone else coming into your house to do some  
14 inspection on that unit, certainly all these things  
15 come into play, and -- and it becomes, I would say,  
16 less attractive to -- to a suburban landlord to  
17 consider a Section 8 certificate participant versus  
18 renting it to another family.

19 MS. LOPEZ: Ms. Taracido?

20 CHAIRPERSON TARACIDO: Lita Taracido.

21 Forgive me if I missed something here. Aside from your  
22 Section 8 involvement as a landlord, and I gather you  
23 have a one-family home that you're renting in the  
24 suburbs.

25 MR. HERNANDEZ: Yes, I do.

1                   CHAIRPERSON TARACIDO: Yeah. What other  
2 experience do you have in that whole -- in that whole  
3 context?

4                   MR. HERNANDEZ: With Section 8?

5                   CHAIRPERSON TARACIDO: Section 8, yeah. What  
6 is your -- what --

7                   MR. HERNANDEZ: Isla?

8                   CHAIRPERSON TARACIDO: Yeah.

9                   MR. HERNANDEZ: Well, we've recently put up  
10 28 elderly apartments in the City of Rochester and St.  
11 Michael's, of which we received some project-based  
12 assistance, largely a Hispanic community, Latino  
13 community, and -- and we have some involvement there  
14 with -- with the Section 8 Program.

15                   CHAIRPERSON TARACIDO: And is it -- and in  
16 terms of the tenancy of that, is it -- what kind of  
17 tenancy do you have in terms of racial and ethnic  
18 distribution?

19                   MR. HERNANDEZ: Oh, we have, I would say,  
20 somewhere in the neighborhood of about almost 90  
21 percent Hispanics occupying the units. We have some  
22 number of units that we've set aside for an effort to  
23 have DDSO, developmental disability service  
24 organization, to take a number of the units for some of  
25 the clients so they can integrate into the community as

1 well as, you know, work and have their own apartment as  
2 well as it being subsidized.

3 So, we've tried that effort, also. So, --

4 CHAIRPERSON TARACIDO: And which of the  
5 census tracks is it in?

6 MR. HERNANDEZ: Oh, I don't recall.

7 CHAIRPERSON TARACIDO: Do you know?

8 MS. LAMBRIX: No, but I just know it's in the  
9 inner city.

10 CHAIRPERSON TARACIDO: It's inner city, also.

11 MR. HERNANDEZ: Yes.

12 CHAIRPERSON TARACIDO: Are there any other  
13 projects that you've dealt with that have Section 8  
14 assistance?

15 MR. HERNANDEZ: I have. I have, but I have  
16 on the 236, 202, which are other state types of  
17 development, multifamily. Yes, I've worked with some -  
18 - a number of the developers, property management firms  
19 in those areas. Yes, I have. I would say a lot of  
20 units.

21 CHAIRPERSON TARACIDO: And has Isla tried to  
22 work outside of the inner city?

23 MR. HERNANDEZ: The work is great both in and  
24 outside the city. There's a lot of work. We are -- we  
25 are doing some new efforts. You see, again as you get



1 into the cookie cutter kinds of programs, you're going  
2 to get the outcome that pretty much was the same  
3 outcome that was there two years ago.

4 What -- what Isla is trying to do is not do  
5 the same thing that everyone else is doing. We  
6 recently put on -- on a rent-to-own program that's  
7 geared specifically in the county. Its focus is in the  
8 county, and what we're looking to do is be able to  
9 offer that to inner city residents who would be looking  
10 to lease, to own a house outside of the city, and we do  
11 that with foreclosed units.

12 So, -- so, yeah, we -- we have that, and it's  
13 been -- it's on board to start in '97, but again it  
14 takes -- again like I say, it takes someone else to do  
15 something different, and -- and in the current -- in  
16 the current arena of programs that we have, the  
17 capacity-building that supposedly the total effort is  
18 supposed to be doing, we're doing -- 90 percent of the  
19 agencies are doing 90 percent of the same things over  
20 and over and over and over again.

21 Why? Because sometimes it works, but we  
22 don't believe that that is the avenue that Isla would  
23 like to take. We would like to try different  
24 approaches to creating affordable housing and giving a  
25 choice to families by doing things like a rent-to-own

1 program.

2 We're -- we're looking to expand that  
3 obviously into the city again, but -- but you need to  
4 do it with capacity-building, and that capacity-  
5 building also will spur development outside of the  
6 city.

7 MS. LOPEZ: Mr. Padilla?

8 MR. PADILLA: I was going to ask -- you were  
9 saying the need for capacity-building, and in -- in the  
10 plan for affordable housing, the city has a goal to  
11 deal with municipalities to increase the availability  
12 of affordable housing. Do you feel this is realistic,  
13 based on all the problems that you mentioned that you  
14 face in dealing with towns and cities, that we would be  
15 able to produce enough house -- new housing in three  
16 years?

17 MR. HERNANDEZ: The question as to producing  
18 housing, housing is a structure, but the problem is  
19 affordability. We can create really nice housing, and  
20 there's a lot of contractors out there who would be  
21 willing to come in and build housing, but affordability  
22 is the issue.

23 Whether you do it in the city or outside of  
24 the city, it -- it -- I think that -- that what needs  
25 to be focused on is you want to make affordable units

1 outside of the -- outside of the city, then an effort  
2 needs to be done to provide the right expertise, the  
3 right abilities, develop the not-for-profits, and --  
4 and a lot of -- even that effort is tied to local  
5 city -- city dollars and inner city neighborhoods.

6 Now, you -- what we're saying is if we want  
7 to take you to outside of the city, then not-for-  
8 profits that focus on these kinds of efforts need to be  
9 (1) either rewarded or incentive needs to be done as  
10 well as an educational process needs to be done because  
11 not -- not only do the not-for-profits now have to  
12 encounter different kinds of issues, for instance,  
13 infrastructure, totally new -- city already has all its  
14 infrastructure. You start going outside of the city,  
15 those become big dollars, major dollars for -- for a  
16 developer, for a not-for-profit developer.

17 So, how is he going to address that? Well,  
18 he also has to sell that pitch to a town, to a board.  
19 The perception of having low- and moderate-income  
20 families outside of the city, you have to sell that to  
21 the neighbors, to the town staff.

22 I don't think that you could just take what  
23 worked in here and say it's going to work here because  
24 the problems are different. The dollars are different.  
25 The costs involved in this, the families, the families,

1 the mobility, mobility concern is there, as well as,  
2 remember now, if you put one family in the middle of a  
3 neighborhood where there are no other minorities,  
4 aren't they going to feel a little different?

5 So, there's a lot of things that are involved  
6 in this.

7 MS. LOPEZ: Mr. Hanley?

8 MR. HANLEY: Yeah. I was rather curious  
9 about when you described that you're a landlord, and  
10 that you accept Section 8. The way you mentioned it  
11 was that -- that you said, unfortunately, my property  
12 is in the suburbs, so I deal with the Fairport program  
13 rather than the Rochester Housing Authority.

14 Is there -- have you chosen not to list your  
15 property with the Rochester Housing Authority?

16 MR. HERNANDEZ: It's policy, board policy, no  
17 board members are permitted to have any Section 8  
18 tenants.

19 MR. HANLEY: So, apart from the conflict,  
20 then you would be listing your property?

21 MR. HERNANDEZ: I would love to.

22 MS. LOPEZ: Okay. Dr. Nishi?

23 DR. NISHI: Yes. Are there corresponding  
24 organizations that correspond, such as yours, that have  
25 minority ownership and -- are there corresponding kinds

1 of organizations?

2 MR. HERNANDEZ: Well, there are three that  
3 are considered CHDAs outside of the city.

4 DR. NISHI: I'm sorry. I don't know what  
5 CHDA is.

6 MS. LOPEZ: Can you explain?

7 MR. HERNANDEZ: Community Housing Development  
8 Organization.

9 DR. NISHI: Okay.

10 MR. HERNANDEZ: Of the three, one is a tri-  
11 state group, Rural Opportunities. Another is Housing  
12 Opportunities, and -- and Isla, Isla Housing and  
13 Development. We are the three, although there is a  
14 number of efforts now being undertaken by -- by  
15 development, not-for-profit developers, to do other  
16 efforts outside of the city.

17 But that -- that -- that's it. There's only  
18 three of us, and of the three of us, I would say Isla  
19 certainly represents a lot of minority participation,  
20 both on the board level and staff.

21 MS. LOPEZ: Any other questions?

22 (No response)

23 MS. LOPEZ: Thank you very much, Mr.  
24 Hernandez.

25 I would like to thank all of the panel

1 members who came, Ms. Lambrix, Mr. Barrows, Ms. Olyer,  
2 and it's back to you, Ms. Taracido.

3 CHAIRPERSON TARACIDO: The next panel will be  
4 dealing with Quality and Quantity of Available  
5 Affordable Rentals and Accessibility to Transportation  
6 and Jobs, and I'll turn this over to Mr. Hanley for the  
7 moderating.

8 MR. HANLEY: Could we take a break?

9 CHAIRPERSON TARACIDO: Five-minute break.

10 MR. HANLEY: Okay. Let me say before we  
11 break, I noticed that of the panel that's coming up,  
12 the only person here so far is Harriet. So, we may be  
13 able to use the -- that time before lunch for questions  
14 from the -- from the remaining people. So, I'm hoping  
15 people don't disappear because I'm sure we may want to  
16 do follow-up questions, and we're looking forward to  
17 hearing from Ms. Howitt.

18 Thank you. Five minutes?

19 CHAIRPERSON TARACIDO: Yeah. Five minutes.

20 (Whereupon, a recess was taken.)

21 Panel 2: Quality and Quantity of Available Affordable  
22 Rentals and Accessibility to Transportation and Jobs

23 MR. HANLEY: I've asked Harriet Howitt and  
24 Ann Peterson to -- to both join us at the table.

25 On the agenda, we have listed that Judy

1 Douglas would be here to discuss the Availability of  
2 Rentals. I'm not quite sure what happened to Judy, but  
3 she's not here.

4 Ann Peterson from the Housing Council will be  
5 on the afternoon agenda as well. She'll be joining Tom  
6 McHugh and John Haire to describe the Section 8 Housing  
7 Programs that RHA is running and particularly the new  
8 Mobility Initiatives that are taking place, but in this  
9 panel, we will be asking Ms. Peterson to describe the  
10 information she has in her capacity as the Director of  
11 the Housing Council, to inform us about available  
12 rentals and the matches or mismatches in trying to get  
13 Section 8 outside of the city.

14 We'll start with Harriet Howitt, who's a  
15 certified property manager, and Vice President and  
16 Property Manager for Midland Management, and Ms.  
17 Howitt, I -- we would like to hear from you about the  
18 -- your view as a -- as a business person as to the  
19 workability of the Section 8 Program with respect to  
20 properties outside the city, and perhaps you can give  
21 us some suggestions on approaches that might be taken  
22 to attracting landlords outside of the city.

23 MS. HOWITT: Harriet Howitt. I'm Vice  
24 President, Midland Management.

25 I'm also a past president of the Western New

1 York Chapter 58, Institute of Real Estate Management,  
2 which is a group of -- of private owners.

3 Our company manages approximately 1,100 units  
4 of apartments. We are also developers of single-family  
5 and condominium units.

6 It's been very interesting for me to listen  
7 to some of the comments and perceptions of people in  
8 the non-profit sector. I think we have to first make  
9 that distinction. The private sector is profit-driven.

10 Why do I say something so obvious? Because I  
11 think it needs to be said. We have apartments to rent  
12 now as does almost every apartment owner in the area.  
13 Vacancies are running between five and 10 percent  
14 higher than they have been in any time that I can  
15 remember, and I've been in this business 30 years.

16 The rents of most of these units fall within  
17 the fair market rental guidelines. The only ones that  
18 don't are the very newest ones that have been built in  
19 the last four-five years, I would say. Most of our  
20 apartments were built in the late '60s and early '70s.  
21 The garden style apartments that were so popular then.  
22 You walk down five steps or walk up five steps, and  
23 they're well kept up, and, for the most part, were  
24 quite well built at that time.

25 I was interested in Dr. Nishi's comment that



1 don't you find more apartments available to everybody  
2 as vacancies increase? Absolutely. We always want the  
3 best tenants we can get. If I had my choice, I would  
4 take all ladies over 55. They stay forever, and they  
5 are absolutely wonderful, but we don't have those  
6 choices, and now particularly with all the senior  
7 housing being built, I'm losing some of my very best  
8 tenants as are other people.

9           So, we have these current vacancies. In the  
10 Saturday paper, you can see the ads. \$300 sign-up  
11 bonuses, one month's free rent. Our complexes are  
12 giving free cable and HBO as an attraction. The size  
13 of the ads always indicates availability. The bigger  
14 the ads, the more trouble you're in. We've all known  
15 that for a long time in this business, and the ads are  
16 getting bigger and bigger.

17           At one particular complex that I would like  
18 to talk about first, we have 284 units. We currently,  
19 as of yesterday,<sup>z</sup> had 29 people on some sort of  
20 assistance. 25 Department of Social Service and four  
21 Rochester Housing Authority.

22           I asked the manager what -- how do these  
23 break down, the Section 8 I was interested in. I said  
24 are they all white? I was afraid she was going to say  
25 they were. She said no. Two are black, two are white.

1 Fine.

2 I said do you think we're the only people in  
3 North Chili that have Section 8? She said goodness no.  
4 I spoke to two other landlords yesterday who said of  
5 course we take Section 8. They did go on to say, of  
6 course, we have to qualify them. Now, that can mean a  
7 lot of different things, as you know.

8 I think it was Michele that spoke about  
9 credit. That can be used, as you know, to disqualify  
10 people. We try to use credit in a more creative way.  
11 If someone is getting a rental subsidy, doesn't that  
12 mean that their position in life is going to improve a  
13 little bit, and that they're going to maybe make it?  
14 If someone has gone through bankruptcy, I find often  
15 there some of the best candidates because they don't  
16 want to ever have that happen to them again.

17 So, a good credit record is not what many  
18 people come with. You really have to read between the  
19 lines, and I think most landlords are willing to look  
20 at credit in a creative way.

21 Sometimes it's difficult to deal with  
22 subsidized programs. I have to tell you a little story  
23 that happened last summer at one property. It seems  
24 that before someone gets re-qualified for a rental  
25 increase, and we do have small increases every year,

1 there has to be a reinspection -- am I correct on that?  
2 I believe that's the way it goes. The managers are  
3 much more knowledgeable about this than I.

4 So, we had someone who was up for a \$15 rent  
5 increase. There had to be an inspection. They came.  
6 There was a piece of linoleum under the dishwasher that  
7 was curled up this way. Why? Because water had  
8 dripped from the dishwasher, and the tenant hadn't  
9 reported it in a timely fashion, and it was starting to  
10 curl the linoleum.

11 We had 10 days, we were told, to fix that.  
12 It was the height of the summer. That is not something  
13 that has to be done immediately. The person could live  
14 with that for a little while, we thought, and then  
15 again, there's a question of whose fault is it? Should  
16 not the tenant have reported that that water was  
17 leaking out of the dishwasher, so we could have gotten  
18 to the cause of the problem? And who pays for it?

19 We ended up, after much talking, that we got  
20 an extension on it because we said, look, we'll do it  
21 within 30 days. We can't do this within 10 days, but  
22 we were ready to be out of rent for that period of  
23 time, until that little piece of linoleum got tacked  
24 down. These are the things that drive private  
25 landlords crazy. You have to use good common sense. I

1 don't know if it means empowering your inspectors a  
2 little bit more, but there has to be some sensibility  
3 applied to these things.

4 The manager was very, very upset about this  
5 because she has to, in the height of the summer,  
6 perhaps turn over 30-40 units a month. She has to get  
7 those ready for move-ins. Something like that does not  
8 take first priority. It did get done. We did get the  
9 extension, but it shouldn't have had to be such a  
10 fight.

11 I couldn't help, too, while I was listening  
12 to everybody thinking that it's -- it's very sad that  
13 we -- we have to be dealing so much with effects in  
14 housing, and that we can't really get to the real  
15 causes which are lack -- certainly lack of good entry-  
16 level jobs in this community.

17 Eastman-Kodak has cut back 8,200 jobs in  
18 Rochester alone since '92. Over 82,000 worldwide.  
19 Now, that -- you know, if people have good jobs, we  
20 don't have to worry too much about this -- you used a  
21 word, Mr. Padilla, disbursability. They disburse  
22 themselves, if they have the jobs.

23 We -- I also have to tell you another little  
24 personal story. When my husband and I came to  
25 Rochester, he was doing graduate work at the U of R,

1 and he lived in what would be considered now a pretty  
2 bad neighborhood, Plymouth Avenue, not right near the  
3 top, near the university, down further. We were in a  
4 very mixed neighborhood, very, very mixed. We didn't  
5 think a thing about it in 1960. People on our street  
6 also seemed to go to work. Everyone came home at  
7 night. There were kids on the street, and it was a  
8 neighborhood.

9 At the corner, there was a luncheonette, a  
10 little grocery store I could push the stroller to. A  
11 bowling alley, and a dry goods store. Now what's at  
12 that corner? A drywall company with iron gates. We do  
13 business with that company. So, I get to see the  
14 street once in awhile, and it's very sad because I  
15 remember that street from 1960. It was just a nice  
16 neighborhood. Kind of low-income, but we were very  
17 low-income then, too, and it was fine.

18 We rented a two-bedroom of an upstairs of a  
19 house for \$50 a month, and the landlady let me use her  
20 laundry machine in the basement for the same price.  
21 When you think of how much rents have gone up in that  
22 period of time, the rents, I guess, have escalated  
23 faster than most things.

24 Many of our tenants in our complexes, even  
25 though they're not subsidized, use a great deal of

1 their income for rent. We used to try to qualify  
2 people at 25 percent of their income. You can't do  
3 that anymore. You've got to look at at least 33 or  
4 more, and they still run into trouble because many  
5 people live from paycheck to paycheck in a typical blue  
6 collar complex.

7           Although we have -- we have townhouses where  
8 people have much higher-level jobs, it's -- it's quite  
9 a mix. I would say that all of our -- all of our rents  
10 in all of our suburban complexes, except maybe one,  
11 would fall within the Section 8 guidelines. We're not  
12 on the list of RHA. I -- I never knew there was such a  
13 list. I just thought Section 8 people knew they could  
14 go anywhere and went to anywhere. But I think we can  
15 help with that, letting landlords know that they should  
16 be on the list.

17           I also have to make a comment about  
18 affordability of single-family houses. It's very  
19 interesting what's happening in the real estate market  
20 here in Rochester. Houses are down at least 15 percent  
21 or maybe 20 percent in every community. I looked at  
22 the median home prices last week in the area.  
23 Brighton, the median home price was 88,000. Chili 78.  
24 East Rochester, 67, and Irondequoit, 72,000, and here  
25 we are building affordable housing in the high 80s

1 where people could be buying the existing stock. It  
2 doesn't make a lot of sense, but then again, we're  
3 profit-driven. We look at bottom lines all the time.

4 I -- I just want to make a strong case for  
5 the fact that there is housing out there. There is  
6 transportation to most of it. I happen to know a  
7 private franchise owner here in town who has one of the  
8 big hamburger places, and he has jitney. He goes  
9 around the city and picks up his workers and takes them  
10 out to the suburbs. That kind of private initiative  
11 can be done by owners.

12 When people put their heads together, I think  
13 they can solve problems. We have housing. Let's try  
14 to get the people to it.

15 MR. HANLEY: Ms. Howitt, I'm going to ask the  
16 panel for questions, and then I'll recognize them, but  
17 I wanted to start with one question, which is that you  
18 mentioned that you did not list your own properties  
19 with the Rochester Housing Authority, and you described  
20 that your company has lots and lots of properties, and  
21 the number of apartments you said 1,100.

22 Are there other landlords that -- that you're  
23 aware of that you think operate under the same premises  
24 that --

25 MS. HOWITT: Absolutely, yes.

1 MR. HANLEY: How would you suggest that --  
2 that they might be reached, and that that information  
3 might be passed along to Section 8 subsidy holders?

4 MS. HOWITT: Well, I think that there should  
5 be some sort of getting together of -- of everyone  
6 involved and perhaps a presentation. I don't think  
7 there has been a presentation of Section 8 housing, for  
8 instance, to the Institute of Real Estate Management  
9 meetings in a long time.

10 Now, there are some owners in the Institute  
11 who have the type of Section 8 Program that exists with  
12 the project. I forget the number that you call that  
13 particular program, but you all know what I mean.  
14 Going to have to live with that particular project.

15 There's some owners that represent that kind  
16 of housing, too, and they may very well know about the  
17 affordable programs, but a lot of people really don't.

18 MR. HANLEY: Okay. Questions from the panel?  
19 Dr. Nishi?

20 DR. NISHI: I was interested in that in terms  
21 of -- of information available -- information that --  
22 that there is an outreach program to realtors who do  
23 have housing available.

24 Now, in terms of the conditioning -- the  
25 conditions that may qualify or disqualify persons for



1 being included, with regard to the matter of credit  
2 problems, do you feel that this is something that can  
3 be better negotiated with lending institutions in terms  
4 of --

5 MS. HOWITT: You're talking about buying  
6 private, single residences now?

7 DR. NISHI: Yes, as well as -- well, the  
8 matter of -- of credit records is the kind of thing  
9 that builds up over time, and given the background of  
10 people who live in the city, who have been perhaps --  
11 have not -- have been distanced from the job market,  
12 that their records are not the usual kind of landlords  
13 are interested in.

14 With this Section 8 subsidy, it seems to me  
15 that this should enhance their credit, is that not so?

16 MS. HOWITT: I agree, yes. Yes, it does. It  
17 -- it changes the picture, and I think every applicant,  
18 and this is what I tell my managers, has to be  
19 evaluated on an individual basis.

20 DR. NISHI: Yes.

21 MS. HOWITT: Stop looking so finally at every  
22 little picky number. Look at the person. See what  
23 they have to say. Do they seem like someone who's  
24 trying to do something with their life, and -- and  
25 although we're not in the social service business, --

1 DR. NISHI: I understand.

2 MS. HOWITT: -- I go that far in -- in  
3 evaluating people.

4 DR. NISHI: On the other hand, that I'm very  
5 much interested that you -- your assessment that --  
6 that they are eligible for Section 8 subsidy means that  
7 they're on their way up.

8 MS. HOWITT: Absolutely.

9 DR. NISHI: Yes, that this should be a very  
10 positive kind of -- this may counter perhaps the more  
11 traditional criteria of good credit.

12 MS. HOWITT: Absolutely, and I think for that  
13 reason, Section 8 is a far better program than the  
14 social service program.

15 DR. NISHI: So, what you're suggesting here  
16 is that if more landlords knew this and could be  
17 persuaded about the success of this -- a market that  
18 could be opening up, this is the kind of thing that  
19 might be proved to be of greater incentive.

20 MS. HOWITT: I -- I totally agree with that,  
21 and I think that it's the sort of program that we need  
22 to promote more in this country because I just,  
23 unfortunately, have a rather gloomy picture of -- of  
24 the next decade.

25 I see more and more people needing

1 assistance, and it seems to be the way to go, to help  
2 people who are trying to help themselves.

3 DR. NISHI: All right. That's a very good  
4 line. Now in terms of -- thank you.

5 MR. HANLEY: Ms. Taracido?

6 CHAIRPERSON TARACIDO: I was interested in  
7 knowing where the 1,100 units are located that you  
8 have, that you manage. In what towns?

9 MS. HOWITT: In what towns?

10 CHAIRPERSON TARACIDO: Yeah.

11 MS. HOWITT: Okay. They're in Chili,  
12 Rockport, Canandaigua, Gates.

13 CHAIRPERSON TARACIDO: And how about -- you  
14 also seem to think that the kind of marketing that  
15 should have been done to you in terms of getting the  
16 word out about Section 8 and being listed could  
17 possibly be done with other developers -- managers of  
18 buildings. Are we talking about the same areas as  
19 well?

20 MS. HOWITT: Sure.

21 CHAIRPERSON TARACIDO: So, in the outlying --  
22 outside the inner city, --

23 MS. HOWITT: Hm-hmm.

24 CHAIRPERSON TARACIDO: -- basically?

25 MS. HOWITT: I -- I think that's where it

1 needs to be done. I think the city owners are much  
2 more aware of the program because they participate in  
3 it.

4 CHAIRPERSON TARACIDO: Thank you.

5 MR. HANLEY: We also have a question from  
6 Fernando Serpa, Committee staff.

7 MR. SERPA: I just have a question. To your  
8 recollection, does any of your landlords in the past  
9 ever been party to any discrimination suits or anything  
10 that's been brought against them?

11 MS. HOWITT: I remember one that was totally  
12 unfounded, yes. Would you like to hear another story?  
13 At one complex, two women applied, minority, black  
14 women, and said that -- and they just had terrible  
15 personal records, just people that we -- we felt we  
16 didn't want, their history was terrible.

17 An action was brought against that property,  
18 and in the property, it was stated that we had  
19 absolutely no minorities. Well, on the very floor that  
20 the unit was that they were shown, there were two  
21 families on the floor of 12 apartments, and others in  
22 the building. So, it was just baseless.

23 But, you know, it's very difficult when you  
24 have something slapped on you that way, and landlords  
25 hate that because you're guilty until proven innocent.

1           MR. HANLEY: On a similar issue, I was  
2 wondering if -- if -- if your managers ever report that  
3 there is pressure on them from other tenants in  
4 complexes that may have few minority tenants to not  
5 bring minority tenants in or, you know, sort of not --  
6 not to tell you to exclude them, but to make clear that  
7 folks like it the way it is. Do you see any of that?  
8 Do you expect you would hear about it if that was the  
9 case?

10           MS. HOWITT: I probably would hear something  
11 about it, and I can think of one particular complex  
12 where, yes, I have one or two people that have  
13 expressed some kind of concern. It happens.

14           MR. HANLEY: Do -- do you think managers --  
15 well, let me put it another way. At what level do you  
16 think managers accommodate those types of -- of  
17 pressures, legal or illegal pressures, but I mean it  
18 puts the management company sometimes in a difficult  
19 situation?

20           MS. HOWITT: It does. Managers are in a  
21 tough place because they're -- they're trying to please  
22 everybody, as you know. I know in one particular  
23 instance, a family was put -- and this really is the  
24 only -- the only instance I know about, had to be put  
25 at a different part of the complex because of somebody

1 who was quite blatant and outspoken, that we knew just  
2 wouldn't go side-by-side. So, a different unit, but  
3 that wasn't a problem because we had two availables.  
4 But the first one they were shown, she said I don't  
5 think I better put them next to Mr. and Mrs. So and So.

6 But these are things -- you know, you can't  
7 change people. So, you don't turn -- you try to make  
8 the best out of the situation and before it becomes a  
9 bad problem, but, yes, that's something that happens.

10 MR. HANLEY: Ms. Taracido, and then Juan  
11 Padilla.

12 CHAIRPERSON TARACIDO: I want to go back to  
13 the transportation question. You -- your the first  
14 person we've heard from who says transportation is not  
15 a problem. Everybody else we've spoken to -- well,  
16 maybe I'm overstating it.

17 MS. HOWITT: Well, maybe I'm overstating it,  
18 too. There are bus lines. There's park and ride in  
19 all these communities. Of course, it's much better to  
20 have a car. We're a society of car drivers, but you  
21 can get to, say, downtown if you're working downtown  
22 without any stops from these communities. There are  
23 buses that go straight.

24 CHAIRPERSON TARACIDO: Thank you.

25 MR. HANLEY: Okay. We will have one last

1 question of Ms. Howitt from Juan Padilla, and then  
2 we'll have Ann Peterson make her statement. I noticed  
3 Ken Moore has joined us, and we'd like to hear from Ken  
4 this morning before we break. So, we'll move along.

5 MR. PADILLA: I just want to know what is the  
6 impact of the utility costs in regards to the rents,  
7 the rent levels.

8 MS. HOWITT: In some instances, utilities are  
9 included in the rents. Where they're not, at most of  
10 our properties, we still qualify. Again, I don't know  
11 the formulas. My managers know that much better than  
12 I, but there's a certain allowance that's for utilities  
13 as well as for rent, I believe, or maybe --

14 MR. PADILLA: So, --

15 MS. HOWITT: -- they're getting it from two  
16 sources.

17 MR. PADILLA: -- I would like to explore this  
18 issue because the idea of the regulation of utilities  
19 in New York State, and I wondering what would be the  
20 impact in regards to the rents that people pay, you  
21 know, for the apartments.

22 MS. HOWITT: You mean with the possibility of  
23 --

24 MR. PADILLA: We have to -- nobody is sure,  
25 but it's a big event in the state. We had a hearing

1 here not too long ago discussing that, and Progressive  
2 Electric spoke to the issue to make sure that the costs  
3 of utilities decreases rather than increases, and I see  
4 this -- the way I see it, I see it from the perspective  
5 of affordable housing. Just want to know if you have  
6 any ideas about that.

7 MS. HOWITT: As to which way they're going to  
8 go or --

9 MR. PADILLA: No. Or what would be the  
10 impact, like we talking about impediments. What you  
11 consider high cost of energy as an impediment for  
12 affordable housing, like we consider transportation, we  
13 consider, you know, jobs.

14 MS. HOWITT: Well, certainly there's no  
15 question that utility costs are one of the biggest  
16 costs in running complexes, and I know we constantly  
17 are doing things like caulking around windows and  
18 making sure no air gets in for, you know, holding costs  
19 down for tenants and for ourselves. It is a big  
20 expense.

21 I would hope that utility costs won't  
22 increase much.

23 MR. HANLEY: Perhaps we can go on, and, Ann,  
24 I know you've done a lot of research on the rents and  
25 things in the different areas, and perhaps you can



1 respond to that question on whether or not there's a  
2 difference between the suburban properties tend to  
3 include utilities versus city, and maybe there's a  
4 distinction there that -- that would be important for  
5 us to keep an eye on.

6 Let's go ahead with your presentation, and I  
7 really wish we had a third chair, but I know there's  
8 not another chair in here. I'd like to have Ken join  
9 us, but we'll -- we will -- Ken will be addressing some  
10 of the problems that landlords have in dealing with  
11 Section 8 administrators, and we'll hear from you next.

12 Ann?

13 MS. PETERSON: I'm -- are these on? Can you  
14 hear me?

15 MR. HANLEY: It's not a public address  
16 system. These are for recording purposes.

17 MS. PETERSON: Oh, okay. I -- I have given  
18 you a written statement. I'm going to skip a little of  
19 it because it's kind of long, but I wanted to make  
20 certain points to you.

21 The Housing Council for the Monroe County  
22 Area is a 25-year-old non-profit organization. We  
23 offer a variety of programs whose common goal is the  
24 maintenance and expansion and availability of decent,  
25 safe, affordable housing in Rochester and Monroe

1 County, New York.

2 One of our most important services is  
3 providing the registry of available rental properties  
4 to public assistance recipients and other low-income  
5 residents.

6 In 1996, we mailed 23,800 registries on  
7 request, 11,400 of those free of charge, to Monroe  
8 County DSS clients, and 6,800 for a minimal fee of \$32  
9 a year to 66 service providers across the county.

10 Nearly all of our listings are properties  
11 within the city limits. Very few landlords indicate  
12 that they will accept Section 8.

13 In 1990, the Census reported 56,600 renter-  
14 occupied properties in Rochester, of which  
15 approximately 4,200 or seven and a half percent are  
16 vacant at any one time. Since there are probably fewer  
17 rental units available today than there were in 1990,  
18 our consistent total of 1,300 listings represents about  
19 30 percent of the available rental properties in the  
20 city. That is an astounding market share, I think.

21 Judging by the addresses of our units, if you  
22 were to plot them on a map, we would probably find that  
23 close to 50 percent of Rochester's inner city rental  
24 units are listed with the Housing Council.

25 If such a map were overlaid on a map

1 identifying the present locations of Section 8  
2 certificates within the city, the two would overlap  
3 very closely, I think. We need to look at the  
4 concentration of Section 8 certificates within the  
5 larger matrix of other residents who receive public  
6 assistance of various kinds, including housing  
7 assistance. These neighborhoods are even more impacted  
8 than the concentration of Section 8 certificates  
9 suggests.

10 The poverty dilemma for Rochester goes far  
11 beyond what changes in Section 8 distribution alone can  
12 address. This is not to say we need not worry about  
13 Section 8 distribution; rather, it is a plea and a  
14 warning that we must not confine our solutions to those  
15 we can influence with Section 8 mobility counseling.

16 Exhibit A, which you have in front of you, is  
17 an analysis of the Housing Council listings by cost and  
18 unit size. I want to compare our listings to similar  
19 information about 1996 fair market rents and existing  
20 median renter incomes to give you a sense of the  
21 shelter burden of our public assistance consumers.  
22 Indeed, of all of our low-income consumers.

23 The median rent for a one-bedroom unit listed  
24 with the Housing Council is \$350. This is over 25  
25 percent less than the fair market rent for the

1 Rochester metropolitan area. The income a tenant would  
2 need to support a \$350 rent payment is \$5,320 a year  
3 less than the income needed to support a unit at the  
4 fair market rent.

5 Put another way, a tenant earning sufficient  
6 income to rent a one-bedroom unit from our listings  
7 without undue burden would need an immediate 38 percent  
8 raise to afford to rent a unit offered at the fair  
9 market rent.

10 A tenant in a two-bedroom unit would need an  
11 immediate 30 percent raise. I think this only happens  
12 to the New York Yankees. Of course, our clientele, 48  
13 percent of whom are receiving public assistance,  
14 routinely pay substantially more than 30 percent of  
15 their already-very limited incomes for shelter, often  
16 over 50 percent. For these households, the housing  
17 crisis is a personal, daily, unrelenting and  
18 insurmountable reality.

19 As important as the number -- total number of  
20 available units is, the percentage of those units that  
21 are available at a given monthly cost, a tenant would  
22 need an income of \$13,000 a year to pay only 30 percent  
23 of that income on studio rent from one of our listings.

24 Although this may be doable for a good number  
25 of tenants, note that only four percent of our listings

1 are studios. Studios often serve single people with  
2 disabilities and mental illness, that segment of the  
3 population most at risk of becoming homeless, as well  
4 as single people simply on very limited incomes. Now,  
5 the number of available units is not nearly adequate.

6 The other category that is troublesome is  
7 four-bedroom units. These are the units that provide  
8 shelter for households of five persons or more. There  
9 is a high demand for four-bedroom units, but these  
10 units represent only eight percent of our total  
11 listings.

12 The median rent jumps evenly between a two-  
13 and a three-bedroom unit at \$75 a month, and between a  
14 three- and a four-bedroom another 75, but the median  
15 rent does not tell the whole story. Note the mode, the  
16 rent at which the preponderance of units are available.  
17 The price increase for a fourth bedroom is a \$150 a  
18 month, 50 percent greater than the rent differential  
19 between a one and two bedroom, which is only a hundred  
20 dollars, and three times the \$50 per month rent  
21 increase between a two and a three.

22 Units appropriate for large families' are in  
23 short supply, and those families already attempting to  
24 make scarce dollars go farther than most must pay a  
25 hefty premium for the fourth bedroom, both in dollars

1 and, more importantly, as a percentage of their income.

2 A recent cursory inspection of our studio  
3 listings by Steve Coswell, our new associate director,  
4 revealed that some of those units, if they pass local  
5 codes at all, probably barely achieve a passing grade.  
6 If they are at all representative of low-priced rentals  
7 generally, the quality of affordable housing will  
8 continue to be as much of a challenge as the quantity  
9 for a very long time.

10 One might reasonably ask why the Housing  
11 Council leaves such properties on its rental registry.  
12 Two issues arise. One is the obvious issue of agency  
13 liability. If we speak to the condition of individual  
14 properties, we may be construed as somehow warranting  
15 their habitability or withholding such a warranty.

16 The Housing Council has neither the  
17 credentials nor the authority of code enforcement  
18 inspectors. Even if we had such discretion, the other  
19 issue would be cost. The Department of Social  
20 Services, DSS, has staff who routinely go through our  
21 listings and certify those units DSS will fund.

22 Properties with extreme violations are not  
23 eligible. We have neither the staff nor the funding to  
24 perform this task on an ever-changing list of 1,300  
25 units.

1           The solution we are exploring is to further  
2 enhance the registry by creating a column in which we  
3 report a property's eligibility for rent payment by  
4 DSS. The solution has its own costs and logistics  
5 issues, and we are working through that at this time.

6           There is also a more philosophical debate,  
7 but it's implications are quite immediate and real.  
8 Most low-cost rental units across America are located  
9 in distressed neighborhoods or are in varying stages of  
10 disrepair and deterioration.

11           Riding herd on them is one job of municipal  
12 governments everywhere who are already toiling away at  
13 the daunting task of managing cities in decline in the  
14 face of shrinking dollars and community ambivalence.

15           Is it better to rush in and "save" the poor  
16 by closing down deteriorating structures, forcing  
17 landlords to improve properties dramatically or abandon  
18 them, or is it better to look the other way sometimes  
19 when a problem is not life-threatening in order to  
20 retain what housing stock exists?

21           Steve Coswell and I have worried about this  
22 dilemma for a long time because it is in fact a very  
23 serious problem. Jason DePaul, who authored the recent  
24 and fine article, "The Year that Housing Died" in the  
25 New York Times Magazine in October, addressed this

1 issue.

2 He reported on the legal services attorney  
3 who had given 23 years to forcing landlords to  
4 recognize tenants' rights and to improve kitchens and  
5 baths, supply new appliances, etc. The attorney  
6 reported that while the housing stock in Charlotte,  
7 North Carolina, is greatly improved, families now  
8 routinely double-up to pay the rent, and homelessness  
9 is on a steep and rapid rise.

10 He was not talking about unscrupulous  
11 landlords here. Housing is a big ticket item, and the  
12 most responsible landlord after all is said and done  
13 must break even or exit the market.

14 Asking himself if tenants were better off  
15 with strengthened consumer rights and high-quality  
16 stock but insufficient income to rent their own place,  
17 let alone heat it, this highly-principled attorney's  
18 thoughtful response was I don't know.

19 While most of us in this room today turn to  
20 an array of units available in the local paper to  
21 choose an apartment, low- and very low-income residents  
22 have no such good luck. The rental registry is the  
23 only free local source of increased housing choice in  
24 the admittedly already narrow universe of the inner  
25 city.



1           It's mailed on a phone call request. It's  
2 updated twice a week. It's free, and clients may order  
3 it as frequently as they like. We will shortly be  
4 adding a page of consumer protection information and  
5 tips on how to get the most for your rental dollar.

6           If Rochester is not unique in offering this  
7 service, it is most certainly one of the few  
8 communities across the country that do so.

9           The Housing Council also provides under the  
10 same terms a listing of all subsidized and public  
11 housing complexes throughout the Monroe County area,  
12 including location, income requirements, age  
13 restrictions, contact persons, number of units, and so  
14 forth.

15           Housing choice is directly affected by supply  
16 and demand. Increasing the known supply of available  
17 units makes it more likely that the worst units will go  
18 unrented. Encouraging landlords to improve their  
19 properties if they want to rent them.

20           Increase choice can also contribute to price  
21 stability because knowledgeable tenants have more  
22 alternatives. Since I arrived at the Housing Council,  
23 we have completely redesigned our rental registry  
24 program with four goals.

25           First, to make the document more user

1 friendly. Second, to provide the user more accurate  
2 information generally and more information about the  
3 location and characteristics of properties. Third, to  
4 give us the capacity to identify rental patterns and  
5 landlord activity, and, fourth, to give us the capacity  
6 to enhance the registry as a critical support for the  
7 upcoming mobility counseling program with RHA, known  
8 locally as the regional housing choice initiative.

9           Recently, we have found that landlords  
10 listing units with us are as likely to lower their rent  
11 from previous listings as to raise the rent for the  
12 same unit, while in other years, rents have remained  
13 the same or slowly increased.

14           There may be some indicators here, and they  
15 can be explored elsewhere. One positive reason may be  
16 that increased supply can over time contribute to lower  
17 rents.

18           As we will discuss in another panel, the  
19 concept of mobility counseling has as its basic premise  
20 that supply is really limited to the supply one knows  
21 about, and real housing choice depends on greatly  
22 increasing the knowledge of what the choices are as  
23 well as how to overcome barriers and prepare to  
24 exercise those choices effectively.

25           Thank you.

1 MR. HANLEY: Thank you very much.

2 I will ask for questions from the Committee.  
3 First, Ms. Taracido.

4 CHAIRPERSON TARACIDO: That list that you  
5 have compiled you compile on a regular basis, is that  
6 shared with the housing authority? Is there any  
7 connection between you and the housing authority with  
8 respect to that?

9 MS. PETERSON: No, there's no connection.  
10 I -- I think -- I think we -- I think you're on a list.  
11 Right. The housing -- that's correct. The housing  
12 authority pretty consistently refers people to us as a  
13 matter of fact, and we give -- and they either call --  
14 people call us and we mail the list or -- we have an  
15 amazing number of walk-ins as well who just appear on  
16 the scene, but we don't have necessarily -- we have not  
17 tied our list into the housing authority.

18 CHAIRPERSON TARACIDO: Because I under --  
19 well, I guess we'll hear from the housing authority  
20 later, but I gather they had their own list. Is that --  
21 -- am I correct?

22 MS. PETERSON: They do, but their list in  
23 many ways is -- is more expensive than our list. The  
24 units cost more. Ours serve a group that -- that is  
25 very low income, as you can probably tell by -- by some

1 of the numbers I've been quoting you, and also their  
2 list is perhaps -- I haven't seen their list as a  
3 matter of fact, but I will, and I'm sure that it is in  
4 many ways more limited than our own because of the --  
5 the smaller number of landlords who will accept Section  
6 8.

7 CHAIRPERSON TARACIDO: But I thought you said  
8 in your presentation that you do have a list that deals  
9 with subsidized housing.

10 MS. PETERSON: Yes, that's a list of  
11 complexes, and it's all -- these are all subsidized and  
12 public housing, and RHA's units are on that list.

13 CHAIRPERSON TARACIDO: And that list includes  
14 inner city as well as outer borough or --

15 MS. PETERSON: Yes, those --

16 CHAIRPERSON TARACIDO: -- outer county --

17 MS. PETERSON: Yes, what I'm -- I think what  
18 we're talking about -- the ones I'm referring to that I  
19 believe Tom is going to be able to have on his list,  
20 and I won't, will be those landlords of multifamily  
21 units or small two- or three-family properties who will  
22 accept a Section 8 tenant. That's what I think he has,  
23 which is a narrower group of people.

24 CHAIRPERSON TARACIDO: And yours is?

25 MS. PETERSON: Ours are people who will

1 accept Section 8, of which not many, as a matter of  
2 fact, are on that list, but many of whom will accept  
3 DSS, Department of Social Services, public assistance.

4 MR. HANLEY: Dr. Nishi?

5 DR. NISHI: I was interested in the  
6 coordination of the testimony -- the potential for  
7 coordination of the testimony of the present panelists.

8 Your list does not identify whether they are  
9 all -- except Section 8 subsidy.

10 MS. PETERSON: Yes, it does.

11 DR. NISHI: It does.

12 MS. PETERSON: Whenever --

13 DR. NISHI: It does indicate that.

14 MS. PETERSON: Yes, and one of the -- yes,  
15 and as a matter of fact, some landlords offer that  
16 information, but we now --

17 DR. NISHI: Yes.

18 MS. PETERSON: -- as we've redone this are  
19 asking landlords --

20 DR. NISHI: Yes.

21 MS. PETERSON: -- this question directly.

22 DR. NISHI: What -- as to how people get on  
23 that list, that is, how landlords get their rental  
24 properties on that list. How do they get on?

25 MS. PETERSON: Well, they get on the list

1 essentially by calling up and putting themselves on the  
2 list.

3 DR. NISHI: I see.

4 MS. PETERSON: The rental registry has been  
5 here in Rochester for a number of years.

6 DR. NISHI: Yes.

7 MS. PETERSON: I have been in Rochester less  
8 than one year myself. So, I can't tell you how far  
9 back it goes, but I believe it goes back at least 10  
10 years, maybe closer to 20.

11 DR. NISHI: As a proportion of rental  
12 properties --

13 MS. PETERSON: Yes.

14 DR. NISHI: -- that are on that list, and  
15 given the availability of properties that was referred  
16 to earlier, that how do you think there might be --  
17 that is, the -- the availability of properties for --  
18 for rent, how can they be listed on to your list?

19 MS. PETERSON: Well, they --

20 DR. NISHI: Yes.

21 MS. PETERSON: Oh, I'm sorry. Were you --

22 DR. NISHI: Yes.

23 MS. PETERSON: The -- one of the things  
24 that -- that I mentioned was that we have rewritten our  
25 program, which is a very complex program, a computer

1 program, to accommodate the rental registry and the  
2 fact that we are using that rental registry as a basis  
3 from which we will enhance our list, and I'm sure we'll  
4 be working with the housing authority to do that, and I  
5 hope Harriet and I are going to get to be new best  
6 friends so that we can do that, too, and enhance that  
7 list in order to -- to provide some real choice.

8 DR. NISHI: Now, do they pay for the services  
9 to be listed?

10 MS. PETERSON: The landlords do pay, yes.

11 DR. NISHI: They do pay?

12 MS. PETERSON: Yes, they do.

13 DR. NISHI: I see.

14 MS. PETERSON: They pay very small amounts --

15 DR. NISHI: Hm-hmm.

16 MS. PETERSON: -- as a matter of fact.

17 DR. NISHI: But they obviously think it's  
18 cost effective.

19 MS. PETERSON: Oh, it's very cost effective  
20 for them.

21 DR. NISHI: Yes. May I ask Ms. Howitt now?  
22 Why do you -- your landlords, that is, yours whom you  
23 know about, why would they not participate more on this  
24 list? I'm thinking in terms of the profit motive here.

25 MR. HANLEY: Let me note that --

1 DR. NISHI: Why do they not participate?

2 MR. HANLEY: Let me note that Ms. Howitt is  
3 responding to the question from Dr. Nishi.

4 DR. NISHI: Yes.

5 MS. HOWITT: Probably not knowing about the  
6 list. Again, with Housing Council, I -- I would assume  
7 that most of the people were looking for apartments in  
8 the city, but --

9 DR. NISHI: But it says the county.

10 MS. HOWITT: But it's anywhere. So, I've  
11 heard that, too.

12 MS. PETERSON: Really, I have to say that I  
13 don't believe the Housing Council has -- has marketed  
14 the list in the same way. I don't believe that it's a  
15 failure on the part of Ms. Howitt and her organization.  
16 I have to say that I think that -- that the goals of  
17 the rental registry have evolved over time and  
18 certainly are going to do that again as we sit here, so  
19 that -- so that I believe that it is our -- our  
20 initiative to get out and market this -- these --

21 DR. NISHI: So, there is some --

22 MS. PETERSON: -- lists to suburban  
23 landlords, yes.

24 DR. NISHI: Yes. So, there is some potential  
25 for that.



1 MS. PETERSON: Absolutely, yes. It's not  
2 that we have tried this and failed. It's not something  
3 the Housing Council addressed until more recently.

4 MR. HANLEY: We need to move along. If there  
5 any more questions for the panel, I -- I think -- Ms.  
6 Lopez?

7 MS. LOPEZ: Just one question. Can you tell  
8 me the composition of your staff?

9 MS. PETERSON: Wait a minute now. I've got  
10 to think. I have to write this down.

11 MR. HANLEY: Perhaps we can have that in the  
12 afternoon.

13 MS. PETERSON: I think it's maybe 20 percent  
14 black, 25 percent Hispanic.

15 MS. LOPEZ: You can provide us the --

16 MS. PETERSON: I can give you something more  
17 specific, if you would like it.

18 MS. LOPEZ: You can provide us the numbers,  
19 staff numbers as well as the composition.

20 MR. HANLEY: Yeah. Before we close on this,  
21 I'd like to just mention one concern I've heard  
22 expressed about the Housing Council's registry, is that  
23 clients that legal services sees, and I think I heard  
24 this from one of the neighborhood groups, they've had  
25 people who ask for the landlord list get the registry,

1 which, as you pointed out, doesn't list suburban  
2 properties, and someone referred back to say, well,  
3 to -- to -- to -- was told to -- to -- to go back to  
4 the Housing Council and ask for the suburban list to  
5 get the subsidized housing list, and these are two  
6 separate lists.

7 MS. PETERSON: We have -- the two lists are  
8 the rental -- our lists come out, by the way, by  
9 bedroom size, and we also indicate school districts,  
10 and sometimes people want school districts and thereby  
11 the elementary school district. So, it isn't --

12 MR. HANLEY: So, the concern was that  
13 somebody looking for housing, unless they asked for  
14 properties outside the city, was not given the  
15 subsidized list, is that --

16 MS. PETERSON: No, that -- no, unless they  
17 asked for a subsidized list, they didn't get a  
18 subsidized list. Some of our lists are -- have -- we  
19 do have some suburban properties. It isn't a hundred  
20 percent. It is -- but it isn't a matter of you have to  
21 ask for a suburban list --

22 MR. HANLEY: Is there a reason that somebody  
23 would just be given the registry instead of both lists?

24 MS. PETERSON: I don't know of a reason why  
25 that would be the case, except that -- that the

1 subsidized list may possibly be a more limited -- a  
2 more limited group of people possibly might want --  
3 want it. There's no reason not to give them both  
4 lists, certainly.

5 MR. HANLEY: And you wouldn't be adverse to  
6 --

7 MS. PETERSON: Oh, no.

8 MR. HANLEY: -- sending that communication --

9 MS. PETERSON: No. I have -- no, no. I  
10 think that's a perfectly reasonable suggestion.

11 MR. HANLEY: We have a question from Michele  
12 Olyer regarding that -- regarding something.

13 MS. OLYER: Yes. Hi. Last year, our office  
14 staff got that list, and I did notice that there were  
15 some changes --

16 MS. PETERSON: Excuse me, Michele. Could you  
17 come up to the microphone or we won't get it on the  
18 tape?

19 MS. OLYER: I did notice that the rental  
20 registry had some changes, and that -- for the design  
21 and the little comments that had been added. My --  
22 what I've noticed, I went down that list, I forgot to  
23 bring my copy, but I noticed that there were none that  
24 listed accessible or information on disability-related  
25 topics.

1           Is that something that is not asked or is it  
2 something that's asked and all of those -- all of the  
3 landlords responded no, we don't have that?

4           MS. PETERSON: It's something that I believe  
5 has not been asked until fairly recently, in the last  
6 -- let's see. When did I really tear that list up?  
7 Six months ago. I -- it -- I think I said I have been  
8 here eight months.

9           So, one of the things that -- that  
10 immediately we began to do was to ask that question.  
11 Now, Number 1, it's a small group of apartments that  
12 you might expect to have a landlord answer the question  
13 yes, but the question is asked, and if there is  
14 something to note, we do that.

15           MR. HANLEY: Thank you.

16           One question from Mr. Padilla.

17           MR. PADILLA: I want to go back to my issue  
18 of utilities. When I attended a hearing on the  
19 regulation of utilities, some of the speakers advanced  
20 the idea or the opinion that it's not convenient for  
21 local government to push for lower utility costs for  
22 residential consumers because they get taxes from that,  
23 and in your listing here, you mention the prices of the  
24 -- the apartments without utilities, and I wonder how  
25 much would be the cost of the utilities for those

1 apartments.

2 MS. PETERSON: I couldn't give you a  
3 percentage, but I could tell you that many times, these  
4 are properties that have been built with the single  
5 source of heat, and that they are in fact rented with  
6 utilities included.

7 What I have listed here, I know, are units  
8 that -- this particular group of 1,390 was what it was  
9 the day we pulled this, that these we know are  
10 confirmed are all without heat, and I was trying to  
11 normalize my list, so that I could do the fair market  
12 rent comparison. I didn't want to toss in some of  
13 these that had utilities with a fair market rent total  
14 that did not -- so, I was trying to normalize my data,  
15 if you will, here.

16 But to speak to your issue, I think it's hard  
17 for me to imagine that a city would really fail to --  
18 to advocate on behalf of keeping utility costs for its  
19 residents under control and as a trade-off to get a --  
20 to -- to increase their tax revenue because in the long  
21 run, you're going to lose your tax base, you know.  
22 Forget revenue from an activity. You're not going to  
23 have anybody there to do it, and I really -- it's hard  
24 for me to imagine that -- that somebody would look at  
25 something in such a short-sighted way, if you will.

1           You know, I -- you raised another point,  
2           though, that I wanted to make just -- just make a quick  
3           comment on, and that was about when the utilities are  
4           included in the rent or not, who's taking care to make  
5           these properties weatherized, for instance, and in good  
6           condition, so that it minimizes the utility costs?

7           When it's a landlord, and the landlord --  
8           maybe in the complex is where landlords are -- are a  
9           lot more sophisticated about these things frequently.  
10          The landlord puts some money into that, into  
11          weatherizing, and the -- I think an interesting thing  
12          would be to look at these apartments and see what  
13          happens when the tenant is responsible for the  
14          utilities.

15          Does anybody offer the tenant help in terms  
16          of -- of making that property better insulated? You  
17          know, all those things that you can do, like cover your  
18          hot water heater and cover your pipes. Those things,  
19          landlords can do, and I believe that it would be -- it  
20          would be interesting to know, and it might be very  
21          telling to know when the costs is on the tenant if  
22          landlords are encouraged to -- to help their tenants to  
23          do those very same things.

24                 MR. HANLEY: Okay. Well, thank you very  
25                 much, Ms. Howitt, Ms. Peterson.

1           While you take your seats again, I'm going to  
2 ask Ken Moore to come up, and I will point out that,  
3 you know, we have an apparent -- we're running late.  
4 It's not as bad as it might seem because we need to  
5 speak with Ken this morning. He's not available this  
6 afternoon, but we're taking into part of the afternoon  
7 agenda. So, we won't have as much ground to cover this  
8 afternoon. So, I think we'll be able to catch up after  
9 lunch.

10           Ken Moore is the Village Administrator for  
11 the Village of Fairport, and formerly administered the  
12 Section 8 Program for the Village of Fairport. He has  
13 quite a bit of information regarding the things that  
14 attract and dissuade landlords from participating in  
15 the Section 8 Program, and he perhaps can inform us on  
16 that.

17           Mr. Moore?

18           MR. MOORE: Thank you very much.

19           My understanding was that I was to address a  
20 number of issues, including the quality and quantity of  
21 affordable housing units in the suburban areas as well  
22 as the attributes of the Section 8 Program that -- that  
23 encourage and discourage landlords from participating.

24           One of the messages that I would like to  
25 communicate is that the suburban landlords, such as Ms.

1 Howitt, whom I've never met, whom I'm happy to see  
2 here, is a good example, and a lot of the suburban  
3 landlords simply don't know about the program, the  
4 Section 8 Program. They have a little more private  
5 market orientation than perhaps, you know, on the  
6 average city landlords do.

7 They pay a little bit closer attention to  
8 their property. They expect a little higher quality of  
9 property maintenance, and they have a little bit more  
10 suspicion of government programs. It's very necessary  
11 to attract the larger suburban landlords, but I think  
12 that just as necessarily agencies need and programs  
13 need to consider that the small landlords are -- can be  
14 a big part of the Section 8 Program.

15 It's taken a long time to train landlords in  
16 the 12, I think, square miles that is the City of  
17 Rochester, if you look at the number of landlords in  
18 those 12 miles, the number of agencies, the proximity  
19 of social service agencies, neighborhood organizations,  
20 block -- or rehab agencies of all kinds.

21 The Section 8 Program and administrators have  
22 been very successful in encouraging landlords to  
23 participate. However, the -- there's 30 other towns  
24 and a number of other villages of much -- over a much  
25 more sparsely-populated area, and it will take a lot of



1 attention to detail and a lot of ground work to train  
2 the landlords about the program, how the Section 8  
3 Program can benefit them.

4 I think that can be done, and I think it can  
5 be done, but it -- it won't be easy, and to get out  
6 into those communities and have the program  
7 administrators gaining the confidence of the people  
8 like building inspectors in the towns as well as the  
9 individual landlords who have no history or less  
10 history of dealing with the -- with the Section 8  
11 Program.

12 As Mike mentioned, I did run a suburban  
13 Section 8 Program for three years, a 300-unit program.  
14 My experience was that landlords expected to be dealt  
15 with professionally and the paper work to be there on  
16 time, that if it wasn't, rent changes and property  
17 inspections and deficiency reports, that they became  
18 disenchanted with the program, and -- and given the  
19 fact that the vacancy rates in the suburbs are  
20 relatively low and have been for a number of years,  
21 they -- they really have other options.

22 My opinion is you need to make it as near a  
23 free-market program and as little burdensome as  
24 possible, and -- and I think I heard a comment from one  
25 of the speakers here that you need to take the general

1 intent of the program in mind and not get wrapped up in  
2 the loose gutter or the -- some of the other not  
3 particularly safety-oriented deficiencies in the  
4 property when they're inspected for occupancy.

5 I think it would be a good idea to get  
6 program administrators out into the communities and  
7 talking with village boards, town boards, building  
8 inspectors, to see what particular concerns the  
9 communities have that -- that maybe even the program  
10 could help make it -- through the operation of the  
11 program, the communities could get information and  
12 advance their own housing policies.

13 I know that -- that -- again, the Fairport  
14 Section 8 Program, we dealt with probably 10 different  
15 municipalities, and a number of them -- in which a  
16 number of them, the elected and appointed officials,  
17 had an interest in -- in what we were doing, and how  
18 were we doing it, and -- and asked us to do certain  
19 things like notify them of property deficiencies so  
20 that they could act on them as well.

21 And I'd be happy to answer any questions that  
22 you might have.

23 MR. HANLEY: Questions from the committee?

24 (No response)

25 MR. HANLEY: I'll ask one then. I'm curious.

1 We've heard a lot about the problems or potential  
2 problems of the fair market rents in the Section 8  
3 Program making it difficult for people to use their  
4 city subsidies outside the city.

5 Is -- is the suburban Fairport program  
6 governed by the same fair market rents?

7 MR. MOORE: Yes, and it takes finesse to  
8 operate the program with the existing level with the  
9 fair market rents.

10 MR. HANLEY: How do you translate finesse?  
11 What do -- what kind of magic do you have to use?

12 MR. MOORE: Well, you have to use the -- the  
13 exception rents to the greatest degree possible. You  
14 have to persuade landlords rather than -- I mean you  
15 have to sell the program. You can't get this rent  
16 increase as much as you want. However, you know, there  
17 is a good side to the program. You get some protection  
18 of -- against damage claims and that kind of thing.

19 I might add that when I started working for  
20 Monroe County in 1983, in the area of low-income  
21 housing, there were already complaints that the fair  
22 market rents prevented the operation of the Section 8  
23 Program in the suburbs, and the Housing Council did a  
24 study about that. It's been sort of a continuing theme  
25 for the past 15 or more years, that it can't be done.

1           One of the -- and -- and I would dispute  
2           that. I think that there are many places where -- I  
3           mean the Fairport program is evidence that it can be  
4           run, the Section 8 Program can be run with the existing  
5           level of rents, although it would be easier to run and  
6           more productive if the rents were higher, but there's  
7           lots of areas in the county where the rents are lower  
8           than average. The further out from the urban center,  
9           the City of Rochester, you get the lower rents,  
10          typically though.

11                 So, there's a trade-off. It's a lot harder  
12          to administer the program out in, you know, 15-18 miles  
13          from Rochester in the more rural areas, but the rents  
14          are lower. So, I -- I don't think that's a fatal flaw,  
15          fatal impediment, to the operation of the Section 8  
16          Program in the suburbs.

17                 MR. HANLEY: Mr. Nguyen?

18                 MR. NGUYEN: Do you have a local residency  
19          preference?

20                 MR. MOORE: We do not now. We have for the  
21          whole -- first of all, it's not we anymore. I have  
22          moved on to another job, but that program does not have  
23          a residency requirement now, although it did for the  
24          first 18 years of its -- it was very common and did  
25          operate with a residency requirement.

1 MR. HANLEY: When was that eliminated?

2 MR. MOORE: Just within the past several  
3 months.

4 MR. HANLEY: Interesting. Ms. Lopez, and  
5 then Dr. Nishi have questions.

6 MS. LOPEZ: Taking it another step, Gloria  
7 Lopez, what efforts are you doing to reach some of the  
8 inner city people, some of the inner city tenants to  
9 move out to Fairport, if there are any efforts you're  
10 taking? You know, efforts to encourage mobility from  
11 the inner city --

12 MR. MOORE: I would -- I would -- we're not  
13 -- they, to my knowledge, are not making great efforts  
14 to promote the program outside of the program area that  
15 has been assigned to us by HUD.

16 I would -- well, I think that among the  
17 reasons for that is that the program is administered in  
18 Fairport, and the general feeling, the public feeling  
19 and the feeling of the elected officials, that it be  
20 presented to the benefit of the people in the program  
21 area.

22 They do not see as their goal the solving of  
23 wider housing problems, and the town program area that  
24 we receive funding for.

25 MR. HANLEY: Dr. Nishi? Ms. Lopez, did you

1 have a follow-up question?

2 MR. MOORE: I've confused you.

3 MS. LOPEZ: No, you didn't. I guess then my  
4 next question is, what -- what would be the perceived  
5 purpose of Section 8?

6 MR. MOORE: What would be the purpose of  
7 Section 8? It would be to provide housing assistance  
8 to the people who reside in half of Monroe County.

9 MS. LOPEZ: I'm sorry?

10 MR. MOORE: In the half of Monroe County  
11 that is the Fairport program area that we receive  
12 funding for.

13 MR. HANLEY: Dr. Nishi?

14 DR. NISHI: Is there any -- is it your under-  
15 standing there's any obligation, however, to cooperate  
16 in the provision of your list of available housing to  
17 other geographic jurisdictions?

18 MR. MOORE: Absolutely.

19 DR. NISHI: There are or are not?

20 MR. MOORE: There are -- your question was  
21 are there obligations to --

22 DR. NISHI: Yes.

23 MR. MOORE: -- provide a waiting list?

24 DR. NISHI: No. To -- to -- to make these  
25 lists of available housing available to the other

1 Section 8 Programs. Is there any sharing of the lists?

2 MR. MOORE: We don't have a list. I --

3 DR. NISHI: Oh, you don't have a landlord  
4 list of available housing?

5 MR. MOORE: We -- we would certainly -- if  
6 anybody asked us for it, we would certainly provide it.

7 DR. NISHI: It would be available?

8 MR. MOORE: Sure.

9 DR. NISHI: Yes, I see. So, if someone from  
10 the city were to seek the assistance of your  
11 organization in finding housing, Section 8-subsidized  
12 housing, in Fairport, that that list would be available  
13 to them?

14 MR. MOORE: Absolutely.

15 DR. NISHI: Yes. So, is that a kind of thing  
16 that you might share, say, with the Rochester Housing  
17 Authority Section 8 Program?

18 MR. MOORE: Sure.

19 DR. NISHI: So, has that been done in the  
20 past?

21 MR. MOORE: No.

22 DR. NISHI: It has not, but it could be?

23 MR. MOORE: The majority of the units that  
24 the Rochester Housing Authority administers at least in  
25 our program area are typically done in large subsidized

1 complexes that are -- where tenants receive existing  
2 subsidies. They would be aware of those because -- but  
3 -- but certainly the smaller landlords would only own  
4 two or four or six units, we'd be happy to do that.

5 DR. NISHI: Thank you.

6 MR. HANLEY: I think we're going to -- Mr.  
7 Wagner and Ms. Taracido have questions, and then we're  
8 going to ask for final questions from the audience,  
9 starting with Ms. Taracido.

10 CHAIRPERSON TARACIDO: I gather you were --  
11 when you were working with the Fairport Section 8  
12 Program, that you were successful in recruiting  
13 landlords, is that correct?

14 MR. MOORE: Correct.

15 CHAIRPERSON TARACIDO: And in terms of that  
16 success rate, how much of it ended up with turn-over  
17 because of what you claim to be or what you allege to  
18 be maybe some sort of nonsensical kinds of requirements  
19 that sometimes came up, like non-safety inspection  
20 problems, let's say?

21 MR. MOORE: Well, that --

22 CHAIRPERSON TARACIDO: Or did you have a  
23 turn-over rate? Maybe that's a better question. In  
24 other words, --

25 MR. MOORE: No.



1 CHAIRPERSON TARACIDO: -- once you were  
2 successful, you kept them?

3 MR. MOORE: Yeah. We didn't have a lot of  
4 problem with landlords becoming disenchanted with the  
5 program, with the way we ran it at least, but it --  
6 again, it does take a lot of hand-holding.

7 I'm not sure that -- and we ran a small shop  
8 where we knew landlords individually, knew communities  
9 individually, and could assuage landlords in their  
10 fears of entering the program and in their frustrations  
11 with the administration of it.

12 CHAIRPERSON TARACIDO: Were any of the  
13 landlords ever charged with discrimination?

14 MR. MOORE: No, not to my knowledge.

15 CHAIRPERSON TARACIDO: Thank you.

16 MR. HANLEY: Mr. Wagner?

17 MR. WAGNER: Yes. Just getting back to your  
18 comment that it's not a goal or Fairport believed it  
19 was not a goal to solve wider housing problems, I just  
20 wanted to get a clarification on that.

21 Would you define or would you -- would you  
22 tell us what you think Fairport's perception of its  
23 role in the implementation of fair housing program is,  
24 if it doesn't believe that it's in the market to solve  
25 wider problems?

1           MR. MOORE: Well, when the program started in  
2 1970 whatever it was, it was just a village program.  
3 The Village of Fairport is 6,000 population, and it  
4 began with, I believe, 50 certificate voucher --  
5 certificates at the time.

6           Over the years, the -- they and we have  
7 even -- they continued -- have -- have tried to widen  
8 the program area, and to the -- to the point where now  
9 it is half of Monroe County or a population of perhaps  
10 300,000 people, but given the physical -- we -- we can  
11 only drive -- with the three people who are in that  
12 office, there are some constraints about driving a  
13 distance for property inspections and that kind of  
14 thing, which mean that we need to say we only operate  
15 here, and -- and not on the west side of Monroe County  
16 and not outside of Monroe County, but in a -- in half  
17 of Monroe County. That's where we are physically able  
18 to work.

19           MR. HANLEY: There's two questions up here  
20 floating around. One is -- first of all, I think we  
21 heard this morning -- this is Mike Hanley, by the way,  
22 from Louri Lambrix that some -- maybe you can confirm  
23 this, if you know the figure, 77 percent of your  
24 program participants are non-minorities and 23 percent  
25 would be minorities. Does that sound about --

1           MR. MOORE: Yeah. I wouldn't be -- I don't  
2 know that today, but I'm sure that's close, if Louri  
3 does her usual fine job of research.

4           MR. HANLEY: So, that's much higher than the  
5 minority population in --

6           MR. MOORE: In the village.

7           MR. HANLEY: Compared to municipalities that  
8 the program represents?

9           MR. MOORE: That's correct.

10          MR. HANLEY: How did it come about that  
11 there's a higher -- an increase in the minority  
12 participation over what you might expect from those  
13 municipalities? Do you know what selection variables  
14 produced that?

15          MR. MOORE: Well, the -- no, I don't know.  
16 We -- we do not discourage people from applying from  
17 other municipalities. There's a fair number of people  
18 who -- from Rochester and other -- and even to the east  
19 in the more rural counties of Ontario and Wayne, who  
20 are aware of our program, who do apply into it, and who  
21 are successful in finding landlords and units in our  
22 program area and move because of that.

23          MR. HANLEY: I assure you I'm not criticizing  
24 you for having too many minorities. I was just curious  
25 how it happened.

1           Finally, Ms. Taracido. All right. It looks  
2 like we have a few more questions. Let's -- let's have  
3 Ms. Taracido first.

4           CHAIRPERSON TARACIDO: Do you think that now  
5 that there's no residency requirement, that the profile  
6 will change somewhat in terms of that distribution of  
7 white versus minority?

8           MR. MOORE: The experience is that the  
9 percentage of applicants who receive vouchers or  
10 certificates and who are successful in finding  
11 apartments is not high for the kind of people that I've  
12 just described, people who don't live in our program  
13 area.

14           If we just look at zip codes and where people  
15 came from, and if the zip code is the City of Rochester  
16 or if it's a zip code in more rural Ontario or Wayne  
17 County, it's difficult. People have to be fairly  
18 diligent in trying to find a landlord and an apartment.  
19 They're from -- they're looking for an apartment in a  
20 part of the county where they are not from.

21           MR. HANLEY: So, --

22           MR. MOORE: Agency rates are not -- are --  
23 are low, typically -- I'm sorry?

24           MR. HANLEY: I'm going to interrupt you  
25 because I -- I'm using my prerogative as moderator

1 here, and I'm curious. I mean are you saying the  
2 success rate for minority subsidy holders is -- is --  
3 is not as high as it is for your -- for your local  
4 residents?

5 MR. MOORE: Well, to the extent that the  
6 applicants from the city probably represent a higher  
7 minority -- higher percentage of minority applicants  
8 from the city are minorities -- higher percentage of  
9 applicants are minorities, I -- I don't think it's a  
10 function of them being minorities. I think because you  
11 have to parallel situation of -- of people from Ontario  
12 and Wayne County where that -- where -- probably  
13 minority concentration is even less than those in our  
14 program area.

15 MR. HANLEY: So, it's based on where people  
16 come from, not who they are?

17 MR. MOORE: Yeah. It's -- you know, they  
18 have to find an apartment in a neighborhood with a  
19 landlord in a school district on a bus route or with  
20 transportation characteristics that -- that make it  
21 rentable by them, and that's harder. I mean as I think  
22 it would be harder for me to find an apartment, you  
23 know, 50 miles from where I live or 10 miles from where  
24 I live, at the same time living where I live.

25 MR. HANLEY: Okay. Thank you.

1 Dr. Nishi?

2 DR. NISHI: I have a question regarding the  
3 residency requirement. You said it was eliminated six  
4 months ago?

5 MR. MOORE: Hm-hmm.

6 DR. NISHI: Have you found -- is there any  
7 perceptible difference in the willingness of landlords  
8 to participate in your program?

9 MR. MOORE: No.

10 DR. NISHI: There has not been?

11 MR. MOORE: No, not that I'm aware of.

12 DR. NISHI: Okay.

13 MR. HANLEY: All right. Gloria Lopez?

14 MS. LOPEZ: Just one more question. You  
15 could provide it later. The composition of your staff  
16 and your board members, do you know, with respect to --

17 MR. MOORE: Composition by -- by what  
18 characteristics?

19 MS. LOPEZ: With respect to ethnicity and  
20 gender as well.

21 MR. MOORE: Five board members, all white,  
22 two females, three males. Staff is three and a half  
23 people, three white, one Hispanic -- half -- one-half  
24 Hispanic.

25 MS. LOPEZ: Do any of them have any type of

1 disability or impairment?

2 MR. MOORE: No.

3 MR. HANLEY: Okay. And the final question,  
4 which came from Fernando, is, later on, we'll be  
5 talking to the Rochester Housing Authority about its  
6 program and its waiting list and so on and so forth.

7 Do you happen to know about what the  
8 approximate waiting time would be for the Fairport  
9 program? Are you familiar with that?

10 MR. MOORE: 18 months.

11 MR. HANLEY: 18 months?

12 MS. LOPEZ: What's the size of the waiting  
13 list? Gloria Lopez.

14 MR. MOORE: A hundred people.

15 MR. HANLEY: Okay. Well, thank you very  
16 much, and I'll turn it back to Lita.

17 CHAIRPERSON TARACIDO: Thank you all very  
18 much.

19 We will be resuming at 1:30, and at that  
20 point, we'll continue this panel, which is Panel 2.  
21 So, we welcome you all back.

22 (Whereupon, at 12:45 p.m., the meeting was  
23 recessed, to reconvene this same day, Monday, December  
24 16th, 1996, at 1:30 p.m.)

25





1 Program in the City of Rochester, in the County of  
2 Monroe, and the four counties that surround Monroe  
3 County as well.

4 Thousands of households, because of the  
5 Section 8 Program, have had the opportunity for  
6 affordable housing throughout the metropolitan  
7 Rochester area. Rental assistance -- no problem.  
8 Rental assistance without which many of the served  
9 residents would most likely have been living in either  
10 substandard conditions, overcrowded dwellings, or on  
11 the brink of poverty, if not in poverty itself.

12 The Rochester Housing Authority began its  
13 Section 8 Program in 1976 with a modest 200 units.  
14 Also in 1976, at the initiative of the Authority, we  
15 decided to expand our program outside the city to the  
16 five counties that at that time comprised our standard  
17 metropolitan statistical area, SMSA; that is, Monroe,  
18 Ontario, Wayne, Livingston, and Orleans Counties.

19 We secured a legal opinion justifying our  
20 position and a convincing argument to HUD for our  
21 application and subsequent acceptance of units beyond  
22 our traditional city boundaries. Ironically, our third  
23 unit under Section 8 contract was a unit in rural Red  
24 Creek in Wayne County.

25 Basically, it was our viewpoint that anyone

1 with a Section 8 certificate should be allowed to live  
2 anywhere one chooses, regardless of any artificial  
3 boundaries, and that an eligible applicant should have  
4 the right to enter into a lease with a willing  
5 landlord, regardless of location, provided the fair  
6 housing rent was adequate and reasonable for the  
7 desired and needed unit and acceptable to the landlord.

8 Our rationale is quite simple and  
9 straightforward. Our rationale became the basis for  
10 our legal opinion as well as HUD's acceptance of our  
11 approach of not restricting affordable housing through  
12 the use of the Section 8 Program to only the City of  
13 Rochester.

14 By program design, we are in fact  
15 administering contract -- contracts with the Federal  
16 Government, and like other contracts utilizing public  
17 dollars, such as an engineer's contract or an  
18 architect's contract, we do not stipulate that it be  
19 restricted to the legal or arbitrary boundaries of the  
20 city or a particular town or village.

21 It is also important to note that during the  
22 beginnings of the Section 8 Program, our public housing  
23 agency was the only kid on the block, so to speak, with  
24 no other PHA in the entire area, even pre-dating the  
25 state Section 8 Program under the auspices of the

1 Division of Housing and Community Renewal.

2 The state subcontractors for their Section 8  
3 Program administration didn't begin in Orleans County  
4 until September '78, two and a half years after our  
5 program, and Livingston and Ontario Counties three and  
6 a half years after RHA's programs, and Wayne County  
7 eight years after we started.

8 Even though the process was slow and at times  
9 tedious along the way, especially during our neophyte  
10 stage of the late '70s and the early '80s, eventually  
11 the application process of non-metro allocations became  
12 acceptable and more routine.

13 As determined by HUD, Section 8 unit  
14 allocation in non-metropolitan areas were always small  
15 in comparison to the majority of units which were  
16 available for metropolitan areas; the latter primarily  
17 because of their population and need for affordable  
18 housing.

19 Due to this reality, the Rochester Housing  
20 Authority decided to take the position that its main  
21 program, that is, the five-county program, where the  
22 housing authority's the sole contract administrator for  
23 HUD and not an approved agent of another jurisdiction,  
24 would be open to all that are determined eligible for  
25 the program and encourage certificate and voucher

1 holders to take advantage of that housing choice  
2 opportunity.

3 Simultaneously, and equally as important to  
4 the success of any Section 8 Program, we encourage  
5 suburban landlords be part of the program, certainly  
6 not an easy task.

7 From the early days of the program, whether  
8 one's referring to the city landlords, which are more  
9 plentiful and the backbone of our program, or suburban  
10 landlords, the effort to secure this essential partner  
11 is difficult.

12 To convince anyone of the merits of the  
13 Federal Government program with its perceived  
14 voluminous paper work and certifications is always a  
15 challenge then and now.

16 In addition, over the years, incentives for  
17 landlord participation have been diminished  
18 appreciably.

19 Since the sparse beginnings of the program to  
20 the present, thousands of households have in fact  
21 secured affordable housing through the Section 8  
22 Program, both within the City of Rochester and beyond  
23 its borders to various locations throughout Monroe  
24 County and elsewhere.

25 Between 1976 and 1988, the Rochester Section

1       8 Program executed 700 contracts in Monroe County  
2 outside of the city. Since 1988, when we computerized  
3 our Section 8 statistics, the authority has signed  
4 contracts for 815 households, utilizing either Section  
5 8 certificates or vouchers, contracts outside the City  
6 of Rochester. Of that number, 31 percent have been  
7 minorities.

8               Our present count, December 1976, for the  
9 authority's own program, is 350 households outside the  
10 city with 29 percent of those being minority  
11 households. That 350 figure represents 11 percent of  
12 our entire Section 8 Rochester Housing Authority  
13 allocation.

14               While this is a respectable number, it is not  
15 a number that we are satisfied with, and a number that  
16 we hope and intend to increase.

17               In addition to our own program, we have acted  
18 as agent for the Section 8 Program for the Towns of  
19 Irondequoit, Greece and Penfield, all outside the City  
20 of Rochester and in the County of Monroe.

21               Since 1988, 714 households have been served  
22 in these three programs providing needed rental  
23 assistance.

24               The Section 8 Program was never designed nor  
25 was funding made available for specific counseling

1 endeavors. HUD, approximately two and a half years  
2 ago, recognized the shortcoming nationally and  
3 earmarked certain dollars available for application  
4 competition.

5 The Rochester Housing Authority in response  
6 to an official notice of fund availability applied over  
7 two years ago for funding for the purposes of  
8 developing and implementing its own counseling  
9 initiative. We were told unofficially by HUD that our  
10 application was considered a very good application, and  
11 we would have been funded if it had not been for a  
12 combination of federal rescissions and outstanding and  
13 unfunded Section 8 litigations, such as the Buffalo  
14 litigation.

15 In July 1996, we were notified by HUD  
16 Washington that because of our previous application and  
17 our positive Section 8 Program administration, we had  
18 been awarded a million dollar plus award to develop and  
19 implement such a counseling effort.

20 We are very excited about this opportunity,  
21 and we presently are in the process of reworking our  
22 original application and will submit it to HUD by  
23 January 1997.

24 We are in contract with these efforts with  
25 Monroe County Housing Council, the only HUD-certified

1 comprehensive counseling agency in the area.

2 In addition, we have established a broad-  
3 based advisory committee to provide input into the  
4 draft counseling plan as well as on-going voice during  
5 the plan's five-year implementation.

6 The referenced committee consists of  
7 representatives of the towns, a Section 8 tenant, a  
8 major city/county Section 8 landlord, representatives  
9 of the Greater Upstate Law Project, Neighborhood  
10 Housing Services, Urban League, the City of Rochester,  
11 and the County of Monroe.

12 We are very optimistic that this endeavor  
13 will further enhance the work that has already started  
14 relative to housing choice throughout the metropolitan  
15 Rochester area.

16 In addition to our regular Section 8 tenant-  
17 based subsidy programs, we have expanded greater  
18 housing choice via private developers by helping them  
19 leverage limited dollars by earmarking project-based  
20 Section 8 subsidies at various locations, both in the  
21 city and in the county. A total thus far of a 122  
22 project-based units.

23 Our most recent project-based subsidy award  
24 is for a family development in Clarkson in Monroe  
25 County and in Scottsville, again in Monroe County,

1 outside of the city.

2 In addition, we have previously awarded  
3 subsidies to assist other community efforts. Subsidies  
4 for the Rochester General Hospital Extended Care  
5 Program in the suburb of Irondequoit, the Sojourner  
6 House in Rochester, a non-profit organization dedicated  
7 to sheltering and supporting women in transition in  
8 crisis, and St. Michael's, the latter being a senior  
9 development especially undertaken with the Hispanic  
10 community in mind.

11 It is also important to mention that over the  
12 last 10 to 15 years, we have actively assisted in the  
13 expansion of available assisted housing throughout the  
14 area by issuing tax-exempt bonding for private  
15 developers. This effort has provided 658 affordable  
16 units with 512 or 78 percent of these outside the City  
17 of Rochester.

18 A recent October 1996 New York Times Magazine  
19 article entitled, "Slamming the Door", states that in  
20 the year 2000, HUD will have to refinance 2.5 million  
21 apartments at a staggering cost of \$17 billion; that  
22 is, the cost of the Section 8 renewals alone could soon  
23 devour the department's entire budget.

24 Housing advocate Cushing Dalbare went so far  
25 as to say that "we'll be very lucky if we don't lose a



1 million of the 4.5 million subsidized housing units  
2 that are already occupied by very low-income people."

3 This unfortunately does not give us a great  
4 deal of encouragement for expanding the housing  
5 opportunities and housing choice.

6 And in conclusion and to end on a more  
7 positive note, it is fair to say that we have done a  
8 respectable job over the years in providing affordable  
9 housing and housing choice to many by the vehicle known  
10 as Section 8 tenant-based subsidies, private-based  
11 subsidies and tax-exempt financing.

12 We are also quick to add that much more needs  
13 to be done, and we stand ready and willing to do our  
14 part in helping address this need.

15 Thank you.

16 CHAIRPERSON TARACIDO: Any questions on the  
17 part of the panel?

18 (No response)

19 CHAIRPERSON TARACIDO: Thank you. Questions?  
20 Dr. Nishi?

21 DR. NISHI: I beg your pardon for having  
22 missed part of your testimony.

23 MR. McHUGH: No problem.

24 DR. NISHI: So, I may be asking a question  
25 which you have already answered in your testimony.

1 MR. MCHUGH: Okay.

2 DR. NISHI: Forgive me if I do. Does the  
3 Rochester Housing Authority maintain any central  
4 information regarding real estate listings available  
5 under Section 8?

6 MR. MCHUGH: We have a separate listing, and  
7 Mr. Haire, who is the Administrator of the Section 8  
8 Program, will -- will address that in his testimony,  
9 and he can either answer it now or answer it then. I  
10 mean we do have a -- a listing. We make many referrals  
11 to the Housing Council that Ann Peterson is the head  
12 of.

13 DR. NISHI: And does this listing include the  
14 entire Rochester SMA?

15 MR. MCHUGH: John?

16 MR. HAIRE: A very small number of units on  
17 that list would be from outside the city and an even  
18 smaller number from outside the county.

19 DR. NISHI: What is the potential of -- of  
20 enlarging the list from outside the city?

21 MR. MCHUGH: I think the counseling effort  
22 that will take place will -- one of the emphases will  
23 be the expanded list and securing additional suburban  
24 landlords.

25 DR. NISHI: Yes.

1           MR. McHUGH: There's no question that that's  
2 one of our strong emphasis that will have to be made in  
3 order to encourage more landlords, and -- and again Ann  
4 will be spearheading that effort through the Housing  
5 Council.

6           But there are certain -- you know, when we  
7 started the program back in '76, it took a lot of hand-  
8 holding, if you will, to convince Section 8 landlords  
9 to become part of the program because of the perceived  
10 paper work, you know, a government agency, and there  
11 were many incentives in the program then that do not  
12 exist now, which makes it that much more difficult,  
13 plus, quite frankly, given the outlook on additional  
14 Section 8 units, I think a lot of the dollars that will  
15 come from HUD will be addressed in trying to renew  
16 existing contracts which, unfortunately, will not allow  
17 us to expand as far as the number of Section 8 units  
18 available.

19           DR. NISHI: These lists at the present time  
20 are maintained by locality source?

21           MR. McHUGH: No. I mean we have -- we have a  
22 -- when someone -- we encourage people to seek housing  
23 choice any place, whether it's the city, whether it's  
24 outside --

25           DR. NISHI: So, you provided this list from

1           wherever the source might be?

2                   MR. McHUGH:  Yeah.  Many of us are referrals  
3           to the Housing Council.

4                   DR. NISHI:  Yes.

5                   MR. McHUGH:  The list that was shown this  
6           morning, that's one source.

7                   DR. NISHI:  Yes.

8                   MR. McHUGH:  What other sources, John, that  
9           I've left out?

10                   DR. NISHI:  So, everybody gets the same list?

11                   MR. McHUGH:  I have to yield to my colleague  
12           here.

13                   MR. HAIRE:  Not -- not every family gets a  
14           list.  To the extent that families are interested in  
15           finding out opportunities, we make sure they're aware  
16           of them, whether they be suburban, to the extent that  
17           we have knowledge of any suburban complexes who  
18           participate, and, of course, a list that was referred  
19           to this morning.

20                   CHAIRPERSON TARACIDO:  Let me follow up on  
21           that list question.  This is Lita Taracido.  You have  
22           one list for the City of Rochester, correct, and for  
23           Greece and for -- I can never pronounce this one --

24                   MR. HAIRE:  Irondequoit.

25                   CHAIRPERSON TARACIDO:  Irondequoit, and

1 Penfield, is it?

2 MR. HAIRE: Penfield.

3 CHAIRPERSON TARACIDO: Is that one list?

4 MR. HAIRE: Yes.

5 CHAIRPERSON TARACIDO: One list. And as far  
6 as any of the other parts of this -- of your -- that  
7 are in your jurisdiction, you have -- are there  
8 separate lists there?

9 MR. HAIRE: The activity is very minimal in  
10 the surrounding four counties. We found that  
11 especially since DHCR has come in, since the early  
12 '80s, there hasn't been that much of a need. We  
13 probably have less than a half a dozen tenants in the  
14 surrounding four counties.

15 CHAIRPERSON TARACIDO: But the -- but these  
16 other -- I'm not -- I'm not sure -- I'm not clear about  
17 how this -- you know, the structure of this is. I know  
18 your jurisdiction of those -- those -- your -- the  
19 city, plus those three other counties, correct?

20 MR. McHUGH: The housing authority has  
21 jurisdiction in the city and the five-county area.

22 CHAIRPERSON TARACIDO: And that's one list?

23 MR. McHUGH: That -- I'm not referring to  
24 lists. Yes, that's one list.

25 CHAIRPERSON TARACIDO: Yeah. I'm -- I --

1 let's deal with the landlord thing. So that the five-  
2 county area, plus the City of Rochester, is one list in  
3 terms of, you know, where the apartments are that are  
4 given out as information to people?

5 MR. HAIRE: And anticipating your question,  
6 there are very few apartments on that list from rural  
7 Livingston County. Landlords in Southern Livingston  
8 County would not typically call our office to list a  
9 property with any expectation that they would receive a  
10 tenant, no.

11 CHAIRPERSON TARACIDO: Now, do you have  
12 jurisdiction over any other of the counties in the  
13 surrounding area? No?

14 MR. MCHUGH: No. Just the five counties.

15 CHAIRPERSON TARACIDO: Just the five counties  
16 and the City of Rochester.

17 MR. MCHUGH: Right. And we're agent for  
18 Irondequoit, Greece and Penfield.

19 CHAIRPERSON TARACIDO: And, so, those -- but  
20 those are also included. It's just the same list is  
21 used for those as well, right?

22 MR. MCHUGH: That's correct. Right.

23 CHAIRPERSON TARACIDO: So, there's one list,  
24 basically, except for Fairport has its own --

25 MR. MCHUGH: Correct.

1 CHAIRPERSON TARACIDO: -- list, correct, --

2 MR. MCHUGH: Correct.

3 CHAIRPERSON TARACIDO: -- in this area? And  
4 the list -- that particular list in terms of how you  
5 use it, if I understood the testimony earlier today,  
6 and I can't remember whether it was you, Ms. Peterson  
7 -- were you the one that talked about the housing  
8 authority sharing the listings with the Department of  
9 Social Services, and their -- and some kind of -- some  
10 kind of reference about the condition of the -- the  
11 buildings?

12 MS. PETERSON: I was -- I was discussing  
13 our -- our list at the Housing Council.

14 CHAIRPERSON TARACIDO: Yeah.

15 MS. PETERSON: And the fact that we give our  
16 list twice a week actually to DSS, the Department of  
17 Social Services. They go through our list and identify  
18 those properties that they are willing to pay rent for.

19 CHAIRPERSON TARACIDO: Because they meet  
20 whatever --

21 MS. PETERSON: Yes.

22 CHAIRPERSON TARACIDO: -- the standards are?

23 MS. PETERSON: That is the only way that I  
24 can -- I can -- it's the only way I could see us being  
25 able to somehow speak to the quality of the housing

1 without putting the Housing Council itself into a  
2 compromising position for the reasons I've discussed  
3 earlier; that is, our liability and so on.

4 To say, you know, this -- these as -- to make  
5 a note, 1-2-3 Smith Street not eligible for DSS -- for  
6 DSS rent payment.

7 CHAIRPERSON TARACIDO: Okay. So, is it -- is  
8 something similar done by the housing authority with  
9 respect to DSS, and are the standards the same that are  
10 used?

11 In other words, when DSS says this building  
12 is not adequate for our purposes in terms of paying  
13 anybody for those apartments, those standards are  
14 different than the ones that are done by -- that are  
15 used by Section 8?

16 MR. HAIRE: Our standards are much more rigid  
17 than DSS.

18 CHAIRPERSON TARACIDO: Yours are more rigid?

19 MR. HAIRE: Yes.

20 MS. PETERSON: If I could just say that  
21 what -- one of the points I was trying to make earlier  
22 was exactly that, that the Housing Council's list is of  
23 properties that very often a landlord is not willing to  
24 -- to put the kind of money into that he would need to  
25 to bring it up to Section 8 standards.



1           One of the offshoots of that would be if he  
2 did, he might be able to rent it for a Section 8 fair  
3 market rent, but I was trying to describe to you this  
4 kind of nether market, if you will, that exists in  
5 Rochester and in every city of properties that -- that  
6 really would benefit enormously by applying Section 8  
7 standards. It would be a wonderful thing if these  
8 properties -- I mean Section 8 standards are -- are a  
9 very good and reasonable response to housing needs.

10           CHAIRPERSON TARACIDO: Now, let me -- let  
11 me -- I'm going to take the prerogative of the Chair  
12 and as moderator ask another question regarding this.

13           If that's the case, and you have a situation  
14 as you've described, why is it you have such a  
15 situation such as described earlier, where you can have  
16 these apartments being given to people, the listing of  
17 apartments, and having them face a situation where most  
18 of them are not going to be up to Section 8 codes?

19           I mean is there nothing being done to review  
20 these lists before to see -- to make sure that the  
21 apartments were adequate for the purposes of being able  
22 to refer people?

23           MR. HAIRE: If I may answer, I think it was  
24 mentioned this morning that we -- there is a caveat on  
25 the list.

1 CHAIRPERSON TARACIDO: I --

2 MR. HAIRE: These units are not pre-  
3 inspected. Landlords typically that list their  
4 property on our list, one would think they're familiar  
5 with our standards, although experience shows sometimes  
6 that's not the case, but most of them know what the  
7 expectations are.

8 CHAIRPERSON TARACIDO: But there's no effort  
9 on the part of the housing authority to try to do  
10 something about looking at these apartments from the  
11 perspective of whether they're adequate, such as DSS  
12 does.

13 DSS standards are lower. That's what you're  
14 saying, right? They're lower.

15 MR. HAIRE: Correct.

16 CHAIRPERSON TARACIDO: Section 8 standards  
17 are higher, but DSS is saying to the -- to the Housing  
18 Council, these are housing -- these are apartments that  
19 we will not allow people to go to because they don't  
20 meet our standard, --

21 MR. MCHUGH: I think --

22 CHAIRPERSON TARACIDO: -- correct?

23 MR. MCHUGH: -- you're asking -- let me ask  
24 you whether you're asking whether or not the list that  
25 is handed out, whether or not it would make more sense

1 to inspect those units ahead of time so that one would  
2 know whether or not it meets Section 8 standards,  
3 HQS, --

4 CHAIRPERSON TARACIDO: Exactly.

5 MR. McHUGH: -- housing quality standards.

6 CHAIRPERSON TARACIDO: And you don't do that?

7 MR. McHUGH: We don't do that, and I -- I'm  
8 not speaking for John, but I would think the reason we  
9 don't do it is strictly on a staff basis and inspectors  
10 because there's such a turn-over and condition of the  
11 house in the month of January may be different than it  
12 is in June, and that we just don't have the sufficient  
13 number of inspectors to do that.

14 So, it's done when someone brings in the  
15 paper work, and it's necessary to do that because it  
16 would vary from week to week, could vary from week to  
17 week.

18 CHAIRPERSON TARACIDO: Another thing that  
19 came up was that once the inspection is done, and they  
20 determine that it's not adequate, this delays the  
21 process for the applicant.

22 What's your policy with respect to extending  
23 the 60-day limit, if indeed it's going to take --

24 MR. HAIRE: I wish I had --

25 CHAIRPERSON TARACIDO: -- longer?

1           MR. HAIRE: Our policy is when the tenant  
2 returns what is called the request for lease approval,  
3 and this was very misleading this morning, the clock  
4 stops. Okay. They are given 60 days under certificate  
5 or their voucher. When they return a request for lease  
6 approval or what the panel might be -- an intent to  
7 lease a unit, that 60-day clock stops, okay, and it  
8 does not resume counting again until, if and until, the  
9 tenant backs out of that process for reasons entirely  
10 due to their own making. Okay.

11           It's very possible, and anyone who's familiar  
12 with the Section 8 Program, this is a concept known as  
13 tolling. A tenant can toll their certificate  
14 theoretically for well beyond a year. All right. They  
15 are not in jeopardy of losing their subsidy because the  
16 unit doesn't pass inspection.

17           CHAIRPERSON TARACIDO: I think I don't  
18 understand.

19           MR. HAIRE: All right.

20           CHAIRPERSON TARACIDO: I don't understand.  
21 Maybe someone else does.

22           MR. HAIRE: Let's issue the certificate on  
23 January 1st. Okay. One has to -- we'll assume that  
24 their expiration date on the certificate is March 1st,  
25 60 days. Okay. If they return a request for lease

1 approval on January 10th, the 60-day clock stops.  
2 Okay? They still have 50 days left on their  
3 certificate. If at some point down the road, that  
4 first request for lease approval falls through, they  
5 still have 50 days to find another unit.

6 CHAIRPERSON TARACIDO: So, until they're  
7 actually notified that it didn't pass inspection, the  
8 time -- the time doesn't start to tick again, is --

9 MR. HAIRE: Correct. They're not penalized  
10 for the time it takes for administrator review, which  
11 includes inspections and things like that, negotiations  
12 of rent.

13 CHAIRPERSON TARACIDO: So, on January 15th,  
14 what will happen is if they're told it's not adequate,  
15 then they start -- it starts to run again?

16 MR. HAIRE: Not necessarily because in most  
17 cases, when -- when we say the unit doesn't pass  
18 inspection, 95 percent of the time, a landlord proceeds  
19 to do the repairs and bring the unit into compliance,  
20 and it passes a reinspection.

21 CHAIRPERSON TARACIDO: Maybe someone else has  
22 a question. Gloria? Dr. Nishi?

23 MS. LOPEZ: If I could follow up on this  
24 question, I understood the tolling, but what is the --  
25 something happens, like on Day 59, and they need to go

1 out and look for an apartment. Clearly one day is not  
2 sufficient.

3 What statutes do you consider, if you  
4 consider, in extending it to the -- the amount of a 120  
5 days, is that it? What factors do you consider, if you  
6 do allow that, and, if so, in the past year, how often  
7 have you done something like that?

8 MR. HAIRE: I think that's a good question.  
9 We -- we perhaps are known as an agency that is rather  
10 stingy with extensions. There has to be a good reason  
11 for an extension.

12 One of the big reasons for that is with over  
13 5,000 people on the waiting list, it seems unfair to  
14 penalize somebody on a list while somebody sits there  
15 procrastinating about using their certificate. Okay.

16 MS. LOPEZ: Well, assume that they didn't  
17 procrastinate. It's just something beyond their  
18 control.

19 MR. HAIRE: We will grant extensions in  
20 medical circumstances, okay, if there's a demonstrated  
21 evidence of a search for housing, but one thing I want  
22 to mention to the panel, we did an analysis of the  
23 people coming off our waiting list in 1996. These are  
24 first-time certificate and voucher holders. 38 percent  
25 of those families returned a request for lease approval

1 within 10 days, 73 percent within 30 days, and only six  
2 percent of the families used the entire 60-day  
3 complement. Okay.

4 CHAIRPERSON TARACIDO: Just -- do you want --  
5 do you have a question? Because I think Dr. Nishi is  
6 correct that we should let Mr. Haire continue and do  
7 his -- do your talk, and this way, we can have  
8 questions that will follow up since it's been passed on  
9 to you.

10 This is John Haire, Director of Leasing  
11 Operations for Rochester Housing.

12 MR. HAIRE: Okay. That was my first  
13 sentence. Okay. I'm responsible for the day-to-day  
14 administration of the Section 8 Program, both tenant-  
15 based and project-based. I've been with RHA for over  
16 20 years and involved with the Section 8 Program since  
17 its beginning locally in March 1976.

18 On November 15th of this year, I received an  
19 invitation to participate in this fact-finding meeting  
20 and to speak on two of four issues. Since the four  
21 issues are so closely related, however, it is difficult  
22 for me not to address all four.

23 With this in mind, I hope you'll understand  
24 if some of my remarks appear to be more closely related  
25 to the other issues.

1           On December 11th, I received a list of 20  
2 questions. I have attached what represents my best  
3 effort to answer these questions in the three days  
4 provided.

5           I am asked to share and summarize my views  
6 first on portability. Now, I'm assuming that this  
7 committee is referring to the regulatory provisions of  
8 both tenant-based Section 8 Programs which allow  
9 subsidy holders to move from one jurisdiction to  
10 another.

11           While the intent of these provisions may have  
12 been commendable, most housing agencies and many people  
13 at HUD would agree that portability has been an  
14 administrative nightmare.

15           Although it has improved recently, primarily  
16 as a result of HUD trying to standardize procedures, we  
17 still experience problems. One problem stems from the  
18 fact that the Rochester Housing Authority is the  
19 receiving PHA in far more portability transactions than  
20 it is the initial PHA.

21           In other words, many more certificate and  
22 voucher holders have ported into our area than have  
23 ported out.

24           While it is our policy to absorb incoming  
25 certificate holders, we do not have the vouchers



1 available to absorb incoming voucher holders.  
2 Therefore, we must build the initial PHAs, and this  
3 process can be a real headache.

4 Although, as mentioned, HUD has attempted to  
5 standardize the procedures as well as alert PHAs about  
6 the consequences of non-compliance, we still face  
7 situations where initial PHAs owe us considerable sums  
8 of money.

9 For example, one PHA in Florida currently  
10 owes us over \$2,000 which represents five months of  
11 housing assistance payments on behalf of one of their  
12 clients who moved to Rochester.

13 I am next asked to comment on residency  
14 requirements. In the Rochester, that is to say, the  
15 five-county program, there is a residency preference  
16 for applicants who live in the five-county area.  
17 Applicants living outside this area may apply for the  
18 program but are considered non-residents until they  
19 move into the area.

20 In the three programs, Greece, Irondequoit  
21 and Penfield, for which RHA is the administrative  
22 agent, each public housing agency has a HUD-approved  
23 local preference for applicants who live and/or work in  
24 the respective jurisdictional area.

25 Now, while RHA cannot speak to the rationale

1 for these preferences, I think it would be safe to say  
2 that over the years, each PHA has recognized that its  
3 program is relatively small, and that if it were unable  
4 to first consider the housing affordability problems of  
5 its own residents, there would be little point in  
6 having a Section 8 Program.

7 Also important here is the fact that  
8 throughout the years, whenever these PHAs apply for  
9 additional certificates and vouchers, the application  
10 require that the agencies certify that the application  
11 was consistent with its comprehensive plan or  
12 comprehensive housing affordability strategy or, as  
13 it's called nowadays, consolidated plan. In other  
14 words, the application had to address the community's  
15 local needs.

16 Additionally, I am sure that each PHA  
17 realizes that the Rochester certificate and voucher  
18 holders can use their subsidies anywhere in the five-  
19 county area and approximately 1,500 have done so since  
20 1976.

21 Therefore, I would assume that each PHA feels  
22 that its residency preference is not a barrier to non-  
23 residents of its jurisdiction.

24 Regarding the earlier-discussed issue of the  
25 quality and quantity of affordable rental units, I

1 won't belabor the problem of fair market rents.  
2 Personally, I have always been a proponent of the  
3 voucher program.

4 I never understood why simply because a  
5 family possessed a certificate, the Federal Government  
6 says it could not pay more than 30 percent of its  
7 income for shelter. Some of you may be old enough to  
8 remember the earlier days of the program, when the  
9 limit was 25 percent.

10 Nevertheless, there is no consensus in the  
11 industry, and here we are almost 12 years after the  
12 introduction of the voucher program still administering  
13 two programs and still allowing the Jones family to  
14 rent a unit with a Section 8 voucher but denying the  
15 Smith family the same opportunity because they have a  
16 certificate.

17 Having said this, as we embark upon our  
18 regional mobility initiative, it is important to  
19 remember, as Tom mentioned earlier, the vital role that  
20 the urban landlord has played in providing quality  
21 affordable housing throughout the Section 8 Program's  
22 20-year history.

23 I know that in some circles, it is  
24 fashionable to label all city landlords as absentee  
25 slum lords. I can assure you that such is not the

1 case. The vast majority of our participating owners  
2 are providing decent housing.

3 It is being suggested that housing agencies  
4 take a more active role in assisting Section 8 families  
5 to move to areas of low poverty. The Rochester Housing  
6 Authority, as evidenced by the regional mobility  
7 counseling award, is fully supportive of this goal.

8 However, in pursuing this goal, I am equally  
9 non-supportive of any restrictions on family choice.  
10 The soon-to-be published proposed rule on measuring  
11 Section 8 Program administration, known as CMAP, is  
12 likely to contain a parameter which rewards PHAs based  
13 upon the extent to which contracts are executed for  
14 units in low-poverty census tracks.

15 Does this mean correspondingly that housing  
16 agencies will be penalized for approving leases in  
17 high-poverty census tracks? If so, are you removing  
18 the element of choice from the Section 8 tenant? Also,  
19 what happens to owners of property in high-poverty  
20 census tracks? Are they to be denied the opportunity  
21 to rent their units to Section 8 tenants? And then, of  
22 course, what happens to the property, and what are the  
23 implications for the city?

24 The November 12th invitation also mentioned  
25 the issue of federal changes in the Section 8 Programs

1 and their impacts. I would like, if I may, to make  
2 several comments on this issue.

3 There have been a number of changes resulting  
4 from the October 2nd, '95, publication of Phase 2 of  
5 the conforming rule, as well as the January 26th, '96,  
6 continuing resolution bill. Many of the significant  
7 changes were extended by the fiscal '96 and fiscal '97  
8 appropriations bills.

9 Some people, I believe, misinterpreted these  
10 changes and are now referring to the Section 8 Program  
11 as "landlord friendly". There is no question that the  
12 changes have resulted in a program which places more  
13 emphasis on tenant accountability. Tenants are now  
14 responsible for any tenant-caused housing quality  
15 standards violations. This, I believe, was 20 years  
16 overdue.

17 However, the changes have also resulted in  
18 the elimination of certain incentives for owners to  
19 participate in the program. Owners are no longer  
20 entitled to file claims against the PHA for tenant-  
21 caused damages or unpaid rent. Also, vacancy  
22 protection has been eliminated from the certificate  
23 program.

24 Finally, there is the issue of the removal of  
25 the so-called endless lease. Prior to October 2nd,

1 '95, all certificate and voucher program leases were  
2 endless. Quite simply, they ran until they were  
3 terminated.

4 Further, the owner could terminate the lease  
5 only under certain conditions. The changes now allow  
6 owners to execute what is called a fixed-term lease  
7 with a Section 8 tenant which contains specific renewal  
8 terms.

9 For example, an owner may now execute a one-  
10 year lease with a provision for a one-year renewal or  
11 he may elect to renew on a month-to-month basis.  
12 However, and this is going to be a central problem for  
13 many suburban owners, the Section 8 tenant continues to  
14 enjoy a provision which he or she has had since 1984;  
15 namely, the ability to give a 30-day notice of intent  
16 to vacate at any time after the initial term. So, even  
17 though the owner may think he has a one-year renewal,  
18 such is not the case.

19 Most suburban apartment complexes use leases  
20 which contain fixed-term renewal provisions. How do  
21 you explain to an owner that despite what he thought,  
22 the Section 8 tenant can still walk with 30-days'  
23 notice?

24 Finally, I would like to address an issue  
25 which, although not representative of recent changes in

1 the program, does address Question Number 20 on the  
2 list, which I received five days ago; namely, what are  
3 some of the barriers which discourage owners from  
4 participating?

5 As you know, all Section 8 units must meet  
6 housing quality standards. There are minimum housing  
7 quality standards which every unit in the country must  
8 meet. The Rochester Housing Authority has twice  
9 requested and received HUD approval for augmented  
10 standards.

11 There was clearly a need for standards which  
12 more closely mirrored state and local codes. However,  
13 any set of augmented standards must include the minimum  
14 standards.

15 Several years ago, certain HUD officials  
16 raised the possibility of a two-tiered HQS system. In  
17 other words, have a system which requires PHAs to  
18 mandate the correction of more serious problems, but  
19 provide a mechanism by which agencies could use  
20 discretion on the more minor deficiencies.

21 The idea appeared to have widespread support.  
22 However, apparently because of some pockets of serious  
23 HQS non-compliance in the country, it was dropped.  
24 Therefore, we are still at the point where we cannot  
25 approve the George Eastman House if the basement stairs

1 are missing a handrail.

2           Additionally, the effective date of rental  
3 assistance for the family cannot be any earlier than  
4 the date on which the unit passes inspection. So, for  
5 example, if the requested starting date on the lease is  
6 June 1st, and we inspect the unit on June 1st, and we  
7 find that one window is missing a lock, we cannot  
8 effect the contract on June 1st. The tenant is in the  
9 unit on their own, in all likelihood facing problems of  
10 affordability, until we can get back out to reinspect  
11 the unit.

12           HUD simply must build some flexibility into  
13 this part of the program. Stop making all PHAs and  
14 their owner and tenant clients pay a price for the  
15 actions of a few. It has been our experience that  
16 suburban apartments rarely fail inspection because of  
17 serious problems.

18           If we are trying to solicit new owner  
19 participation, why could we not, for example, allow the  
20 owner and tenant to certify within a certain time frame  
21 that whatever minor violations existed have been  
22 satisfactorily corrected?

23           I don't believe that most owners, suburban  
24 and urban, object to the program's requirement for  
25 inspecting the unit. Many of them, however, have



1 justifiable concerns over citations which they believe  
2 to be picky.

3 Further, within certain limitations, why not  
4 allow PHAs to execute rental assistance contracts  
5 retroactively?

6 The Rochester Housing Authority also  
7 administers several shelter plus care programs. Now,  
8 these tenant-based rental assistance programs, also  
9 regulated and funded by HUD, require the units to meet  
10 housing quality standards, but contain a provision  
11 which allows us to make rental assistance payments on  
12 behalf of a tenant as long as the owner corrects HQS  
13 deficiencies within 30 days.

14 The shelter plus care tenant, in other words,  
15 can receive rental assistance on June 1st, as long as  
16 the owner corrects any HQS problems by July 1st.

17 The program has worked well, and owners are  
18 certainly encouraged by this provision. Why not allow  
19 Section 8 owners and tenants the same flexibility?

20 Thank you for the opportunity to address the  
21 Committee. I'll try to answer any questions you may  
22 have.

23 CHAIRPERSON TARACIDO: Mr. Padilla?

24 MR. PADILLA: I just had a question, looking  
25 at all these challenges. How the new mobility program

1 would add any impact on these issues?

2 MR. HAIRE: Well, we're going to do our  
3 damndest, I can tell you that. It's going to be tough.  
4 It's going to be tough.

5 MR. PADILLA: So, it will be another program,  
6 but really we cannot anticipate what will be the  
7 impact.

8 CHAIRPERSON TARACIDO: Can you identify  
9 yourselves when you speak, please?

10 MS. PETERSON: Ann Peterson. I think the  
11 mobility counseling program presents some really good  
12 opportunities to -- to look at some of these issues. I  
13 think the issues of HUD regulation, I hope some of them  
14 will be addressed through, for instance, exception  
15 rents, which is an issue that John didn't talk about,  
16 but something that we have to look at as we go out into  
17 the -- out into the county.

18 One thing that I found very encouraging when  
19 I was sitting down with John, and we are doing this  
20 pretty regularly now, trying to hash out the ins and  
21 outs of this program, is how do we deal with the issue  
22 that -- that was raised here about having this long  
23 period of time in which a property is off of the rental  
24 market while it's certified to be acceptable for a  
25 Section 8 tenant who's looked at it and so on, and what

1 we discussed was the idea of doing courtesy  
2 inspections.

3 I know that in Syracuse, the Section 8 office  
4 does provide courtesy inspections to prospective  
5 landlords. So, a landlord says, well, maybe I'll  
6 consider this program, but I don't know if my property  
7 would pass inspection. So, I don't want to tie up my  
8 property because I could rent it to a number of people  
9 while waiting around for the Section 8 inspector and  
10 losing a month's rent and having to start over again if  
11 it doesn't fit the requirements.

12 So, what we discussed was providing a  
13 courtesy inspection similar to what was done in  
14 Syracuse, where somebody can look at the property and  
15 say, well, you know, if you come out here and we only  
16 have a Section 8 tenant, you're going to have to deal  
17 with the railing or the -- or the roof or whatever it  
18 is. You still have to go through that inspection, but  
19 the landlord knows going in that his property's  
20 acceptable.

21 So, I think that is going to -- that's going  
22 to make a big difference. So, it's the kind of thing  
23 that, you know, as we do it, we'll see how it works,  
24 and perhaps we'll be able to make recommendations along  
25 the way of ways to make the Section 8 Program a little

1 more user friendly.

2 MR. PADILLA: But it still isn't clear in  
3 regards to impact. In view of the changes that have  
4 taken place in the programs, in view of the changes  
5 that are taking place in the community, and all these  
6 sources, I think whatever we put in place, we should  
7 have a clear idea what is going to be the contribution  
8 to the resolution of the problem because just some  
9 mobility program, you know, that concept, fine. We  
10 need to have more than that. We need to see what would  
11 be the impact for the city, as you was mentioning  
12 before, and really who's going to support that.

13 Are we going to discourage more landlords  
14 from joining or, you know, I think we have to  
15 anticipate those things.

16 MR. MCHUGH: As part of --

17 CHAIRPERSON TARACIDO: Identify yourself.

18 MR. MCHUGH: Tom McHugh. As part of the --  
19 the counseling award program, timing-wise, we're in the  
20 process now of just -- of developing a draft plan which  
21 has to be submitted to HUD by -- by January 15th.

22 Unfortunately, HUD has a strange way of --  
23 HUD Washington has a strange way of doing this because  
24 the draft plans are going in before they have convened  
25 a two and a half day seminar on the counseling program,

1 and then after they have this, which is in March, they  
2 will then look at the plans, which will be draft, and I  
3 assume they will be reworked again, depending on --  
4 hopefully there have been -- there -- we will glean  
5 something from some other communities who have had some  
6 counseling programs.

7 I'm not sure how many there are around, to be  
8 honest with you, but hopefully we'll glean something  
9 from that two and a half day session with HUD which  
10 convenes all 16 locations around the country, and, so,  
11 that when we start our program, which HUD says will  
12 start May 1st of 1997, hopefully we will have modified  
13 or maybe changed our original draft, however that's  
14 going to look like, and I think -- I think a  
15 realistic -- realistically speaking, it's going to be a  
16 slow process, and it's not going to start off with  
17 grandiose results right away.

18 I mean I -- I hope I'm wrong, but I -- I just  
19 realistically think it's going to take a lot. I think  
20 one of the areas that, based upon this morning's  
21 testimony, that we can certainly move quickly on is  
22 some of the additional suburban landlords that -- who  
23 might not be aware of the Section 8 Program.

24 I was not aware until I heard Harriet's  
25 testimony that -- that her units were not on our list.

1 I mean it's -- we can address that, you know, very  
2 easily.

3 There may be others. She mentioned the  
4 Institute of Real Estate something or other. I'm  
5 missing words. You know, as far as I never knew that  
6 institute existed. I'll be honest with you. I know  
7 we've met with different landlord associations over the  
8 years. John meets with the -- the supervisors. As a  
9 matter of fact, he's meeting with them tomorrow, but I  
10 think there are avenues like that that can be brought  
11 on line very quickly while -- while other process and  
12 HUD works out the kinks in the program, if you will.

13 CHAIRPERSON TARACIDO: Ms. Lopez, you had a  
14 question, and then Dr. Nishi.

15 MS. LOPEZ: Yeah. I have a couple questions,  
16 if you can deal with me. With your concern of getting  
17 suburban landlords to participate on this, how will you  
18 do that?

19 MR. MCHUGH: Well, let me ask the individuals  
20 who will be doing this. Other than what I've just  
21 said, do you have some --

22 MS. PETERSON: Yes.

23 MR. MCHUGH: I assumed you did.

24 MS. PETERSON: Fortunately, I do. I think --  
25 well, first of all, it was -- it was very helpful to me

1 to hear Harriet this morning because clearly this is an  
2 untapped resource that we can go, and I think that we  
3 will pursue that probably immediately.

4 In addition to that, we have talked to -- to  
5 Linda Dolby here in Rochester, who is the Community  
6 Minister for the United Methodist Church, and talking  
7 about putting together a kind of network through the  
8 churches to identify several kinds of people.

9 One is to try and create -- because churches  
10 are everywhere, try to open up some of these networks  
11 in terms of neighborhoods. Also, to create within some  
12 of the towns and particularly in the suburban areas a  
13 constituency for change, a constituency that will speak  
14 up when these issues are presented in public settings,  
15 and there's great objection, because there are people  
16 all over the place who -- who support efforts, such as  
17 the mobility counseling program, and they need to be  
18 identified and given an opportunity to -- to support  
19 that.

20 In addition to that, I'm going to be working  
21 with -- with the real estate board in terms of -- of  
22 identifying realtors and realtors who also, as a -- as  
23 part of their organization's business plan, manage  
24 properties, and also there are landlord associations in  
25 the area, and, so, you know, just going to really get

1 out there and put your -- put yourself out into that  
2 community at all of those levels in order to identify  
3 suburban landlords and make them understand what --  
4 what's good about this program for them, help them work  
5 through the issues that they have that are concerns,  
6 and to present them with a product at the end which is  
7 a counseling program that really prepares tenants to be  
8 responsible tenants in their particular units.

9 MS. LOPEZ: The next question deals with the  
10 mobility subject. How are you going to identify the  
11 people who will participate in this mobility  
12 counseling, and what factors are you going to consider?  
13 Because I heard a couple of factors this morning, but  
14 if I could hear from you.

15 MS. PETERSON: I don't know what --

16 MR. MCHUGH: You mean who would be eligible?

17 MS. LOPEZ: Yeah. Who will be eligible, and  
18 how will you reach out to them?

19 MR. MCHUGH: Eligibility, as I understand it,  
20 will be -- Tom McHugh. I'm sorry. Anyone who has a  
21 Section 8 certificate or voucher will be eligible, and  
22 how we narrow that down any further, I -- that has yet  
23 to be determined, at least --

24 MS. PETERSON: Well, we're working through as  
25 -- as Tom and John both suggested, we are meeting quite



1 frequently now to look through a lot of this, and one  
2 of the ideas that was put forward before was -- was to  
3 prioritize this list in some way, and we have to make  
4 those decisions.

5 Do we start with working families? Do we  
6 start with working families, and they're on the urban-  
7 suburban school transfer list, which is where families  
8 with children who are in suburban schools are being  
9 bused out of the suburbs already into suburban school  
10 settings because for all the reasons that you might  
11 expect, and whose families may very well like to  
12 relocate in those areas, given an opportunity.

13 So that a lot of -- we haven't come to a  
14 final decision as to how we might prioritize that list.  
15 Do we take only new people coming in? No. I think  
16 it's clear that -- that if we restricted ourselves to  
17 people who are new certificate holders, that we will  
18 really be self-limiting in a way that undermines the  
19 efforts of the program.

20 So, we know we have to get out there when  
21 people -- certificates -- when their certificates are  
22 up for renewal, and present to them and really do  
23 outreach when we do this because -- and present to them  
24 the opportunities that mobility counseling will  
25 provide, and that means going right to -- to the

1 Section 8 tenant and going and doing this in a setting  
2 in the Section 8 offices or some place where -- where  
3 we are able to -- to be the people who do the -- the  
4 driving, if you will, to go to the place and not wait  
5 for them to come to us.

6 MS. LOPEZ: Because one of my concerns is  
7 when I heard Ms. Olyer speak today about the  
8 disability, and she was concerned about when you make  
9 your priorities, if you would consider single-family  
10 allowances because many of the people who are disabled  
11 are requesting single-family rental units.

12 So, the elements, the factors have not been  
13 determined at this point.

14 MS. PETERSON: No, they haven't, and that's  
15 certainly something that we have to -- to plug into our  
16 equation in trying to -- to prioritize.

17 MS. LOPEZ: Now, as to the -- do you have  
18 your staff for this mobility center already?

19 MS. PETERSON: Not all of our staff. We're  
20 going to be do some hiring, but one of the things  
21 that -- and I think one of the appeals of the Housing  
22 Council for the funders of this project is that the  
23 Housing Council already has a number of programs which  
24 directly address the issues of mobility, and it's an  
25 opportunity for us to enhance our programs.

1           In other words, we have the rental registry I  
2 described to you. We need to build on that registry,  
3 to make that -- to make it more valuable to this  
4 effort.

5           We have something I didn't discuss earlier  
6 called the housing hotline. It's -- the people have  
7 the telephone number of the Housing Council, and they  
8 call the staff to -- through the business day in our  
9 office all week long. We receive anywhere from 5 to  
10 700 phone calls a month from people asking housing-  
11 related questions.

12           Occasionally some of those questions regard  
13 -- regard the Fair Housing Act and discrimination  
14 issues and what should be done about that. More often,  
15 they are questions about leases and about how you go  
16 about getting an apartment, how you resolve various  
17 disputes between landlord and tenant and so on.

18           That list -- that telephone line is going to  
19 become very important aspect of -- of how we reach out  
20 and do the sort of on-the-street stuff with people as  
21 they go through this process, and with landlords who  
22 call up and make complaints or ask questions and don't  
23 know what to do next.

24           So, I -- really, we will enhance our existing  
25 programs. We're not going to hire a whole new staff

1 and put them over in the corner. We now run landlord-  
2 tenant training all through the county. We now have  
3 the housing hotline that I just described. We already  
4 have a rental registry in place.

5 We have a number of programs that lend  
6 themselves very easily to this. So, we're really going  
7 to expand what we have.

8 CHAIRPERSON TARACIDO: Dr. Nishi, before you  
9 ask the questions, Lita Taracido, you said that you  
10 actually hear some discrimination complaints, is that  
11 correct?

12 MS. PETERSON: Sometimes we get calls, yes.

13 CHAIRPERSON TARACIDO: And what do you do  
14 with those?

15 MS. PETERSON: We refer those calls, if  
16 it's -- well, we listen to what the issue is obviously,  
17 and -- and we frequently refer those calls to MCLAC,  
18 Monroe County Legal Assistance Corporation.

19 MS. LOPEZ: Do you do any follow-up with  
20 that?

21 MS. PETERSON: At this time, we do not do  
22 follow-up with that. Recently, as recently as three or  
23 four months ago, the Housing Council altered its  
24 mission statement in order to -- to add the dimension  
25 of -- of looking toward doing private enforcement of

1 Fair Housing, certainly doing massive education of Fair  
2 Housing, which is not something that the Housing  
3 Council had as a top priority. It is at this point.

4 CHAIRPERSON TARACIDO: There's a gentleman in  
5 the audience that would like to ask a question.

6 MR. ROTHCHILD: Yes. I would like to  
7 introduce myself. My name is Don Rothchild, and I'm a  
8 landlord.

9 CHAIRPERSON TARACIDO: Could you get closer  
10 to that mike?

11 MR. ROTHCHILD: Sure. Sure. Thank you. My  
12 name is Don Rothchild. I'm a landlord, both urban and  
13 suburban. I'm the president of the Maplewood Landlords  
14 Association, which I started six years ago.

15 We need a landlord here to tell because we  
16 are an important ingredient in this. I've said this  
17 many times at my meetings. The landlord controls the  
18 make-up of the street and of the neighborhood just by  
19 the type of tenant he rents to.

20 We can bring a neighborhood and a street to  
21 its knees by renting to drug dealers and crime people,  
22 or we can hold out for the desirable tenant and bring a  
23 neighborhood up, and that is to our advantage because  
24 we now are enhancing the values of our property.

25 I am part of the Section 8 Program. I enjoy

1 the Section 8 Program, and I welcome their inspections.  
2 They bring a lot of things to my attention that I don't  
3 know about, and I am happy to follow through.

4 There are some tenants, and I've run the  
5 gamut, I've had great tenants who have stayed year  
6 after year after year. I've had one who I couldn't  
7 wait to get rid of. I took that particular person, and  
8 John knows the incident, into court three times in one  
9 year because she would not pay her share of the rent,  
10 and, finally, she didn't show up at the last one, and  
11 she has been eliminated from the program.

12 It is our -- my -- as a landlord -- I cannot  
13 speak for all of the landlords in the City of Rochester  
14 nor can the Mayor speak for all the residents, but it  
15 is my opinion that the Section 8 Program is excellent.  
16 It helps people who need help.

17 I'm not so sure you should expand it to the  
18 suburban area. I'm not so sure you're going to get  
19 suburban landlords interested in the government telling  
20 them what to do, how to do it. They aren't used to  
21 that, and we don't want some stereotype individuals,  
22 whether it's DSS, Section 8 or others, to move into  
23 certain suburbs, certain areas.

24 They're even having trouble giving houses for  
25 the disabled into certain areas, but the neighbors are

1 up in arms about it, but that's a different story.

2 CHAIRPERSON TARACIDO: We would be very  
3 pleased to have you actually submit some information to  
4 us, and I think the best way to handle this would be  
5 for us to get your name and your address, and then Mr.  
6 Serpa can send you some information regarding what  
7 we've been doing with respect to this hearing, and if  
8 you could respond, that would be great, and we will  
9 keep the record open for 30 days after the last --  
10 after the last hearing.

11 MR. ROTHCHILD: I would be very happy to.

12 CHAIRPERSON TARACIDO: So, there is plenty  
13 of time, and if you would do that, that would be --  
14 that would be great.

15 MR. ROTHCHILD: Okay.

16 CHAIRPERSON TARACIDO: So, if you don't mind,  
17 we'll, you know, --

18 MR. ROTHCHILD: But I really think that  
19 it's -- it's important that you have a landlord --  
20 landlords' views. This is what I do for a living. I'm  
21 not a part-time landlord, which a lot of landlords are.  
22 They have another job, and they may have one or two  
23 houses, but this is what I do full-time, and I think  
24 it's very important that -- because this is my  
25 business, --

1           CHAIRPERSON TARACIDO: We did actually have a  
2 landlord representation this morning. We had a --  
3 what's her name? Ms. Howitt, who is a management and  
4 property manager, that was here. So, we have heard  
5 from somebody from the landlord's perspective as well.

6           MR. ROTHCHILD: Well, it's a lot different to  
7 have a property manager who isn't dealing with its own  
8 money than it is to have a landlord. This is -- this  
9 is my -- this is my livelihood. If a management  
10 company has a couple vacancies, they don't get excited  
11 about it. I do. So, --

12           CHAIRPERSON TARACIDO: We'll be pleased to  
13 have your response to the materials that Mr. Serpa will  
14 be sending you. Make sure that you leave your name and  
15 address with us.

16           MR. ROTHCHILD: I will, and are you going to  
17 have other sessions like this in Rochester?

18           CHAIRPERSON TARACIDO: Not in Rochester.  
19 This is the end for Rochester.

20           MR. ROTHCHILD: I see.

21           CHAIRPERSON TARACIDO: We're going up to  
22 Buffalo.

23           MR. ROTHCHILD: Okay. You want my name and  
24 address now?

25           MR. SERPA: You can write it down and hand it



1 to us or hand it to me.

2 MR. ROTHCHILD: I'll write it down and hand  
3 it to you.

4 MR. SERPA: Thank you.

5 MR. ROTHCHILD: Thank you for this  
6 opportunity.

7 CHAIRPERSON TARACIDO: Dr. Nishi?

8 DR. NISHI: Yes. May I ask you about this  
9 counseling program which you have under development  
10 now? Do you have a component in there to -- to -- to  
11 counsel and encourage your Section 8 -- do you call  
12 them clients -- candidates as to the accessibility of  
13 housing space outside of the -- out -- outside of  
14 Rochester City, the City of Rochester?

15 The consideration here is that job  
16 opportunities are going to increase in -- in those  
17 areas more so than in the City of Rochester, etc. So,  
18 there are -- I should expect that there would be a good  
19 deal of education and probably incentives and aid to  
20 try to encourage this mobility, such as possibility of  
21 having more than 60 days if they're searching outside  
22 in an unfamiliar area.

23 Secondly, the possibility of some kind of  
24 transportation subsidy, etc. It seems to me that in  
25 order to accomplish this, that there needs to be a very

1 different kind of perception on the part of people who  
2 live in the inner city about what possibilities there  
3 are outside of those areas that they are already in.

4 MR. MCHUGH: I don't disagree with anything  
5 that you just said, and I -- as I say, we're in the  
6 process of developing this. I can't give any  
7 particular because I don't have the particulars.

8 DR. NISHI: No. But I'm just asking whether  
9 you're considering those --

10 MR. MCHUGH: Oh, yes, yes, yes. No question  
11 about it. May I make a follow-up? Tom McHugh. Just a  
12 comment on the one before on expectations. The million  
13 plus is over a five-year period, and based upon my  
14 meetings with other places who have had similar  
15 programs, they're talking about the cost per case, if  
16 you will, between -- anywhere between \$1,700 to \$2,000  
17 per case, which means that even if that range is  
18 correct, you're only talking 500 cases for the million  
19 dollars over the five-year period, and also couple that  
20 with whether or not we will actually be getting  
21 additional certificates or vouchers, and the fact that  
22 we also have close to 6,000 households on our Section 8  
23 waiting list.

24 So, it's -- I guess it's all additional data  
25 to throw into the expectation pot, if you will, that

1 will be a slow process, and it won't be something --  
2 even though everyone who receives a certificate or  
3 voucher will be eligible, there has to be a way of --  
4 of prioritizing who will get the attention, if you  
5 will, and especially because you've got to have the  
6 follow-up to a successful counseling program, as I  
7 understand it, whether it be the transportation or  
8 whether it be the receptivity within the community or  
9 whether it be the services that are provided, etc.,  
10 etc.

11 DR. NISHI: Coordination with, say, other  
12 kinds of incentives for moving to where the jobs are.

13 MR. MCHUGH: Absolutely.

14 DR. NISHI: By coordinating with, say, job  
15 developers or something of that nature.

16 MR. MCHUGH: Yes.

17 CHAIRPERSON TARACIDO: Paul?

18 MR. NGUYEN: Hi. It's Paul Nguyen. I'd like  
19 to ask Mr. Haire a question. You raised concern before  
20 that the new changes by HUD will get the -- one aspect  
21 is that the tenant has a right to take a walk or  
22 terminate the lease on 30-day notice, but is that  
23 realistic? Where can they go? There's not enough  
24 housing available to them.

25 MR. HAIRE: John Haire. I don't think we

1 should waste time debating whether it's realistic or  
2 not.

3 MR. NGUYEN: Yeah.

4 MR. HAIRE: What we need to look at is what  
5 does the suburban landlord expect from his tenant,  
6 assisted and unassisted, and I think if we had the  
7 opportunity to have a group of suburban landlords in  
8 here, they would -- they would indicate to you that  
9 their policy is a one-year lease with one-year  
10 renewals. Okay. They expect that tenant to be in the  
11 unit for a fixed period of time.

12 Now, if all of a sudden, as I mentioned in my  
13 -- in my testimony, if we're going out to try to  
14 solicit these suburban landlords and say, lookit, we're  
15 going to be as inobstrusive as possible, you won't even  
16 know we're here, but these tenants can walk with 30  
17 days, they're going to tell me to walk in 30 seconds.

18 MS. PETERSON: May I please respond to that?  
19 Ann Peterson. I guess I think that it is very  
20 important, the point that you're raising, as to how  
21 realistic is it that tenants will actually take  
22 advantage of that clause and leave a landlord hanging  
23 there.

24 I would say that in -- in our presentation to  
25 landlords as the Housing Council running this program,

1 it needs to be presented exactly the way you've raised  
2 it, in its proper context.

3 Yes, this is true. Here's what it means.  
4 Here's what the history is. Here's what it looks like.  
5 We are providing a counseling program that brings  
6 people into your unit, and we have an on-going program  
7 here. We're not going to disappear because -- because  
8 the tenants have moved into the apartment. It's very  
9 important to the success for the tenant as well as for  
10 the whole program that we keep a follow-up, and that we  
11 continue to work with tenants to stay in touch with --

12 MR. NGUYEN: But in the education process  
13 that you want to --

14 MS. PETERSON: Exactly.

15 MR. NGUYEN: -- reach out to the -- to the  
16 landlord, you have to educate them, just like anybody  
17 else.

18 MS. PETERSON: Yeah. The landlords --

19 MR. NGUYEN: I don't mean to say that I  
20 support -- tenants should have the right to -- to walk,  
21 but you should educate the landlord in that context.  
22 They have no place to go, more or less.

23 MS. PETERSON: You know, I --

24 MR. NGUYEN: I don't think that's realistic,  
25 you know.

1 MS. PETERSON: -- in one of my other lives,  
2 was a real estate broker, and I managed apartments, and  
3 one of the things that I encountered all the time was  
4 the transfer clause. The person who came in, and he  
5 worked for -- I don't know -- Digital Systems or  
6 something, and -- and he could leave in 30 or 60 days,  
7 if he were transferred. He could move, and there were  
8 no -- it was much easier for that person to move than  
9 it would be for this Section 8 tenant.

10 So, it's got to be described in that kind of  
11 a context.

12 MR. NGUYEN: Yes.

13 MS. PETERSON: And landlords accept those  
14 transfer clauses every day, and it's much more likely,  
15 I think, that it will be activated by a very mobile  
16 tenant than it's going to be activated by a Section 8  
17 tenant, you know, but -- but I want to say all that,  
18 and then somebody's going to do it, you know. It's  
19 going to happen. We can't say it isn't going to  
20 happen, but it's certainly the preponderance of -- of  
21 the evidence will be that this is not a mutual issue.

22 CHAIRPERSON TARACIDO: Mr. Haire, how many  
23 staff do you have?

24 MR. HAIRE: 25.

25 CHAIRPERSON TARACIDO: 25, and how many --

1 MR. HAIRE: Myself included.

2 CHAIRPERSON TARACIDO: How many of them are  
3 involved in the Section 8 Program?

4 MR. HAIRE: All of us.

5 CHAIRPERSON TARACIDO: All of you are.  
6 What's the breakdown there in terms of ethnic, racial  
7 and gender?

8 MR. HAIRE: One Hispanic, three African  
9 Americans, 21 white. 80 percent of the staff is  
10 female.

11 MR. MCHUGH: And on the authority-wide part  
12 of which is included in Section 8, we have a 160  
13 employees, give or take, it changes sometimes in the  
14 season, but on an average, a 160. 62 percent are  
15 white, 34 percent African American, and four percent  
16 Hispanic, and the gender is about 50/50, even though I  
17 stand corrected on that. It could be slightly higher  
18 on the female side, I think about 52/54, something like  
19 that.

20 CHAIRPERSON TARACIDO: And any other  
21 questions? Mike? Michael Hanley.

22 MR. HANLEY: Michael Hanley. As you might  
23 imagine, I probably have about a million things I would  
24 like to say, and I've known John for some time, and  
25 Tom, of course, and we've had a lot of debates about

1 Section 8 policy issues, and I'm sure we'll continue to  
2 have them in the future, and I don't think we have time  
3 to have the debates I'd like to have with you here  
4 today or discussions I'd like to have with you here  
5 today.

6 But there are some -- I am sort -- I feel  
7 compelled to make a general comment about the testimony  
8 I've heard because I think it's important not to lose  
9 sight of some of the issues that started this inquiry  
10 today, and that's the difference between how black  
11 Section 8 subsidy holders are able to use their  
12 subsidies and how white Section 8 subsidy holders are  
13 able to use their subsidies, and I don't say that to  
14 disparage the housing authority, but I don't think we  
15 can ignore the fact that according to the city's  
16 analysis of impediments, 97 -- looking at Page VII-8 of  
17 the "Analysis of Impediments", 95 percent of the black  
18 program participants reside in the city and 54 percent  
19 of the white participants live outside the city.

20 So, there's more at play here than just  
21 whether suburban properties are available. They're  
22 available for some Section 8 holders.

23 There's clearly a shortage of suburban  
24 properties from everything we've heard today. No one  
25 has disputed that, and, so, I -- I -- I -- I -- I'm not



1 sympathetic when I hear you describe your concern that  
2 HUD is now saying we need to address these, and that  
3 we're going to look at where Section 8s are used, if  
4 they're used in high-poverty areas, and we want that to  
5 change.

6 I'm not sympathetic, frankly, to what I'll --  
7 I hope you don't object to the characterization of  
8 crocodile tears, of saying that we're steering people  
9 if we tell them we want the programs in place that will  
10 use the \$15-20 million that comes into the metropolitan  
11 area, like Rochester, to -- to get those people to  
12 better housing.

13 I'm not sensitive to claims that we're  
14 steering people by directing -- by offering them  
15 choices outside of high-poverty areas, when I know that  
16 from the testimony we've heard this morning, that we  
17 have a property list of landlords that -- 87 percent of  
18 the -- let's see -- the numbers we had this morning, 65  
19 percent of the -- of the units are in high -- in  
20 poverty census tracks, 22 percent are in highly-  
21 impacted poverty census tracks, and there's one  
22 suburban listing outside of -- of the city. 87  
23 percent?

24 MR. NGUYEN: One out of 87.

25 MR. HANLEY: One out of 87 units being

1 listed. So, I -- I understand your concerns, and I can  
2 understand that -- that we need to keep Section 8 as a  
3 part of the revitalization effort in the city, and I  
4 agree that's constructive.

5 I do appreciate very, very much your comments  
6 regarding -- and I know you're a technician  
7 extraordinaire on Section 8, your comments regarding  
8 what needs to be done to make the program work for  
9 suburban properties, and I think if we get the  
10 opportunity through this forum, if you have written  
11 comments that are more specific on that, I'm sure we've  
12 love to include those in the report, and I hope that in  
13 the process of developing the mobility strategies in  
14 your workshops with HUD, you'll be able to pass that up  
15 the line as well.

16 We know from our discussions in Syracuse that  
17 there -- there's not a meeting of the minds about what  
18 signals HUD is sending down. Housing authorities tell  
19 us that they haven't been doing this stuff for 20 years  
20 because nobody told them they had to.

21 Admittedly, it's a recent effort. We've seen  
22 that -- that -- that what's happening because of the  
23 analysis impediments and mobility centers is all a  
24 recent effort, but it hardly explains the fact that the  
25 Civil Rights Acts that we identified this morning have

1       been ignored for 20 years.

2               So, I don't mean to leave this on a sour  
3 note. I do want to leave this on a constructive note.  
4 I think we're -- I'm very impressed, and as you know,  
5 I've been involved in -- in some of the efforts, the  
6 mobility counseling efforts in Rochester. I hope this  
7 becomes a model program. I hope you can show other  
8 cities the way to go. I know you've done some ground  
9 work that's extraordinary.

10               Even 20 years ago, when you came up with your  
11 legal opinion that opened the door for people to use  
12 their subsidy outside the cities, I think we've -- we  
13 hope to report tomorrow with HUD why that isn't --  
14 why -- why that obstacle -- plan obstacle exists in  
15 Syracuse, that you've -- that you've -- that you've --  
16 you've solved 20 years ago.

17               So, we need to explore those issues, and  
18 Rochester certainly has many points that we can develop  
19 on.

20               My final point is regarding the discussion on  
21 the -- the -- the tolling period that you mentioned for  
22 the search. I -- I -- you know, I think we -- we -- we  
23 don't want to come away from that discussion with a  
24 mischaracterization of the fact that people have  
25 adequate time to find properties outside of the city.

1       When they have that list that we've looked at this  
2       morning or we don't have suburban properties, it's  
3       going to take them longer, especially if they're  
4       minority, to find property outside of the city, and to  
5       say that they can toll the list for a year I don't  
6       think is realistic because, in the first place, when  
7       the list is tolled after they submit a lease approval,  
8       they're not looking for a unit. They're waiting for  
9       somebody to act on whether or not the paper work's  
10      going to be approved. They're not out looking in the  
11      suburbs. They don't know whether it's going to take a  
12      week or two weeks, and they don't -- why would they be  
13      looking once they've -- once they've found?

14                So, the concern here is that they have still  
15      a very short time, that they are forced because of that  
16      into a sub-market of Section 8 landlords who will  
17      accept their subsidies and will accept them in these  
18      30-day periods that you mentioned, those very brief  
19      periods, but that's not the issue.

20                The issue is how do you get -- how much time  
21      do you need to give them to find better housing, not  
22      how can we get them to find some housing soon. So, I  
23      know it's a bit of an editorial comment, but --

24                MR. HAIRE: Can I respond to that?

25                MR. HANLEY: Sure. And I'm done for the day,

1 I think. Thank you.

2 MR. HAIRE: John Haire. A couple of things  
3 that you raised, Mike. First of all, it is the intent  
4 right now of the counseling program to -- to  
5 automatically issue 120-day certificates and vouchers.  
6 Okay. So, that's -- that's a mute point.

7 Secondly, my point in bringing up the high  
8 percentage, the very high percentage of families that  
9 return paper work within a short period of time is to  
10 suggest that there might be other factors at work here;  
11 namely, that they already know where it is that they  
12 want to look for housing. Okay.

13 Let's not forget the element of choice, and  
14 that brings me back to the other issue. While you may  
15 not be sympathetic with it, I repeat, the urban  
16 landlord has been the backbone of this program for 20  
17 years, and if anything by way of regulations, by way of  
18 administrative measurement, is designed in such a way  
19 that agencies, such as ourselves, are penalized from  
20 entering into contracts with these landlords, you are  
21 throwing the baby out with the bath water. I beg your  
22 pardon.

23 CHAIRPERSON TARACIDO: Ms. Lopez?

24 MS. LOPEZ: Just two questions. One to  
25 follow up Mr. Hanley's comment and your comment, and

1 also Tom McHugh's comment that he's sure that public  
2 housing authorities realize that the Section 8 is  
3 supposed to be used by the tenants outside the -- into  
4 the suburbs.

5 But what kind of steps, if any, is Rochester  
6 Housing Authority taking to ensure that people know  
7 that they can take this from the inner city and move it  
8 out? Because the rental listing doesn't tell them that  
9 there are some properties available. So, what are you  
10 doing affirmatively, if anything, to educate people?

11 MR. MCHUGH: Obviously not enough, I think,  
12 but yet I know that at the briefings which John can  
13 tell you more than I can because I'm not part of the  
14 meetings, I know that we make it clear --

15 CHAIRPERSON TARACIDO: This is Tom McHugh.

16 MR. MCHUGH: Tom McHugh. Right. Sorry.  
17 During the briefings, you know, everyone is told that  
18 the certificates or the vouchers can be used any place  
19 in the city, outside the city.

20 We make -- in addition to that list, which  
21 needs to be expanded, we obviously make a lot of  
22 referrals to the Housing Council, but there's -- I  
23 think, you know, having come out of this meeting today,  
24 especially as it relates to the suburban landlord and  
25 perhaps some of the areas that -- of the suburban

1 landlords don't know, and there's a lot of them out  
2 there. Some will participate, some may be on the  
3 fence, but yet they have to know more about the actual  
4 programs and the -- and the merits of the programs  
5 which I say are not as great now as they were perhaps  
6 seven or eight years ago.

7           So, I think there's more than we can do, but  
8 yet you're still going to have the problem of fair  
9 market rents as you go out further, outside the city.  
10 The availability of housing. I mean that's a realistic  
11 factor, availability of housing, and -- and landlords  
12 who could say to us I don't want to deal with any type  
13 of subsidized housing, and that's a factor. I think  
14 whether it's right, wrong or different, it's -- it's --  
15 it's a challenge to -- to encourage landlords, and it  
16 was a challenge in the beginning. We encouraged city  
17 landlords. It's just a greater challenge to -- to  
18 reach suburban landlords.

19           I mean that's not a very specific answer to  
20 your question, Gloria, I realize that, but --

21           MS. LOPEZ: Given the concern about the  
22 tenants not being told that they have a right to live  
23 out in the suburbs, if they have that choice, --

24           MR. MCHUGH: Well, they are told. I think --  
25 I mean I can yield to John on the briefings, but to the

1 best of my knowledge, they are told that they can use  
2 -- utilize that certificate or voucher any place they  
3 want to.

4 MS. LOPEZ: Sometimes if people are told you  
5 can utilize it any place you want to, they may not go  
6 out to the suburbs because as we heard earlier, there  
7 may not be the support out there for the people. For  
8 example, they may feel uncomfortable. They may not  
9 know what to do or how to do it, and that's my  
10 question.

11 What are we doing to educate them? Ann?

12 MS. PETERSON: Ann Peterson. I think that  
13 most of the issues you are raising will be addressed  
14 very specifically in the -- in our program as we go  
15 forward.

16 Certainly housing choice, the point I made  
17 earlier today when I was discussing about the  
18 availability of housing, housing choice is the choice  
19 you know about, and if you don't know those units are  
20 out there, or if you don't know anybody who's ever been  
21 out there, and that -- it's interesting because that's  
22 the phrase that you hear when talking to -- to low-  
23 income residents. The suburbs are out there. It's  
24 really another world in many ways to many people.

25 But if our program is -- is successful, it



1 will be because we built that system of support for the  
2 individual landlord moving into that setting, and as  
3 far as going to the school principals and saying you're  
4 going to have Johnny Smith coming to your school next  
5 week, he is part of our program because I've been out  
6 there earlier on and talked to you about the program,  
7 and -- and now here I am with a real child, and he's in  
8 the third grade, and he's going to live on Jones  
9 Street, and can you tell me another person in the third  
10 grade who lives on Jones Street, so they can walk to  
11 school together.

12 We need to get at that level, and we  
13 certainly are committed to doing it in exactly that way  
14 because it's the same thing that happens to any one of  
15 us when we go and move into a neighborhood.

16 Children are the best ambassadors for any  
17 kind of friendships and -- and sort of community --  
18 community interweaving that goes on. I -- I intend  
19 to -- to work on it at that level and have our  
20 counseling staff do that.

21 CHAIRPERSON TARACIDO: But yours -- this is  
22 Lita Taracido. Yours is a demonstration project, is it  
23 not, and you're going to have a limited number of  
24 people participating?

25 MS. PETERSON: We --

1                   CHAIRPERSON TARACIDO: What -- what in the  
2 larger scale is going to be done in terms of this  
3 issue? Because although this is a wonderful first  
4 step, the fact is that what I heard this morning was  
5 that this program is not being marketed outside, and  
6 you have landlords outside where there are vacancies  
7 saying that if you came and told us about this program,  
8 we might consider it.

9                   So, what else is going to be done besides  
10 this mobility, this demonstration project, that's going  
11 to deal with that? And I don't know who to ask that.

12                   Mr. Haire?

13                   MR. HAIRE: John Haire. I -- I was kind of  
14 surprised to hear Ms. Howitt's remarks this morning as  
15 well. We have through the years tried to approach as  
16 many landlord organizations as we can, that is to say,  
17 those that we know about, and I'm going back 20 years  
18 now with the Genesee Regional Apartment Owners  
19 Association, I think the name was, and we've spoken to  
20 the Maplewood Association, the Westside Association.

21                   I -- I was not aware that the Institute of  
22 Real Estate Management had a membership as apparently  
23 large as Harriet indicated. I personally have never  
24 been invited to speak in front of the group. I -- just  
25 tell me when and where, and I'll be there, with or

1 without the mobility counseling award.

2 CHAIRPERSON TARACIDO: I hate to end on a  
3 negative note, but there is an affirmative obligation,  
4 we thought, to actually do some outreach. So,  
5 hopefully you're going to work in both directions,  
6 waiting for people to ask you and you also should be  
7 out there seeking to give the information to the folks  
8 that want -- that you should be touching base with.

9 MR. HAIRE: Sure.

10 DR. NISHI: Lita?

11 CHAIRPERSON TARACIDO: It's a two-way street.  
12 Dr. Nishi?

13 DR. NISHI: Can I ask one question? What  
14 sort of evaluation procedure do you have, especially as  
15 a demonstration project, and is HUD going to be  
16 interested to know what your results are to evaluate  
17 the effectiveness of your counseling program?

18 MS. PETERSON: The way that I looked at  
19 determining measures of success for this program was to  
20 look at what other programs have achieved, and what  
21 kinds of issues came up.

22 I mean one thing, you can say, well, X number  
23 of people that you assisted have moved, but that  
24 doesn't tell you things like -- like how well did the  
25 children do in school before they moved, and what

1 period of adjustment did they go through? How well did  
2 they do afterwards.

3 What are the long-term prospects for -- for  
4 school success? Did the person who comes into the  
5 program at, say, a minimum level of education -- very  
6 frequently could be a person who has literally never  
7 been employed. So, at a certain point in the future, a  
8 year or two years, whatever, are they now employed? If  
9 they were employed, are they employed at a better job?  
10 Are they earning more money or are they earning the  
11 same money but other senses of satisfaction are very  
12 important to them?

13 The biggest reason that people who have  
14 participated voluntarily in mobility programs have  
15 given across the board in every program that I have  
16 looked at has been the fear of crime and the safety of  
17 their children and their own personal safety that  
18 brings them into a program like this.

19 Do they have a sense of well-being, so that  
20 they can get up in the morning and go out? Do they put  
21 their kids on a school bus or do you see them go out  
22 the door, and they -- and you know they're going to  
23 come back.

24 I mean that is -- that is a reality that  
25 families in crime-ridden areas live with every day,

1 that fear, and that is the biggest single reason for  
2 people to participate in these programs.

3 A lot of other things come out of it that may  
4 be unexpected for that participant, that success in  
5 school, the better job or the initial job. The  
6 opportunity maybe to make some new friends, although  
7 universally the people in the mobility programs have  
8 had a somewhat more isolated sense going -- that goes  
9 on for a long time, and sometimes -- sometimes people  
10 move back to the neighborhoods they left.

11 It's going to be very important for us to --  
12 to wire in to the churches and to the other community  
13 activities and community centers that people are  
14 leaving behind. Nothing is very far away from anything  
15 else in Rochester, if you have a car.

16 So, these are going to be the kinds of  
17 measures, and other studies -- I think I just said  
18 this, but if I didn't, I want to say it again, and that  
19 is that people don't necessarily get jobs where their  
20 pay goes up dramatically. I thought that was very  
21 interesting, that in fact the -- the research shows  
22 that frequently their job is much more stable, but they  
23 don't make more per hour. What they have is benefits.  
24 They get health insurance. They get all kinds of  
25 benefits with a job that they didn't have before.

1           So, those are the things I'm going to look  
2 at. How many people -- how many people got benefits in  
3 the job because they moved away from a former job, and  
4 the new job had that? How many people got employed?  
5 How many people --

6           DR. NISHI: So, the consequences --

7           MS. PETERSON: Exactly.

8           DR. NISHI: -- that you're speaking of are  
9 consequences of suburban -- well, moving to a non-  
10 populated area, but I was thinking also in terms of  
11 such criteria as whether whites and minorities have an  
12 equal success rate --

13           MS. PETERSON: That will be a very -- that  
14 will be a very interesting study, and I -- and we can  
15 certainly do that, and we've talked --

16           DR. NISHI: About the success rate, about how  
17 long it takes, the kind of areas --

18           MS. PETERSON: Yes.

19           DR. NISHI: -- that they're able to move to  
20 in those areas.

21           MS. PETERSON: That's a very important  
22 question.

23           DR. NISHI: Yes.<sup>302</sup>

24           MS. PETERSON: You know, I want to come back  
25 to --

1 DR. NISHI: Yes.

2 MS. PETERSON: -- one thing that John brought  
3 up, and I don't think we have quite articulated the  
4 issue, and I don't want to go away without it, and that  
5 is the issue of housing choice.

6 Now, this program is based on economics.  
7 This is a program --

8 DR. NISHI: Yes.

9 MS. PETERSON: -- that's income-bound. It is  
10 not bound by race. It is not litigation-driven, and  
11 the issue is to move people from areas of high  
12 concentrations of poverty to areas of lesser  
13 concentrations.

14 So, some people may choose to remain in a  
15 high-minority population census track that is not  
16 impacted, that is a low-poverty census track. I've got  
17 to find one. That's hard to do, but they do exist, as  
18 a matter of fact, in several areas within the city.

19 So, everyone isn't going to be moving, and  
20 when I talk about housing choice, we have to be willing  
21 to allow that family who has been given -- we have to  
22 satisfy ourselves we have laid out the options, truly  
23 laid out the options and truly shown people what the  
24 choice is, but if they choose to remain in a high-  
25 minority but low-poverty census track rather than move

1 to a suburban location, have we won or have we lost?

2 DR. NISHI: Correct.

3 MS. PETERSON: You see what I'm saying?

4 DR. NISHI: Yes.

5 MS. PETERSON: Housing choice.

6 DR. NISHI: The control here -- controlling  
7 variable here is -- is choice here, rather --

8 MS. PETERSON: Yes.

9 DR. NISHI: -- rather than in terms of  
10 whether they can move to an area of lesser minority  
11 density.

12 MS. PETERSON: That's true. If you look at  
13 the studies, also, I'm not going to put you through the  
14 torture of hearing another page of very specifics --

15 DR. NISHI: But they need to be informed  
16 choice, right?

17 MS. PETERSON: Oh, yes. I want to just read  
18 one sentence here of this that I'm going to submit to  
19 you. "While the vast majority of whites who are poor  
20 live in mixed-income neighborhoods, most of the  
21 minority poor live in neighborhoods that are segregated  
22 by both race and income."

23 DR. NISHI: Right.

24 MS. PETERSON: That's what we have to get at.

25 DR. NISHI: Yes.



1 MS. PETERSON: That's -- that's the issue  
2 right there. Now, if somebody chooses to move into a  
3 neighborhood that is -- that is mixed income, but the  
4 race issue is the neighborhood is a high-minority  
5 population, I want to see what happens to that family  
6 over time compared to the family who moves all the way  
7 to, say, a suburban location. So, you've got to be  
8 looking at this for the family that moves but remains  
9 within Rochester in a low-poverty census track that may  
10 or may not be high minority is one way to look at it,  
11 and what happens -- how do these families compare with  
12 the family that moved all the way to the suburban  
13 location, perhaps having more feelings of isolation for  
14 longer, but -- but if we look at the way other cities  
15 look, probably will have a higher success rate in terms  
16 of -- of lifestyle changes and in terms of education  
17 and employment opportunities but might have a personal  
18 feeling of isolation.

19 So, it's going to be a very interesting --  
20 and the idea of sticking that -- that white family in  
21 the destination census track, comparing it to the  
22 minority family, is a very interesting twist on that.

23 CHAIRPERSON TARACIDO: Ms. Lopez?

24 MS. LOPEZ: Just a question on the residency  
25 preference. I realize that sometimes because of places

1 where people are, you might get a disparate, you know,  
2 distribution of population, but I also heard this  
3 morning that Fairport eliminated its residency  
4 preference.

5 So, Mr. McHugh or Mr. Haire, do you know of  
6 any other county or suburb that's considering  
7 eliminating their residency preference?

8 MR. MCHUGH: I don't. I mean we don't have  
9 one in our program.

10 MS. LOPEZ: But do you --

11 MR. MCHUGH: I did not know that Fairport  
12 until this morning eliminated theirs, but --

13 MS. LOPEZ: But you said that Penfield,  
14 Greece, and the other ones had residency preference.

15 MR. MCHUGH: That's correct.

16 MS. LOPEZ: Are they considering eliminating  
17 it?

18 MR. HAIRE: They may be. I can't say for  
19 sure. Greece and Irondequoit, they are part of the  
20 team that developed the analysis. So, to the extent  
21 that they're looking at that, that could happen. I  
22 don't know, but right now, they have a residency  
23 preference.

24 MS. LOPEZ: So, what efforts, if any, if you  
25 choose to do so, could RHA take or steps to take to

1 eliminate such residency preference?

2 MR. HAIRE: What could we take?

3 MS. LOPEZ: Yes, if anything. I don't --

4 MR. MCHUGH: I don't think we have -- I mean  
5 as their agent, other than encouraging them to do that,  
6 but I mean they're the ones calling the shots. Tom  
7 McHugh. I forgot that. They're the ones that make  
8 that decision.

9 I mean we carry out their -- their program,  
10 but -- and -- and they're involved in it with -- with  
11 the Fair Housing Task Force of which I'm a member,  
12 also. That may lead us toward that direction. I don't  
13 know. I can't obviously comment for the individual  
14 supervisors, and I wouldn't want to attempt to do that.

15 MS. LOPEZ: Have you made any efforts or  
16 suggestions like this to eliminate the residence  
17 preference?

18 MR. MCHUGH: I personally have not, no.

19 MS. LOPEZ: Okay. Thank you.

20 CHAIRPERSON TARACIDO: Are there any  
21 questions from the floor?

22 (No response)

23 CHAIRPERSON TARACIDO: Any other questions  
24 from the committee?

25 (No response)

## Conclusion

1  
2 CHAIRPERSON TARACIDO: Hearing none, I want  
3 to thank you very much for participating. We greatly  
4 appreciate it, and I'd like to leave you with the fact  
5 that we might have some follow-up questions and request  
6 for documents in the future. So, don't be surprised if  
7 that happens.

8 MR. HAIRE: Best wishes in Buffalo.

9 CHAIRPERSON TARACIDO: Thank you for coming.  
10 (Whereupon, at 3:00 p.m., the meeting was  
11 concluded.)  
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REPORTER'S CERTIFICATE

This is to certify that the attached proceedings before: U.S. COMMISSION ON CIVIL RIGHTS

In the Matter of: ROCHESTER, N.Y. MELTING

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\_\_\_\_\_  
Official Reporter.

Dated: DECEMBER 16, 1996