



Justine Harris, a single mother of nine, has lived in a duplex on Flower City Park for about a year. The city relocated her to the property after excessive code violations at her previous home went unaddressed. PHOTOS BY CHRISTINA CHKARBOL/DEMOCRAT AND CHRONICLE

# Leaks, dangerous stairs, vermin, mold

A look at Rochester's rental issues

Christina Chkarboul Rochester Democrat and Chronicle | USA TODAY NETWORK

Rochester faces a difficult challenge with poorly maintained rentals, tough living situations and problem landlords. • The city's housing stock is aging, and an ongoing investigation by the Democrat and Chronicle has found messy complications with protections for renters and neighbors. • Leaky roofs, dangerous stairs, vermin, mold. • Unpaid rent, red tape, renter damage. • With so many city neighborhoods facing a lack of good-paying work and top-notch public education, poverty drives housing dynamics in Rochester. And, due to insufficient protections, the business of renting can be tilted heavily against what is good for renters. Making sure that the worst situations are policed requires a well-established, fully funded, fairly run system of codes enforcement and assistance for renters, landlords and property owners. • Rochester falls short of this goal, our investigation has found. And some unknown number of non-owner-occupied rentals in the city don't even have a valid legal permit of occupancy to be rented out.

The city's degrading housing stock is partly owned by out-of-state, profiteering or otherwise irresponsible landlords. These owners extract what they can from subpar properties without putting resources into maintaining or improving them, critics claim.

Low-income renters who face trouble finding affordable housing often end up in low-quality, poorly maintained rental properties that can impact their wellbeing and even endanger their families.

One renter, Justine Harris, was shocked to find the Dutchtown duplex she moved into with her three sons in 2022 had a collapsing roof, a rodent infestation and a broken heating system, among other code violations.

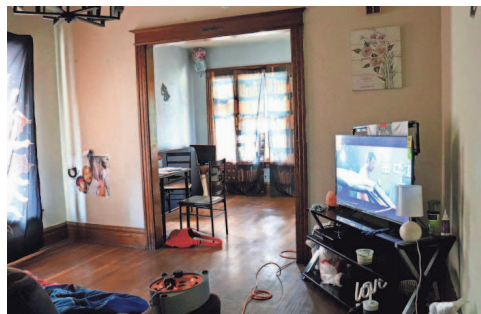
She soon found out the place had been vacated not too long before they moved in because of a gas leak and outstanding violations — issues she believes code enforcement should have made sure were resolved to a higher degree before the home was rented out anew.

During their first winter in the home, her son's bedroom window blew in, leaving the room cold and uninhabitable. She complained about the window and heating to her landlord, but said they took no action to make repairs.

After 36 years of navigating the rental market, Harris said she feels most housing for low-income renters in Rochester is a "trap" keeping families in cycles of instability, danger and poverty. "I don't want to live in poverty; you can't thrive here," Harris said. "You're in survival mode because you just never know what's going to happen."

The path forward is unclear.

As our reporting continues, we'd like to hear from you. Contact reporter Christina Chkarboul at [cchkarboul@gannett.com](mailto:cchkarboul@gannett.com) and cc editor William Ramsey at [wramseyiii@gannett.com](mailto:wramseyiii@gannett.com) if you are willing to talk to us on the record — or if you just have a helpful story tip about something people need to know about the situation.



Harris, a single mother, lives in a rented duplex on Flower City Park with her four sons.



Harris points out elements of her rented duplex in Rochester that she believes need attention.



A paper sign above the kitchen sink Harris' rented duplex on Flower City Park encourages her children to wash up.

failed to have a valid certificate of occupancy, a permit granted after an inspector ensures a property has no health and safety violations.

A study by the local tenant union of the system put the percentage of units with missing permits at a third of all rentals where the owner was not also living in the residence. It is not clear that percentage is still accurate or that it was.

We have looked into the finding ourselves, and it appears that as of early July the percentage is more like 10 percent. We asked the city to explain, and public information officials said they were preparing a response. Whatever we find out, we will keep digging on the question. Perhaps the city's online system has inaccuracies.

But there are in Rochester invalid rental properties that lack a certificate of occupancy. These seem to represent landlords who had a permit but failed to renew it. It is illegal to rent your building for tenants if you don't have a certificate, unless you have an exemption.

The city has a code enforcement department in place to inspect properties when their certificates of occupancy expire, or when tenants complain about maintenance issues or hazards in their homes. Inspectors cite property owners and give them between one and 30 days, depending on the violation, to make repairs.

If violations aren't cured in the given time, the city can choose to pursue a case against a landlord, calling a hearing to get the landlord to agree to fix the issues or submit a work plan. If the process yields no result, the city can issue a fine that accrues with time.

### COVID-era turbulence in code enforcement

Code enforcement underwent a great deal of change after the coronavirus

See RENTAL ISSUES, Page 17A

### Not all city rental properties have a permit for occupancy

Rochester's code enforcement system appears to be a work in progress. But where it fails to evenly apply the city code and proportionately hold landlords accountable for code violations, it allows for unsafe rental conditions and

perpetually unkept properties.

More than 10,000 properties in the city have outstanding code violations, ranging from high grass and rotting porches to cockroach infestations and leaking ceilings.

Our first major question: Some insignificant number of non-owner occupied rental properties in Rochester

## Rental issues

Continued from Page 16A

pandemic, when the department saw a 60% turnover rate in inspectors.

Over the last few years, the department hired a number of new inspectors and launched an online system that digitizes code reporting and communication with landlords. The online portal aimed to increase transparency and accountability in code enforcement, but landlords say it sometimes shows incorrect information that can tarnish their reputations.

The rental market remains fraught with issues for people with lower incomes. And the COVID era presented its own set of challenges for them.

What to do if you're a renter in a bad spot? Tenants living in poor conditions face limited options to improve their situation.

- Tenants can choose to continue living in subpar housing, faced with difficulty finding affordable, up-to-code alternatives.

- Some tenants group together and take action, like withholding rent, if they find out their building lacks an occupancy permit.

- Tenants can bring up suspected violations to their landlords or, if they prove unresponsive, the city, in hopes of getting them cured. However, they risk facing retaliation in the form of unreasonable rent increases or evictions.

The threat of retaliatory eviction stops many from advocating for their homes' safety, which is why housing advocates support the proposed "good cause eviction" law in Rochester. City Council that wouldn't let landlords evict tenants without cause. The law would also prohibit unreasonable rent increases, although it would allow exemptions if landlords prove they raised rent because their taxes went up or they put money into repairing the property.



### What is going on with Rochester landlords?

Some landlords put work into keeping their properties safe and up to code, scraping together funds through a patchwork system of savings, grants and non-profit help. On the other hand, problem landlords — who own about half of Rochester's rental properties, according to a 2021 study — often charge the lowest rents and put little to no effort into maintenance and repairs.

Rochester landlords and property managers are very familiar with the city's rental property site. They say the new process unfairly rates their properties, particularly ones they're fixing up. Its potential for transparency is shrouded by miscommunication, they say, with the city and code inspectors.

The scoring system, made in partnership with data platform Tolemi and available to the public on the city-run BuildingBlocks site, assigns registered properties and landlords ratings out of 100. Factors that go into calculating scores include active violations per unit, days since the property's certificate of occupancy expired, and days since the oldest violation was cited.

The lower a property or landlord's score, the greater the number of open violations they have accumulated.

Only residential rental properties are scored.

Only manager contact records submitted after May 24, 2023, are included in the system, which the city says is updated nightly. The system, which counts properties inspected in the last three years, doesn't allow users to search by property owner or manager name, only by property address.

The scoring program was "well-intentioned," said Kayla Thorp, a property manager and owner who runs Rochester Property Solutions with her husband, Jake. Together, they manage 175 units and own about 65, primarily in Beechwood and the 19th Ward.

The city website suggests the scoring system could be used by city staff to "target enforcement" and equip tenants with data to help them make decisions on who to rent from.

### Accurate information on Rochester code violation site?

The BuildingBlocks site has displayed wrong information about who owns and manages properties, Thorp said. The administrative burden, including tracking the accuracy of their scores and checking in with the city to

fix outdated information, falls on landlords, she said.

"We don't have the time or the capability to be following up on that kind of stuff constantly, so what ends up happening is we just have a bunch of properties that are still associated with our account that we do not manage," she said.



Ben Hart, of Hart Homes, tries to keep his rental properties affordable for tenants by using grants to make repairs.

TINA MACINTYRE-YEE/ROCHESTER DEMOCRAT AND CHRONICLE

## Landlords: City's scoring system is unfair, poorly managed

Christina Chkarboul

Rochester Democrat and Chronicle  
USA TODAY NETWORK

The city of Rochester rolled out a new digital system last year to interact with property managers and owners on processes like permitting and code enforcement. The change came with an online tool that scores rental properties, property owners and property managers based on their compliance with city building codes.

Most renters seem so far unaware of the system.

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The scoring program was "well-intentioned," said Kayla Thorp, a property manager and owner who runs Rochester Property Solutions with her husband, Jake. Together, they manage 175 units and own about 65, primarily in Beechwood and the 19th Ward.

"The intention was to create a little bit more accountability and also incentive for landlords to do the right thing and to operate within the city's guidelines and programs," Thorp

said.

The city website suggests the scoring system could be used by city staff to "target enforcement" and equip tenants with data to help them make decisions on who to rent from.

### Where are the program's incentives?

At a landlord summit last year, city administrators told attendees that at some point in the rollout, the ratings would be a way to reward higher-scoring landlords with benefits like fee waivers and longer timelines for certificate of occupancy renewals.

No such incentives have been piloted yet, and the program in its current state has created an administrative burden on landlords, said Rebecca Zuber, who manages about 200 units in the city. Zuber helps landlords fix up and manage their homes, which includes getting the properties through code inspections and obtaining certificates of occupancy.

Waiting to have violations expunged from her online property manager profile after an inspector has confirmed they've been resolved has been frustrating for Zuber. After getting positive results on a lead swipe at a Beechwood home she manages, Zuber emailed the city three times to get the property's certificate of occupancy issued, but she hasn't heard back.

"My biggest issue right now is I'm completing certificates of occupancy, so getting all the violations cured — everything is done 100%, and they're not updating their system," Zuber said.

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The scoring system lists properties that owners have recently bought, which became a frustration for Jay Molis, who owns 34 units in Rochester. Molis buys houses that need repairs — sometimes tens of thousands of dollars worth — and renovates them before applying for certificates of occupancy and renting them out.

The "fixer-uppers" under his name often have a number of violations, pulling his score down.

"Basically, they're scoring your reputation," said Molis, who's concerned about the impression a lower-than-desired score may leave on prospective tenants and investors. "A low score means now you're a bad landlord for the city... even though it may be because we just bought a property that needs some work, or we have a property and the tenant trashed it."

**HOW TO FIND PLACES ONLINE? I tried looking for an apartment in Rochester as if I were staying in the city for another year. You can read about my housing search in a story coming later this summer. — Christina C.**

### What is the path forward in Rochester?

The city faces an onslaught of out-of-state real estate investors who buy up large portfolios of properties but don't understand — or don't care about — their obligation to maintain them, Rochester code officials say. Coaching those landlords into complying with the city's code is sometimes successful, and sometimes not.

In a move to target the city's worst slumlords, Rochester hired a housing attorney in 2022 to ramp up code enforcement and punish those who chronically don't comply. Mike Furlano takes 30 to 40 landlords to court every year, pushing them to make repairs or asking for a court order that gives them no choice but to do so.

Furlano said his goal is to weed out all the bad properties and bad landlords, with the hope that in some 3 or 4 years, his job becomes obsolete. Kurt Martin, Rochester's director of buildings and compliance, said "that's never going to happen."

Despite the code department's best efforts, enforcement on a day-to-day basis is rather lax, tenants and advocates say.

Even though a successful inspection is required to obtain a certificate of occupancy, many landlords continue to rent units without the permit for years or even decades with minimal pushback from the city. Fines for violations open beyond the city's given timeframe aren't applied automatically in most cases but are deferred until after a hearing is held in the name of due process for landlords.

Two years ago, the city convened the Housing Quality Task Force to develop ideas on improving code enforcement

See RENTAL ISSUES, Page 19A



Stephon Hicks, a contractor, caulks an area around the porch roof for the landlord. TINA MACINTYRE-YEE/DEMOCRAT AND CHRONICLE

# Rental issues

Continued from Page 17A

and affordable housing in Rochester. Tenant advocates are unsatisfied with how the task force's original set of recommendations were addressed, citing limited follow-through and public com-

munication on progress or challenges.

In early June, Mayor Malik Evans announced the task force's new added focus on increasing homeownership — a topic change advocates say is a distraction from the large population of Rochester renters who struggle to pay rent and who don't see homeownership as an opportunity for them.

A successful code enforcement sys-

tem, one legislator said, would ensure tenants have a place to go if their home is deemed uninhabitable. Thorough enforcement would lead to a high rate of homes vacated after a number of violations go unresolved, but the city and county currently struggle to help renters transition into safe, alternative housing.

One researcher suggested run-down housing managed by slumlords is, in ef-

fect, housing of last resort for Rochesterians who might otherwise face homelessness.

*Christina Chkarboul is a summer intern at the Democrat and Chronicle and a student journalist at USC, where she focuses on Earth science, global studies and journalism. Contact her at cchkarboul@gannett.com with story tips related to code enforcement.*