

Buffalo Housing Court

A Problem-Solving Approach

Step 1 - Legislation

- NY Laws of 1978, ch. 516
- Jurisdiction over:
- Actions for the imposition and collection of criminal penalties, and for the imposition and collection of civil penalties, for the violation of any state or local laws involving the establishment of housing standards (§ 202 [a])

Additional Types of Jurisdiction

- Collection of costs and expenses incurred by the municipality
- Establishment, enforcement or foreclosure of liens on real property by the municipality
- Issuance of injunctions and restraining orders
- Evictions
- Proceedings for the appointment of receivers
- Proceedings for the removal of housing violations
- Special proceedings to vest title to abandoned structures in the municipality

A general equity power:

“Regardless of the relief sought by a party, the court may employ or recommend any remedy, program, procedure or sanction authorized by law for the enforcement of housing standards, if the court believes that they will be more effective to achieve compliance or to protect and promote the public interest.” (§ 204)

A service provision –

- To provide the court with jurisdiction over both individual and corporate property owners who choose not to appear
- Default pleas and penalties
- Trials *in absentia*

Step 2 – Prosecution

- Violations of building codes
- Violations of sanitary codes
- Violations of local laws
- Allegations of private nuisance?
- Evictions

Step 3 – Speed!

- Eliminate any unnecessary procedural impediments that cause delay in the process

Neighborhood
Complaint



Inspector



Filing



Service



1st Court Appearance

???



Step 4 – Neighborhood Involvement and Empowerment

- Include all concerns in the accusatory instrument
- Clear procedure for expression of interlocutory concerns
- Use of “Community Liaisons”

Step 5 – Tools for Problem-Solving

- Threat of a sentence
- City of Buffalo Charter and Code § 1-15 provides for a general penalty of a \$1,500 fine and/or 15 days in jail for each violation, per day.

Creative conditional discharges

- Conditions requiring:
- specific work to be completed
- that units pass habitability inspections
- occupancy
- sale
- landlord training
- community service
- no parties!! (or any other behavior negatively affecting the community)

Interlocutory Relief

- Receiverships
- Orders to Vacate
- Access Orders
- Clean up, Board up & Seizure Orders
- Demolition Orders
- Orders for Major Repairs!
- Funding Assistance