



Budget Hearing Written Testimony

Submitted to the New York State Legislature at the Joint Legislative Budget Hearing on Housing Programs

People United for Sustainable Housing (PUSH Buffalo) appreciates the opportunity to provide written testimony to express our support for bold action to be taken that addresses Buffalo’s housing crisis. Truly addressing the crisis will require a multi-pronged approach, dedicated resources with metrics and accountability measures attached, and a reorientation in our shared beliefs that housing is a human right and a powerful anti-poverty measure, not a commodity. For the past 18 years, PUSH Buffalo has been a critical actor in increasing the availability of affordable housing in Western New York, and advocating for policy at all levels of government that ensures housing is affordable and sustainable, as well as insisting that whatever affordable housing package moves forward, it must include tenant protections¹.

Buffalo is experiencing an affordable housing crisis. PUSH does not use this word “crisis” lightly, and this is not a new crisis. Our aging housing stock is among the oldest in the country, 64% of the homes in Buffalo were built before 1939. These homes need repairs and repairs that make them more energy efficient and affordable to also address our climate crisis which has hit Buffalo hard with the onslaught of increasingly extreme and deadly winter weather events. The average rent is about \$1300. Compare this to the median income of \$46,184². About 57% of the city’s population rents³. This means that some people are paying close to 70% of their income on rent, leaving extraordinarily little left over at the end of the month to take care of anything else, let alone any emergency. The main reason for evictions is nonpayment, or in more human terms, someone’s inability to pay for rising rents that are outpacing the growth of wages in the city. The math here does not work, and Buffalonians cannot wait any longer for the state to take responsible and truly comprehensive action to increase investments in affordable housing, protect tenants, and ensure the stability of our communities. As a result of this set of challenges, we’re

¹ <https://www.pushbuffalo.org/>

² <https://www.census.gov/quickfacts/fact/table/buffalocitynewyork/HSG860222>

³ <https://worldpopulationreview.com/us-cities/buffalo-ny-population>

calling on the Governor and legislative leaders to enact policies in this year's state budget that will provide immediate relief to our most vulnerable residents.

Housing Justice for All (HJ4A), of which PUSH is a member, is a one-of-a-kind coalition comprised of 80 organizations representing frontline communities from across New York State. HJ4A has made unprecedented gains in moving common sense and human centered policy initiatives forward, most notably the Housing Stability and Tenant Protection Act in 2019. We proudly stand in solidarity with HJ4A coalition members as we collectively seek to advance a Housing Package that addresses the complex challenges presented by affordable housing and homelessness⁴. HJ4A's 2024 Housing Package includes Good Cause, Housing Access Voucher Program, Tenant Opportunity to Purchase Act, Expansion of Rent Stabilization, and Social Housing, none of which are new to the coalition's agenda. Each of these policies alone will not completely curtail the housing crisis, but together, they can have a very substantial impact on keeping people housed.

Good Cause-In Buffalo, we know that most evictions are a result of non-payment or a tenant's inability to pay their rent. Good Cause would not prevent these individuals from being evicted; however, the adoption of this law as written (S305/A4454) would prevent unreasonable rent hikes preventing these evictions in the future. Recent reporting predicts Buffalo's housing market will be the hottest in the country in 2024, raising alarms locally that speculative real estate activity will explode causing housing prices to rise dramatically and increase pressure on landlords to seek higher returns on existing portfolios of rental housing. Good Cause can serve as a counterbalance to this prediction should it play out in our city. The law would also protect tenants from discriminatory or retaliatory eviction and would require a landlord to have "good cause" to evict. PUSH hears stories often from tenants whose landlord cannot afford to make crucial repairs or refuses to, both of which lead to tenants living in potentially hazardous conditions, scared that if they advocate for themselves, their landlord might evict them. Good Cause must be enacted as a universal right that benefits and protects all tenants in New York State, regardless of what city, town, or village they reside in or the landlord's portfolio size. Only small landlords who owner occupy should be exempted from the law. A municipal opt-in provision should not be a part of the conversation and would lead to a lot of resources being expended by local governments, community organizations, and developers, resources that could more wisely used elsewhere.

Expansion of Rent Stabilization-New York's Emergency Tenant Protection Act is a state law that enables localities to regulate rents in buildings with 6 or more units built before 1974. A local Rent Guidelines Board made up of tenants, property owners, and public

⁴ <https://housingjusticeforall.org/>

representatives votes on the rate of allowed rent adjustments for eligible buildings. Rent stabilization is currently in effect across 41 municipalities in New York, protecting tenants from excessive rent increases while ensuring that property owners receive a fair return on their investment. Expanding rent stabilization by changing eligibility requirements would ease the burden of rent, provide some predictability for tenants, and prevent evictions. In Buffalo, an expanded rent stabilization law would serve as a more powerful tool to overcome challenges associated with the dominant housing characteristics in the city: 1. Rental buildings with less than 6 units dominate the Buffalo housing market. 2. 64% of Buffalo homes were built prior to 1974.

Housing Access Voucher Program (HAVP)-HAVP (S568B/A4021A) would set up a statewide rental subsidy program for low-income families and individuals who are facing eviction, currently homeless, or facing loss of housing due to domestic violence or hazardous living conditions. HAVP would help low-income New Yorkers achieve stability and retain permanent housing by subsidizing their rent. Tenants would contribute 30% of their income toward rent, with the rest covered by a subsidy. The payment standard for HAVP would be 100% Fair Market Rent. Given Buffalo's median income and evictions, this type of support would keep people housed. Landlords would get paid, and costly eviction proceedings could be averted.

Housing Justice for All has by far the most thoughtful, community centered, and balanced approach to address the crisis of quality, affordable, and sustainable housing in New York. The plan also importantly acknowledges the affordable housing shortage, as well as the need for stable housing. In Buffalo, State Senator Sean Ryan recently unveiled a housing package that calls for incentivizing smaller in-fill new construction, such as 1-2 unit homes; a grant for landlords to make improvements and repairs in 4,000 affordable rental units in 5 years; a statewide insulation program administered by investor-owned utility companies that would seek to reduce utility bill costs while helping to meet the CLCPA's climate goals; and removing barriers for tenants to access Eviction Prevention Funds. While Senator Ryan's proposal includes some potentially promising features that need to be further defined through genuine stakeholder engagement – a means-tested homeownership model, affordability restrictions for renovated rental units, labor standards, scalable energy efficiency retrofits, and access to flexible eviction prevention funds - it lacks key tenant protections, like Good Cause, that would make it a truly comprehensive plan, despite calls for such protections by Buffalo organizations and his constituents. Another key part of this housing plan is the absence of rent stabilization or ways to keep existing rents affordable and prevent increases as Buffalo's housing market continues heating up. Buffalo needs more affordable housing now; it seems the most prudent way to address that is to build buildings with multiple units. If homeownership is

the goal, there are ways to encourage ownership of a unit through coop models or land banking. Affordable housing development needs to be focused on density. With Buffalo recently named the hottest housing market by Zillow⁵, this plan must include measures that will ensure these homes are sold to current residents and ensure that they won't be turned into unaffordable rentals or resold.

Tenants and low-income communities cannot wait. We urge the Governor, the Assembly and the Senate to prioritize access and development of affordable housing and tenants in the 2024-2025 budget and adopt Housing Justice for All's vision of affordable housing in New York State. The budget must reflect the moral obligation of our government to treat all people in New York with respect and dignity. Thank you again for the opportunity to submit testimony related to New York State Housing Programs. We look forward to working with you to expand, strengthen, and improve our rent laws, affordable housing stock, and tenant protections. Housing is a human right, and we urge the Legislature to legislate with this in mind.

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⁵ See <https://www.zillow.com/research/2024-hottest-market-33566/>