



# Huntington Township Housing Coalition

October 17, 2014

Hon. Frank Petrone, Supervisor and Members of the Huntington Town Board  
Town Hall  
100 Main Street  
Huntington, New York

**Re: Proposed resolution to require permitting and inspection of non-owner occupied rental units**

Dear Supervisor Petrone and Members of the Town Board:

The Huntington Township Housing Coalition has carefully reviewed Councilwoman Tracey Edwards' proposed amendment to the Town Code that would require the permitting and inspection of non-owner occupied rental units. Our Coalition is about to launch a public-education campaign about the desperate need for affordable rental housing in Huntington. We fully understand that many homeowners, who comprise about 83 percent of the Huntington adult population, harbor exaggerated fears about the health and safety conditions of rental properties in their neighborhoods.

The Coalition also understands that there are situations in which non-owner occupied rental properties do pose health and safety problems. And we recognize that proper permitting and inspection of both owner-occupied rental units (i.e., accessory apartments) and non-owner occupied rental units could serve the public interest. Such appropriate oversight will help to dispel public concerns about rentals in general.

However, the Coalition is also cognizant of the unintended consequences that might arise if this permitting and inspection process is not properly implemented. Foremost among our concerns is that these new regulations and procedures could result in the loss of some rental units and, worse, the eviction of some renters from their homes. For this reason, the Coalition endorses Councilwoman Edwards' resolution subject to these important amendments to the resolution:

1. **We strongly oppose Section §160-21 (C) that penalizes renters for living in a unit that has not been permitted.** This provision must be deleted from the resolution. Our coalition consulted four experts on rental housing, all of whom strongly oppose the provision:
  - Dr. Christopher Niedt is a Professor of Sociology at Hofstra University who specializes in suburban housing;
  - Michael Wigutow is an attorney with Nassau/Suffolk Law Services who is very familiar with real estate law;

- Joseph Sanseverino, formerly a top administrator in housing and development for Suffolk County who is now with the LI Housing Partnership;
  - Sol Marie Jones is a program officer at the LI Community Foundation which, in 2013, released a major report on the rental housing shortage on Long Island.
- Both Professor Niedt and Mr. Wigutow carefully examined the Palmieri v. Babylon court decision that upheld the Babylon law upon which Councilwoman Edwards' proposed statute is based. Each does not believe that the Palmieri decision addressed penalties imposed on renters and thus, that portion of the Huntington statute could very well be challenged in a future law suit.

*Both Dr. Niedt and Mr. Wigutow seriously questioned, as does our Coalition, how and why such penalties on renters would be imposed.* For example, Dr. Niedt went to the Babylon FAQ site and discovered that a renter must go to the Babylon Town Hall to file a FOIL in order to determine if the property he/she is about to rent is legally permitted. Unclear is how long this FOIL process will take and what impact it will have on the ability of a renter to secure a lease. In a competitive rental market like Huntington's, where only 17 percent of the housing stock is rental (compared with 38 percent in Westchester), any delay such as filing a FOIL could result in the renter losing the unit.

Since an affordable rental is difficult to find, it is hard to imagine the hardships this unreasonable requirement imposing penalties on renters who occupy non-permitted units will impose on potential renters lucky enough to find a rental unit in Huntington. This is especially true if the renter is low income.

And, it is even more unreasonable to impose these penalties on renters from outside Huntington who find an apartment through a newspaper ad (as opposed to a real estate agent who would be legally-obligated to inform the renter of the status of the apartment) and who cannot be reasonably expected to understand or even be aware of this requirement buried in the Huntington Town Code.

2. **We oppose §160-20 (Owner)** that includes in the permitting requirement a "mortgagee who has secured a judgment of foreclosure and sale, or is in possession, title or control of real property, including but not limited to a bank or lending institution...." We are very concerned that this provision covering banks that have allowed foreclosed owners to remain in their homes as renters could result in their eviction since it would be easier for the bank to evict the tenants and put the home up for sale, or worse, board-up the home, rather than to comply with the law which might require costly repairs to bring the home up to Code.
3. So as to not overburden owners who seek to rent their properties, we believe a **workable permitting and inspection process should be expedited by:**
  - Owners being provided a **six-month grace period** in which to bring their home up to Code.

- Owners **receiving their Town inspection within 10 business days** of the request having been filed.
- The **permitting process being completed within 15 business days** of the application having been filed.

It is the Coalition's hope that, with these amendments, Councilwoman Edwards' resolution will result in a more stable and safe rental-housing market in Huntington.

Yours truly for the Coalition,

Richard Koubek, President

Cc: Jo Ann Raia, Town Clerk

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