

ERIE COUNTY LEGISLATURE

PATRICK B. BURKE

7th District Legislator

MEMBER:

Community Enrichment Committee
Economic Development Committee
Energy & Environment Committee



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March 30, 2015

Honorable Colleagues:

Attached is an article brought to my attention by my constituents about illegal group homes in Erie County. I would like to request that the Clerk of the Legislature invite a representative from Social Services to the next Health and Human Service Committee to discuss this concerning issue.

Sincerely,

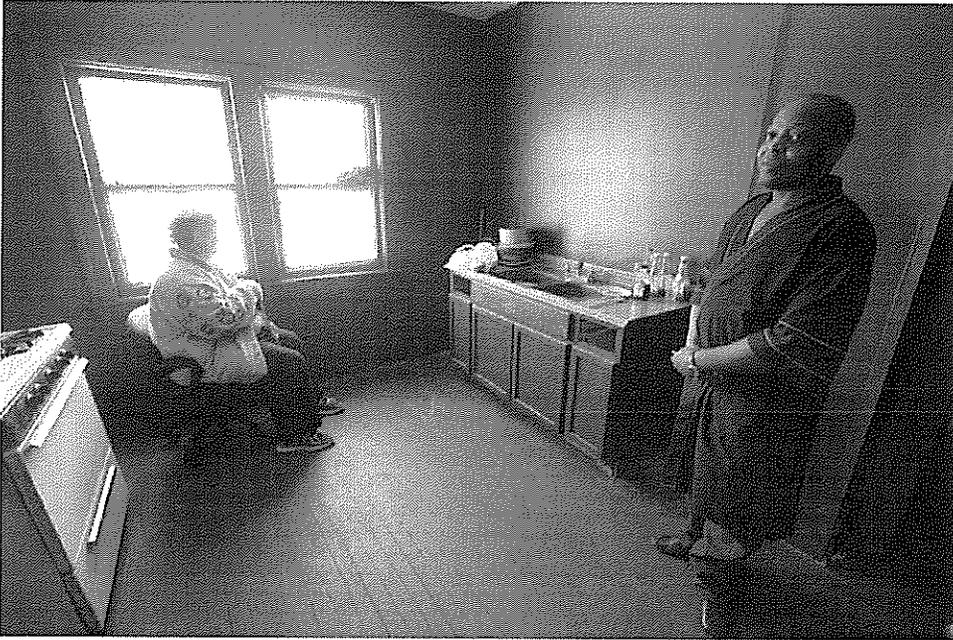
A handwritten signature in black ink that reads "Patrick B. Burke".

Patrick B. Burke
Erie County Legislator, 7th District

Comm. 7E-18

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City & Region



Debbie Ballard, 36, left, and Keith Hewitt, 52, lived in deplorable conditions in an illegal boarding house at 496 East Utica St. in Buffalo. Robert Kirkham/Buffalo News

Eight who lived in squalor moved from 'horrible' Buffalo group home **Boardinghouse tenants paid \$500 rent per month**

BY: [Lou Michel \(mailto:lmichel@buffnews.com\)](mailto:lmichel@buffnews.com)

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Sewage was backed up into the basement, where someone had tried to use duct tape to repair the sewer pipe.

Plastic garbage bags piled outside a rear door were torn about, perhaps by the rats that infested the house. And the door was braced shut from the inside by a wood plank wedged against an inside step.

Ice as thick as 18 inches encased a box of hamburger patties and packages of cold cuts, because the door on a freezer did not shut all the way. Inside the refrigerator, food was rotting.

Grill work on heating vents was missing in some rooms. Smoke detectors were missing from wall and ceiling mounts.

These were some of the conditions a reporter observed last week at an illegal boardinghouse on East Utica Street, as city police, city housing inspectors and a City Court judge moved to close it down.

The eight residents living in squalor were down-and-out adults, several of them developmentally challenged, others physically disabled.

They said they did not mind living in these conditions. They felt lucky just to have a roof over their heads. But by Thursday, the county relocated all eight individuals.

City housing inspectors and police who went through the house at 496 E. Utica St. Wednesday called it mind-boggling that people could live in the conditions. Also troubling, they said, were the payments for residing there: \$500 a month per tenant, or about \$4,000 total.

And taxpayers were picking up the tab.

Someone was profiting off the misery of these people who were either incapable of caring for themselves or had no place else to turn, city officials said.

Gregory C. Cole operated the boardinghouse, although he does not own it. He rented the house and then sublet it to the residents. He said he was trying to put a roof over the heads of individuals no one else wanted.

Erie County Adult Protective Services contacts him when caseworkers can not find anyone else willing to provide housing for these individuals, he said.

Cole insisted he barely made a profit. He said he pays \$1,200 a month in rent to the owner of the property, \$300 a week for tenants' food and \$600 in monthly utility bills, while also driving the tenants to doctors' appointments to receive psychotropic medications.

"I don't make enough," he said, calling his work more of a vocation than a business.

House repairs and house cleaning, he said, were not his responsibility.

City Housing Court Judge Patrick M. Carney, though, said he was aghast when shown photographs taken inside 496 E. Utica.

"When I was shown the photographs of the horrible, horrible living conditions, my first priority was to shut down this home that was turned into an illegal boardinghouse, and place the tenants in safe housing as fast as possible," said Carney, who ordered the house to be vacated.

But the situation at the East Utica Street boardinghouse offers an insight into how some people have slipped through the cracks of the safety net as the state closed institutions in recent decades and people moved into the community looking for a safe, clean place to live.

People under the care of Adult Protective Services cannot be told where to live, a county spokesman said. Nonetheless, the conditions found at the boardinghouse have prompted a review of policies at the county agency.

"Adult Protective Services will be scrutinizing the health and safety of all clients under their care," said Peter Anderson, a spokesman for the county.

The tenants

The tenants of the boardinghouse have a variety of problems, some physical, others mental. Sometimes, drugs or alcohol also can be in the mix.

Daryl Hall said he has lived in the house for four years, sleeping on a couch in the dining room.

"I love it here," he said.

Asked if he had ever worked, Hall explained that he had once been a security guard.

Where?

"Here," he said. "I keep an eye on things."

What would he eat for dinner?

He pointed to a bottle of Pepsi on the floor beside the couch.

"I might have some hotdogs with that," Hall responded Wednesday afternoon, hours after the inspectors and police had been there.

Sitting on a sheetless twin mattress on a bedroom floor, Keith Hewitt also said he was glad to live there.

"We put out rat poison," he said of how residents keep the rodents from invading the house.

Soft-spoken and quick with a gentle smile, Hewitt, 52, said his life wasn't always like this.

"I used to work for GM," he said.

The walls of the room he has lived in for the last 11 months had remnants from stripped away wallpaper. Cardboard boxes on the floor contained packages of chocolate with "expired" notices on them. He doesn't seem to mind.

Debbie Ballard wept at the prospect of moving.

"I just got here," she said, explaining that she had been living on the West Side in a house where she had been assaulted.

The 36-year-old woman said that she has not been eating regularly because she does not know how to cook.

"No one ever taught me. My mom used to care for me. Oh, I miss mommy. She's dead and so's my daddy," Ballard cried out in a childlike voice.

She said she was from Erie, Pa., and had once served in the Army as a "general."

"Come look at my bedroom," Ballard urged. "I don't even have a window."

A glance inside her bedroom revealed a sheet of plywood covering the window.

Who is Cole?

Cole said he previously worked as a caseworker at a Western New York organization that assisted mentally ill individuals, but the 53-year-old Amherst resident decided to go out on his own several years ago.

"When I was growing up in Elmira, my mother would take in people discharged from the psychiatric center there and care for them. That's how I was raised," he said of the paid foster care his mother provided.

A state policy over the years has reduced the number of beds at psychiatric facilities in favor of moving the mentally ill into communities, he said, making his services a necessity.

"These people are out on the streets, and they get taken advantage of. Some of them have drug problems," Cole said. "Adult Protective Services will call me when they can't find a place for these people. A lot of places won't take them. They couldn't get in group homes because they use illegal drugs. So now they are stuck. They are either stuck at the Harbor House or living under a bridge."

Anderson, the county spokesman, said the county has no contract with Cole.

Harbor House on Genesee Street, on the border of downtown, provides food and shelter, though not beds, for people who often suffer from mental illness.

When asked about the unsanitary conditions at 496 E. Utica, Cole said the situation got out of hand.

"I agree the living quarters did go down. I tried to get the owners to fix them," he said. "The house kept being sold."

But should people be living in those conditions?

"It's better than living under a bridge," Cole said.

In the last several months, ownership of the East Utica Street house, assessed at \$5,000 on city property tax rolls, has changed hands three times.

Curtis McCutcheon of Buffalo sold the house to Max Levine of Glebova Realty Group in the Town of Tonawanda for \$25,000, and Levine sold the house to America Real Estate Investment Group, which has an office in Rochester, for about \$45,000.

A property manager for America Real Estate said he had sent workers to the house and that within two weeks, all of the housing code violations would be corrected.

Cole said that when he leases a house, it starts out in good repair, but tenants often ruin the house.

"The county gives me the hardest cases ... the people who are physically and mentally violent, the ones that will rip off doors, tear off water faucets, clog toilets and throw chairs through windows," he said.

Anderson, the spokesman for Erie County Executive Mark C. Poloncarz, said individuals under the care of Adult Protective Services cannot be told where they can live.

"Those adults are permitted to live wherever they like, unlike children, who don't have that freedom," Anderson said. "So, these people can reside where they like, and Adult Protective Services pays their rent at that location. Their rent is paid to the landlord, according to whatever amount they receive from Adult Protective Services."

Another boardinghouse

The residence on East Utica Street is not the only boardinghouse for the disabled that Cole has operated. In fact, city inspection officials say they learned about the East Utica Street situation after getting complaints about another East Side residence he ran on Grimes Street.

"We found out about the house from the U.S. Postal Service, police and Councilman (David) Franczyk's office. Neighbors were complaining, and the mail carrier refused to deliver mail to the house because he was being accosted," said city Building Inspector Louis Petrucci.

The Erie County Health Department found the water had been turned off at the Grimes Street house, as well as evidence of a rodent infestation, broken windows and other structural violations.

In mid-February, Levine, the owner of that residence, agreed to remove Cole's tenants and board up the house. Levine said the Grimes Street house has since been repaired and will be rented out by April 1.

It was a nightmare having Cole's tenants in the neighborhood, said Neal Kaczma, a 27-year resident of Grimes Street.

"They had moved here from a house on Kilhoffer Street, and they'd beg for money on the corners. There were 10 people living in that house. One of them broke my front window," Kaczma said. "He was taken to Erie County Medical Center for an evaluation. We had to get an order of protection against him."

Kaczma credits police and housing inspectors with pushing to remove those tenants last month, though he is apprehensive about who next will move into the house.

"I don't want to go through this again," he said.

Levine said he intends to be picky in selecting new tenants for the 10-story house at 107 Grimes.

What next?

With the eight residents moved out of the East Utica Street boardinghouse, Carney said he intends to hold the owners of the house responsible. The City Court judge said he wants to make sure that people unable to properly care for themselves never end up in these situations again.

That is something that Petrucci, the housing inspector, also wants to address. He said that his office met with representatives from county Adult Protective Services three weeks ago to explore how they could work more closely together to avoid repeats of East Utica and Grimes streets.

"We explained what constituted a legal rooming house or legal apartment building. We said, 'You're providing housing and we're providing housing inspection services,'" Petrucci said.

Adult Protective Services officials said at the meeting that it is sometimes difficult to find housing for individuals under their care, according to Petrucci.

The meeting ended with a commitment by both sides to work together, the building inspector said.

"We want to make sure that people who can't advocate for themselves are living in safe conditions," Petrucci said.

As for Cole, he said his goal is to find other houses, lease them and open them to tenants who might otherwise be homeless.

"I want to do this the correct way. I want to get a license," he said. "All I can do is leave it in God's hands."

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Lou Michel

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Opinion



Debbie Ballard was living in deplorable conditions at 496 East Utica St. in Buffalo. She and the other seven residents have been moved out. (Robert Kirkham/Buffalo News)

Wretched living conditions for adults in county care cannot be tolerated

Updated: March 18, 2015, 05:05 PM Published: March 19, 2015, 12:01 AM

For years now, Erie County residents have worried – with cause – about the safety of children in the care of the Department of Social Services. So overwhelming were the issues, with children being murdered by their caretakers, that no one thought to worry about the adults under the care of Adult Protective Services. It was an oversight.

Adults living in at least two boardinghouses – at least one of them illegal – were subject to conditions so squalid and shocking that a Buffalo City Court judge, Patrick M. Carney, said he will make it his business to hold the owners accountable.

Squalid hardly begins to describe the conditions a reporter found at 496 E. Utica St. and that had also been discovered at 107 Grimes St. At the Utica Street house, sewage was backed up into the basement. Garbage bags piled outside a rear door were torn apart, possibly by the rats that had infested the house. In a refrigerator, food was rotting; inside the freezer whose door didn't shut properly, ice up to 18 inches thick encased a box of hamburger patties and packages of cold cuts. Grillwork on heating vents was missing in some rooms and smoke detectors were missing from wall and ceiling mounts. The window of at least one bedroom was covered with a sheet of plywood.

For this, taxpayers paid \$500 per month per tenant.

Something similar was occurring on Grimes Street, where the Erie County Health Department found the water had been turned off, saw evidence of a rodent infestation and found broken windows and other structural violations. Tenants were moved out of that house last month. The building has reportedly been repaired and will be rented out again on April 1.

This is a problem for Adult Protective Services. While the county has less influence over adults than Child Protective Services does over minors, the conditions in which these people lived were shocking enough to demand attention.

One problem, as a spokesman for Erie County Executive Mark C. Poloncarz observed, is that adults

cannot be told where to live, even if they are in the care of Adult Protective Services. "Those adults are permitted to live wherever they like, unlike children, who don't have that freedom," said Peter Anderson. "So, these people can reside where they like, and Adult Protective Services pays their rent at that location. Their rent is paid to the landlord, according to whatever amount they receive from Adult Protective Services."

Fair enough, but housing conditions matter. When a judge makes it his mission to "shut down this home that was turned into an illegal boardinghouse," to place the tenants in safe housing and to hold the property owners responsible, matters have already spun out of control. There needs to be accountability before matters become hazardous to the health and well-being of residents.

That's an issue for taxpayers and that makes it an issue for Poloncarz and the Department of Social Services. Leadership at the department is about to change, but it's fair to ask if the serious problems there have to do with more than just who is leading the organization.

Poloncarz has nominated Al Dirschberger as the county's next Social Services commissioner. He is executive director at Journey's End Refugee Services and holds a doctorate in social work from the University at Buffalo. He may be the right man for the job, but whoever the right man is should be prepared to reorganize the department from top to bottom, if necessary, to ensure as best as possible that children aren't murdered and adults aren't left to live in filth.

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