



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING
DIVISION OF PLANNING AND ECONOMIC DEVELOPMENT

DANIEL R. CASTLE, AICP
COMMISSIONER

EC LEG FEB 3 '22 PM 1:22

January 18, 2022

Mark C. Poloncarz
County Executive
Room 1600, Rath Building
95 Franklin Street
Buffalo, New York 14202

Dear Mr. Poloncarz:

Enclosed you will find the 2021 Erie County Fair Housing Board Annual Report. Erie County's Fair Housing Law was enacted in May of 2018. The 2021 annual report lists board activities as required by Section 6 (E) (3) of the Fair Housing Law.

Sincerely,

A handwritten signature in blue ink that reads "Karen Rybicki".

Karen Rybicki
Erie County Fair Housing Board, Chairperson

cc: Erie County Legislature

ERIE COUNTY FAIR HOUSING BOARD - 2021 ANNUAL REPORT

Board of Directors

Karen Rybicki
Board Chair
Erie County First Deputy Commissioner
Department of Social Services

Terri Flaherty
Board Vice-chair
Belmont Housing Resources for Western New York

Pamela Lanich
Board Secretary
Western New York Law Center

Sharon L. Ciminelli
Buffalo Niagara Association of Realtors

Karen King
Erie County Commissioner of Public Advocacy

Board Staff

Daniel R. Castle.
Ex-officio
Erie County Commissioner Department of Environment & Planning

Kristen Walder
Legal Counsel
Erie County Department of Law

As per Section 6 of the Erie County Fair Housing Law, fair housing board positions were chosen according to the requirements shown below:

- (a) One member upon recommendation from the Buffalo Niagara Association of Realtors;
- (b) One member upon recommendation from the Western New York Law Center or Neighborhood Legal Services;
- (c) One member upon recommendation from Belmont Housing Resources for Western New York or the Rental Assistance Corporation of Buffalo;
- (d) The Erie County Commissioner of Public Advocacy; and
- (e) The Erie County First Deputy Commissioner of the Department of Social Services – Family Independence.

Board members are listed above.

As per Section 10 of the law, entitled Education and Promotion of Fair Housing Goals, Erie County continued to take steps to affirmatively further and promote fair housing in 2021 by sharing educational materials and obligations within the law to 330 housing providers and real estate brokers within Erie County that have sold or rented 20 or more dwelling units within the calendar year.

Board of Director's met for their first meeting of 2021, on January 12th. The board meets quarterly with a HOLD meeting scheduled each month for housing discrimination cases that are brought to the board. Board meetings in 2021 were held via conference call, due to COVID-19 related precautions. There were 6 meetings held during 2021- meeting minutes are attached.

One discrimination case was brought to the board in 2021 and is pending conciliation terms facilitated by HOME. Due to the state moratorium extended in 2021 and the ongoing COVID-19 pandemic, HOME has not received many housing discrimination complaints to bring before the Erie County Fair Housing Board, due to residents remaining in their current housing situation. The number of housing discrimination cases seen by the Fair Housing Board is expected to increase in 2022, due to the eviction moratorium ending on January 15, 2022.

Five discrimination cases were brought to the board in 2020. One was resolved with a signed conciliation agreement in 2021 facilitated by HOME. One discrimination case is moving towards a conciliation agreement facilitated by HOME. One discrimination case is pending conciliation due to no contact with the Complainant after multiple attempts. One case was referred to the County Attorney's Office to facilitate conciliation due to a conflict of interested with HOME and is moving towards conciliation. One case was referred to the County Attorney after Fair Housing Board hearing and is pending terms through the litigation department.

As per Section 5 (A) of the law, Erie County has designated a not-for-profit fair housing organization, Housing Opportunities Made Equal (HOME), to assist with the implementation of the law. Services include, fielding fair housing discrimination complaints from residents of Erie County, referral services for residents with housing and human service needs and paralegal counseling to assist in resolving landlord/tenant disputes.

Results of HOME's work in 2021 are as follows:

Housing discrimination complaints- 48 cases of potential housing discrimination were investigated. 47 cases were resolved and 1 case was brought to the Fair Housing Board in 2020 and is pending.

Landlord/Tenant dispute cases- 179 people were assisted with advice on resolving landlord/tenant dispute issues.

Referral services- 168 people were assisted with referral services regarding housing and human service issues.

ERIE COUNTY FAIR HOUSING
BOARD OF DIRECTORS MEETING
MINUTES

Tuesday, February 9, 2021 10:00am

Erie County Rath Building – Department of Environment & Planning
95 Franklin Street, Buffalo NY 14202
Call-In Meeting in response to Covid-19

Board Attendees:

Karen Rybicki – ECDSS (Chair)
Pamela Lanich – WNY Law Center (Secretary)
Sharon Ciminelli – BNAR
Karen King – Public Advocacy

Other Attendees:

Paul D’Orlando – DEP
Andrew Dearing - DEP
Kristen Walder – Erie County Attorney’s Office

1. Welcome and introductions
2. Approval of minutes
 - a. November 10, 2020—Meeting **(VOTE)**
 - i. Motion to approve—Sharon Ciminelli; 2nd—Pamela Lanich;
Unanimous approval
 - b. January 12, 2021—Board Hearing **(VOTE)**
 - i. Motion to approve—Karen Rybicki; 2nd—Sharon Ciminelli;
Unanimous approval
3. Board hearing update
 - a. Case has been sent to the county attorney
 - b. Respondent may now be willing to negotiate toward settlement
4. 2020 Annual Report update
 - a. Report has been filed with county legislature and will be seen by
Economic Development Committee

5. Discrimination cases update
 - a. HOME could not be at the meeting today
 - b. In 2020, 5 cases were brought to the Board. 1 went to a hearing and other 4 are still working toward possible conciliation
6. Motion to adjourn—Sharon Ciminelli; 2nd—Karen King; Unanimous approval

Meeting adjourned 10:17 am

Minutes submitted by Pamela Lanich 2/9/2021

Next Quarterly Meeting: May 11, 2021 at 10:00am

ERIE COUNTY FAIR HOUSING
BOARD OF DIRECTORS HEARING

MINUTES

Tuesday, January 12th, 2021 11am

Erie County Rath Building – Department of Environment & Planning

95 Franklin Street, Buffalo NY 14202

Call-In Meeting in response to Covid-19

Board Attendees:

Karen Rybicki – ECDSS (Chair)

Pamela Lanich – WNY Law Center (Secretary)

Sharon Ciminelli – BNAR

Karen King – Public Advocacy

Other Attendees:

Paul D’Orlando – DEP

Andrew Dearing - DEP

Kristen Walder – Erie County Attorney’s Office

Dan Corbitt – Housing Options Made Equal (HOME)

Case Attendees:

Marion Buggs (Complainant)

Dickey’s Property Management LLC (Respondent)

1. Discussion of procedure for hearing (COVID call-in procedure)—Board Chair to introduce, HOME to present case findings, Complainant to speak, Respondent to reply, Board to deliberate on call without others on call, others invited back to call to hear Board’s decision or to be followed up with via telephone or email
2. Approval of hearing proceedings **(VOTE)**

Next Quarterly Meeting: February 9th

- a. Motion to approve Karen Rybicki; 2nd--Karen King; Unanimous approval
3. Cheryl Andolino stepped down from the Board; She recommended Terri Flaherty from Belmont to replace
4. Motion to Approve Terri Flaherty's appointment **(VOTE)**
 - a. Motion to approve appointment Sharon Ciminelli; 2nd--Karen King; Unanimous approval
5. Fair Housing Board Hearing: Case Number 2020.1 - Buggs v. Dickey –
 - a. Presentation of case information and testing done by Dan Corbitt at HOME
 - b. Complainant: Marion Buggs
 - c. Respondent: Dickey's Property Management LLC
6. Confirm or Dismiss complaint **(VOTE)**
 - a. Karen King—Confirm
 - b. Sharon Ciminelli—Confirm
 - c. Pamela Lanich—Confirm
 - d. Karen Rybicki--Confirm
7. Adjourned at 11:52AM

Next Quarterly Meeting: February 9th

ERIE COUNTY FAIR HOUSING
BOARD OF DIRECTORS HEARING
MINUTES

Tuesday, May 11th, 2021; 10am

Erie County Rath Building – Department of Environment & Planning
95 Franklin Street, Buffalo NY 14202
Call-In Meeting (WebEx)

Board Attendees:

Karen Rybicki – ECDSS (Chair)
Pamela Lanich – WNY Law Center (Secretary)
Karen King – Public Advocacy
Terri Flaherty - Belmont

Other Attendees:

Andrew Dearing - DEP
Paul D’Orlando – DEP
Kristen Walder – Erie County Attorney’s Office
Dan Corbitt—HOME
Alejandro Guidos—HOME
Heather Abraham--UB

1. Welcome and introductions
2. Approval of minutes
 - a. February 9, 2021—Meeting **(VOTE)**
 - i. Motion to approve—Karen Rybicki ; 2nd—Pamela Lanich;
Unanimous approval
3. Board Terms
 - a. Terri Flaherty’s term up in May **(VOTE)**
 - i. Vote to extend term for additional 3 years—Motion to
extend—Karen King; 2nd—Karen Rybicki; Unanimous Approval
4. 2020 annual report update
 - a. Report is with the County Legislature
5. Discrimination cases update
 - a. Covid moratorium—less cases overall

- b. Dickey—hearing was held before Board and case was referred to County Attorney’s office—file has been opened with County Attorney to research pursuing litigation
 - c. Croomb—HOME has a conflict due to litigation against same respondent, so case has been referred to County Attorney to step in to try to work on conciliation agreement and respondent is interested in conciliation and possibility of a global settlement. However, per HOME this could be a problem if confidentiality of settlement is required
 - d. Cases 2020-2, 2020-3—HOME working with the complainant to pursue conciliation
 - e. 2020-4—conciliation not moving forward at this time, as respondent disputes that there was ever contact with complainant
 - i. Since conciliation is not an option, Board will need to convene a hearing June 8th at 11:00AM
 - ii. Letter will be sent out to respondent with hearing date
 - f. Some new cases being investigated regarding source of income discrimination. If evidence of discrimination is found, next steps will be taken
6. Motion to adjourn **(VOTE)** Karen Rybicki—; Terri Flaherty 2nd—; Unanimous approval

Meeting adjourned 10:33 am

Minutes submitted by Pamela Lanich 5/11/2021

Next Quarterly Meeting: August 10, 2021 at 10:00am

ERIE COUNTY FAIR HOUSING
BOARD OF DIRECTORS HEARING
MINUTES

Tuesday, May 11th, 2021; 10am

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Board Attendees:

Karen Rybicki – ECDSS (Chair)
Pamela Lanich – WNY Law Center (Secretary)
Karen King – Public Advocacy
Terri Flaherty - Belmont

Other Attendees:

Andrew Dearing - DEP
Paul D'Orlando – DEP
Kristen Walder – Erie County Attorney's Office
Dan Corbitt—HOME
Alejandro Guidos—HOME
Heather Abraham--UB

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6. Motion to adjourn **(VOTE)** Karen Rybicki—; Terri Flaherty 2nd—; Unanimous approval

Meeting adjourned 10:33 am

Minutes submitted by Pamela Lanich 5/11/2021

Next Quarterly Meeting: August 10, 2021 at 10:00am

ERIE COUNTY FAIR HOUSING
BOARD OF DIRECTORS MEETING
MINUTES

Tuesday, August 10, 2021; 10am

Erie County Rath Building – Department of Environment & Planning
95 Franklin Street, Buffalo NY 14202
Call-In Meeting (WebEx)

Board Attendees:

Karen Rybicki – ECDSS (Chair)
Pamela Lanich – WNY Law Center (Secretary)
Karen King – Public Advocacy
Terri Flaherty - Belmont

Other Attendees:

Andrew Dearing - DEP
Paul D'Orlando – DEP
Kristen Walder – Erie County Attorney's Office
Dan Corbitt—HOME

1. Welcome and introductions
2. Approval of minutes
 - a. May 11, 2021—Meeting (**VOTE**)
 - i. Motion to approve—Terri Flaherty; 2nd—Karen Rybicki;
Unanimous approval
 - b. June 8, 2021—Hearing (**VOTE**)
 - i. Motion to approve—Karen King; 2nd— Terri Flaherty; Unanimous
approval
3. Annual report update
 - a. Report filed
4. Discrimination cases update
 - a. Cases 2020-2, 2020-3—HOME still working on conciliation
 - b. 2020-4—Conciliation moving forward—agreement waiting on signatures
 - c. Cases with County Attorney
 - i. 2021-1 Dickey—with litigation department

- ii. Croomb—conflict with HOME so referred to County Attorney—working on conciliation
 - d. HOME investigating new case
 - i. immigrant only had expired visa card to submit as ID so property manager would not proceed with application without offering any alternatives to submit an application
 - ii. immigration/citizenship status is a protected class
 - iii. HOME working on testing
- 5. DEP planning community education regarding Fair Housing Law this fall
- 6. Motion to adjourn **(VOTE)**-- Terri Flaherty 2nd—Karen King; Unanimous approval

Meeting adjourned 10:26 am

Minutes submitted by Pamela Lanich 8/10/2021

Next Quarterly Meeting: November 9, 2021 at 10:00am

ERIE COUNTY FAIR HOUSING
BOARD OF DIRECTORS MEETING
MINUTES

Tuesday, November 9, 2021; 10am
Erie County Rath Building – Department of Environment & Planning
95 Franklin Street, Buffalo NY 14202
Call-In Meeting (WebEx)

Board Attendees:

Karen Rybicki – ECDSS (Chair)
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Terri Flaherty – Belmont
Sharon Ciminelli—BNAR
Karen King—Public Advocacy

Other Attendees:

Andrew Dearing - DEP
Kristen Walder – Erie County Attorney's Office
Dan Corbitt—HOME

1. Welcome and introductions
2. Approval of minutes
 - a. August 10, 2021—Meeting (**VOTE**)
 - i. Motion to approve—Sharon Ciminelli; 2nd—Karen Rybicki;
Unanimous approval
3. Discrimination cases update
 - a. 2020-2 and 2020-3—HOME still working on conciliation
 - b. 2020-4—HOME unable to reach complainant; Respondents willing to enter into conciliation agreement
 - c. Cases with County Attorney
 - i. 2020-1 Dickey—with litigation department—looking into whether settlement is an option
 - ii. 2020-5—conflict with HOME so referred to County Attorney—working on conciliation
4. New Case Updates

- a. Goff v. Preischel—source of income complaint, Section 8 voucher not accepted because owner will not make repairs and provider claims property wouldn't pass inspection and HOME's testing corroborates
 - i. Motion to send notice to respondent with 30 days to respond to HOME (**VOTE**)—Karen King; 2nd—Sharon Ciminelli; Unanimous approval
5. Motion to adjourn—Sharon Ciminelli; 2nd Terri Flaherty; Unanimous approval

Meeting adjourned 10:25 am

Minutes submitted by Pamela Lanich 11/9/2021

Next Quarterly Meeting: February 8, 2022 at 10:00am