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Housing Clinic Spurs City Development

By George M. Hezel

Barbara Walker (a fictitious name) and her three young children live in a two bedroom flat over a laundromat on Buffalo's East Side. In winter, they must rely on an old, sputtering oil space heater that only works intermittently. On cold days, the bedroom farthest from the heater registers a chilly 48-degrees. As if that weren't bad enough, condensation drips down the walls rendering the rooms unusable to the family. On the worst winter nights, the Walkers take refuge in their grandparents' house.

Complaints to the Erie County health department, letters to the landlord, even a call from a legal aid lawyer — all fell on deaf ears. Withholding rent got the landlord's attention, but not the kind Mrs. Walker wanted. One month after she began to withhold the rent, she was served with eviction papers for nonpayment. With the help of a legal services lawyer, she responded to the eviction papers, asserting a variety of defenses and counterclaims based on violations of the warranty of habitability.

Her case was shipped from Special Term to Housing Court for trial. After listening for three hours to the grim details the judge asked Mrs. Walker why she wanted to stay rather than move to another flat in better condition.

"I've been in five different flats in two years, and none was worth living in," she responded.

Practically every day, similar scenarios are repeated in Buffalo City Court. It appears that hordes of itinerant apartment hunters on the East Side can't find a decent place to live. So they chaotically swap rental flats in search of a modest but elusive goal — habitable shelter.

"The housing market is definitely con-

stricting at the bottom," says Denis Woods, director of the Housing Assistance Center, a not-for-profit corporation providing housing services to low-income families. Last year, the Center staff handled 5,633 apartment searches and 3,876 landlord-tenant problems for low-income families in Buffalo.

This year, the caseload may rise by as much as 20 percent, according to Woods. "What our statistics mean is that each year more and more families are vying for a smaller share of the market pie — decent, safe and sanitary low-income housing."

The plight of the Walker family is not surprising in view of trends begun years ago. In 1960, the Buffalo Municipal Housing Authority had approximately 7,500 units of federal and state subsidized housing available for low-income families in Buffalo. Today, the Authority stock is down to 4,800 habitable units after the Kensington Heights, Ellicott Mall, and Dante projects were closed. The federal housing production programs have been virtually shut down since 1981.

The private sector of the low-income market has not done well, either. The pool of available units in the private market dwindled dramatically during the 1970s when demolition claimed close to 10,000 units of lower West Side and East Side housing. Private development of replacement low-income units has not yet occurred — and probably will not occur — without the emergence of strong and competent not-for-profit organizations geared to housing development.

Enter UB Law School and a newly formed branch of the clinical legal education program to focus on development needs of Western New York. Beginning in

the fall of 1987, the Law School's Low-Income Housing Resource Development Clinic began operation with two primary purposes: to offer experiences in a clinical setting to students interested in development law; and to offer a modest start at building organizational infrastructure needed to develop low-income housing.

While promoting the development of low-income housing, the clinic also provides students with unique educational opportunities in three ways. First, it gives students an opportunity to engage in group representation, rather than individual representation.

Secondly, the clinic moves beyond a model of lawyering skills centered on adversarial combat to one that fosters community development through counselling, drafting negotiation and mediation. Thirdly, the clinic attempts to integrate a traditional academic curriculum in real estate, tax counselling and corporation law with the clinic program.

"You have to know tax law if you're going to use low-income housing tax credits," says Peter R. Pitegoff, a professor in the clinic.

In the Housing Development clinic, students represent not-for-profit corporations in the development of permanent housing for the homeless, for the disabled, and for low-income families. Students participate in representation in one or more phases of the housing development process:

- **Organizational phase** — Students draft certificates of incorporation and bylaws, and prepare applications for tax-exempt status.

- **Development phase** — Students prepare financial packages and applications for grants and loans. They also review



Students in the Housing Development clinic, Edna Torres, left, and Kenya Mann, in front of Benedict House of Western New York.

contracts and represent clients before state and local review agencies.

- Management phase — Students prepare leases, grievance procedures and housing opportunity plans.

"In its first year of operation, the Housing Development clinic got off to a good start," says Professor R. Nils Olsen, Jr., director of the Law School's clinical education program. One of their first efforts was

to assist Catholic Charities in forming a not-for-profit development corporation to convert underutilized church properties and buildings into low-income housing. Under supervision, a student drafted a certificate of incorporation and bylaws for the new corporation. A second student, working with a community-based organizing committee at St. Ann's parish on the East Side, prepared a financing package that included grant applications for the conversion of a large rectory into 25 units of low-income housing.

First stage approvals for the conversion project have been received from funding sources, and construction is expected to start in early 1989. Another student has begun to prepare an application for federal low-income tax credits. These credits will be marketed to create a fund that will subsidize already low rents. The fund will enable very low-income families to afford the units.

Other students represented members of the East Side community in the formation of a community land trust, an effort to stave off disintegration and deterioration of the neighborhood. This trust is called the East Buffalo Community Ownership Project. Students also assisted in the formation of Benedict House of Western New York, a not-for-profit corporation that provides housing and support services for Aids victims. Students will continue to assist in the preparation of grant applications to the homeless housing assistance program for Benedict House. Recently, students began pre-development work for the conversion of three area schools into low-cost cooperative housing and housing for homeless families.

"It has been an exciting start — but it's only a start," says Professor Olsen. "It will take many more years of hard work to fill the void in Buffalo alone." But now there is hope that the Walker family — and others like them — will some day have heat in the winter and a roof over their heads. Preferably, one that doesn't leak. ■

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