

Locating New Housing in Monroe County(31) EMPLOYMENT AND THE LOCATION OF HOUSING:

In identifying the specific areas in which housing demand is most intense, the guiding principle is that any individual in the community should be able to find suitable housing in the proximity of his place of employment. The location of housing near one's place of work has important advantages for the individual worker and his family, the employer, and the community. The two most important of these advantages are the greater convenience and lower transportation costs to the individual employee. Limited housing opportunities in this area have prevented a great many Monroe County workers from receiving these advantages. The people who are most seriously affected by employment-residence dislocation are, of

course, the low and moderate income groups. People in these groups are the least able to pay high transportation costs and the most likely to be dislocated.

Some of the consequences of housing dislocation in Monroe County have been to burden moderate income workers with excessive transportation costs, to deprive low income workers of job improvement, and to leave employers with a shortage of modestly paid, but essential, blue-collar labor. The result for the community as a whole has been increasingly congested streets and thoroughfares and higher street maintenance and traffic control costs.

(32) LOCATING NEW HOUSING:

The largest accumulated shortage for replacement units exists in the City of Rochester, as opposed to the suburbs. But the city has been the victim of the

failure of the suburban market to keep abreast of its low and moderate income housing needs. In the future, to meet growth requirements, the towns must provide for at least two-thirds of the county's overall need for new units.

Property Taxation and Housing

(33) PROPERTY TAX AND LOW/MODERATE INCOME HOUSING:

The present dependence on property taxation for local services (especially schools) encourages low density, high value zoning. Fiscal pressures on local government have forced them "to permit only those types of land uses which add enough assessed valuation to the tax base to finance the municipal services required." Obviously, these fiscal practices have effectively blocked low and moderate income housing from being built in the towns.

EXHIBIT F

(34) NEW DIRECTIONS IN FINANCING LOCAL
GOVERNMENTAL SERVICES AND
EDUCATION:

In order to remove the negative impact of property taxation on building needed housing in Monroe County, the following new directions in financing local services and education should be considered:

- (a) Areawide local governmental services should be financed on an areawide basis;
- (b) School tax burdens should be equalized by partial county-wide financing;
- (c) An income tax should be used for educational purposes to restrict dependence of school financing on the property tax.

Need for Housing Data(35) BASIC DATA NEEDED TO EVALUATE
HOUSING QUALITY IN MONROE COUNTY:

Existing sources of information on housing are wholly inadequate for detailed planning and evaluation. It is necessary that certain data indicators be maintained to allow effective planning and evaluation

299

EXHIBIT F

of community progress toward meeting specific housing objectives. For these purposes, the following standardized data should be maintained on a periodic basis for Monroe County (including the City of Rochester):

- (a) Data on new residential building permits and certificates of occupancy;
- (b) Data on residential demolitions, conversions and mergers;
- (c) Data on waiting lists and number of applicants to low **and** moderate income publicly assisted housing projects;
- (d) Data on the condition and overcrowding of housing;
- (e) Data on owner-occupied and renter occupied housing vacancies.

300

EXHIBIT F

SUMMARY OF RESEARCH STAFF RECOMMENDATIONS

(Summary of selected recommendations primarily from Housing in Monroe County, New York -- a series of five study memoranda prepared for the Metropolitan Housing Committee by the Rochester Center for Governmental and Community Research, Inc., January, 1968-June, 1969)

Housing Goals

It is appropriate that the decade of the 1970s be established as the time period during which substantial strides will be made toward providing decent housing in a suitable environment for every citizen in our community. Toward this ultimate goal, the research staff recommends the adoption of the community-wide housing goals presented herewith.

As part of its general housing philosophy the community should accept decent housing as the right of every citizen. Further, the attainment of this right should be accepted as a concern and responsibility of government aided and supported by the private

301

EXHIBIT F

sector of the community.

Flexibility of housing choice should be afforded all families and individuals within each income level. Such choice should be extended both to the type of housing and to its location. Further, it should be suited to the needs of the family or individual in relation to:

- (1) Income capability;
- (2) Place of employment;
- (3) Requirements for transportation and community services;
- (4) Desire to rent or purchase;
- (5) Desire for open space, recreation, cultural pursuits and the like.

Research staff findings indicate that flexibility of choice is not available to the elderly couple and individual or to the young family and individual. Further, as a whole, minority groups are denied sufficient housing choice and suitable

housing. Most of these families and individuals have moderate or low incomes.

The solution for increasing the supply of moderate income housing can probably be achieved through a more varied and positive approach to private construction and financing of residential developments. On the other hand, in order to extend a sufficient supply of adequate housing to families and individuals with low incomes, it will be necessary to provide subsidies and incentives which may take a variety of forms such as: public housing, subsidized private housing, non-profit housing, company housing, mortgage incentives or guarantees, or income, mortgage, or rent supplements. The choice of such programs must be consistent with such planned social objectives as desegregation, reduction of undesirable population densities, provision

EXHIBIT F

of freedom of choice and movement, and freedom from the institutionalization or social stigma associated with poorly designed public programs. Long term economic considerations should also be a determining factor in this choice.

It should be possible through proper attention to good planning principles -- with the help of flexible zoning standards and open space planning -- to design a housing program which will:

- (1) Reduce excessive densities in existing urban neighborhoods;
- (2) Maintain desirable density standards in new neighborhoods;
- (3) Provide a desirable mix of residential facilities which will meet the needs of people by providing suitable housing near their place of work, near transportation services, and near needed community services and cultural and recreational facilities;
- (4) Achieve proper separation between residential neighborhoods and other land uses;

- (5) Provide for adequate traffic circulation.

Further, it should be possible to accomplish all of these housing program objectives with aesthetically attractive developments and within reasonable economic limitation.

It is apparent that to achieve these goals community approaches towards a housing solution must be varied and aimed at each level of need. As a matter of fact, assuming the natural moving up process to more suitable and desirable housing on the part of all income levels of our community, solutions aimed at one level will help solve other levels of housing needs by releasing vacated units for more suitable uses. This means, of course, that all efforts and solutions should not be aimed at the lowest level of housing. Encouraging the moving up (and relocation) process will tend to

305

EXHIBIT F

eliminate the presently excessive pressures of demand for less desirable units and will create the opportunity either for renovation or removal of these units. Creating a more realistic balance between supply and demand will at the same time help reduce the unnaturally high rentals and income value of deteriorated central city housing.

These goals might appear overly optimistic, but they are definitely within the capabilities of this community if each possible course of corrective action is given proper communitywide attention and support.

Implementing Housing Goals

The following implementing actions are recommended by the research staff as necessary in any realistic approach to achieving the broad community housing goals outlined above. Several basic steps must be taken to organize the community housing effort: (1) securing a communitywide commitment to broad housing goals; (2) providing an organizational framework for housing; and (3) developing a housing strategy of actions for implementation.

COMMUNITYWIDE COMMITMENT TO BETTER HOUSING

Without an unqualified public commitment to resolve our housing shortage and related urban problems, there can be little doubt as to the consequences: growing social injustice; community instability; environmental decay; and possible economic decline. Therefore, it is urged that the

EXHIBIT F

Metropolitan Housing Committee and all others concerned with the housing problem in this area petition the Rochester City Council, the Monroe County Legislature, and the town and village boards to formally express public support for the following commitments to housing:

- (1) The adoption of a public policy establishing the 1970s as the decade during which decent housing in a suitable living environment will be provided to meet the needs of every individual and family in the Rochester-Monroe County area.
- (2) The setting of priorities in the use of resources and leadership to improve existing housing and expand new housing opportunities for low and moderate cost housing.
- (3) The setting of specific production goals in Monroe County for LOW AND MODERATE INCOME HOUSING which will reach an annual average for the next seven years of approximately:
 - 2,700 new housing units in the City of Rochester
 - 4,700 new housing units in the towns of Monroe County

EXHIBIT F

Since almost 90 percent of the projected increase in total households are headed by the under 35 or over 55 age groups, particular emphasis should be placed on the housing needs of the young and the old.

- (4) The adoption of the planned unit development and planned neighborhood concept as the preferred approach to land development. The intent of this concept is to build communities and neighborhoods which provide:
- (a) a variety of housing types,
 - (b) a range of housing costs and tenure,
 - (c) open space,
 - (d) convenient shopping facilities,
 - (e) reduced friction with the automobile,
 - (f) increased opportunities for nearby employment, recreation and other qualities presently unavailable within the existing pattern of residential land development.

Included in this new comprehensive approach is the development of large planned communities where all residents including the young families and the

elderly can live in a high quality environment at a reasonable cost.

AN ORGANIZATIONAL FRAMEWORK FOR BETTER HOUSING

The presently fragmented and uncoordinated housing efforts of our community are not sufficient to solve our housing problems. Housing efforts should be channeled into a responsible and responsive Housing Council very similar in nature and structure to the Health Council.

The Housing Council would function as a deliberative body concerning major policy matters. It would be composed of representatives from relevant agencies, institutions, and groups (including, of course, non-profit housing corporations). The Housing Council would have an executive committee elected from its membership which would perform the more routine tasks of policy interpretation and

310

EXHIBIT F

oversee the operations of its staff.

The Housing Council staff would operate from a Housing Development Center. This Center would actually represent a consolidation of the numerous functions now partially performed by individual groups. In fact, the staff would be largely drawn from existing groups and supplemented only where necessary (to fill gaps in technical services). Under the direction of a staff coordinator (or director), existing services and technical skills would be sought out and extended to Council members and other community agencies under contract or cooperative agreement. The Housing Development Center would be active in the following areas:

- (1) Housing planning;
- (2) Coordination of housing programs, projects and funds;

311

EXHIBIT F

- (3) Housing program evaluation and development;
- (4) Technical services (e.g., legal services, property management, land acquisition, etc.);
- (5) Housing statistics and research;
- (6) Housing services (e.g., occupant selection, relocation, housing registry, housing counseling, etc.);
- (7) Community relations.

The Housing Council through its Housing Development Center would be responsible to see that all of the functional areas outlined here are available to the community -- although the Center would not necessarily provide all the services directly.

The Housing Council, if adopted, offers the community the very real opportunity to concentrate its housing expertise: strengthening weak skills and perfecting others. The Council would help insure the community against missed

EXHIBIT F

opportunities in low and moderate income housing -- and would provide the full-time dynamic leadership needed to realize Monroe County's housing aspirations.

Practically speaking, someone must assume the responsibility to create the Housing Council. It is recommended that the City Council and the County Legislature assume this responsibility and authorize the City and County Managers to take the steps necessary to establish the Council.

TOWARD BETTER HOUSING: SPECIFIC
RECOMMENDED ACTIONS

The following list of recommended actions represents steps which are probably necessary to achieve the broad housing needs of our community. This list is not necessarily comprehensive nor does it establish a sequence of priorities. Research findings, however, do

EXHIBIT F

indicate that these are basic steps which should be made part of the Housing Council's initial program or, lacking a Housing Council, should be assigned to appropriate, if diverse, agencies for accomplishment.

- (1) Evaluation of all ongoing housing programs;
- (2) Strong support for selected housing projects and programs presently underway or in the preconstruction or planning stage (the Housing Council staff could play the part of aggressive negotiator in pressing for the swift execution of projects now bogged down);
- (3) Setting of specific objectives for housing including target dates, general locations and size of specific projects;
- (4) Negotiations with the urbanizing municipalities of Monroe County to accept planned unit development ordinance and similar improved land use control mechanisms as recommended in Memorandum No. 4, and the encouragement of better designed and better balanced housing proposals by developers and builders;

314

EXHIBIT F

- (5) Invitation of the New York State Urban Development Corporation to operate (in a negotiated capacity) with the housing industry and others in Monroe County, in a series of (a) small (50 unit) scattered site moderate income projects in all urbanizing towns, and (b) one or more planned communities, satellite towns or new towns (Note: this could be done with the consent and cooperation of the respective jurisdictions including a "test use" of a PUD ordinance or, especially in the case of the small projects, without the cooperation of the jurisdiction by invoking UDC's extraordinary powers);
- (6) Review and endorsement and (if desired) suggested revisions of the housing components of the comprehensive plans of area planning agencies;
- (7) Wide community involvement in Housing Council activities and housing activities generally through effective use of area communications media;
- (8) Development of an official county master land use plan for the towns of Monroe County; the plan should include suggested and negotiated residential density patterns (including various economic mixes of units) and appropriate areas for planned

EXHIBIT F

unit developments; initial allocations could be based on a detailed Work/Residence Distribution Study -- such as the one carried out for the Metropolitan Housing Committee by the Rochester Center for Governmental and Community Research;

- (9) Negotiation with municipalities and the County Legislature for the acceptance of a County (master) land use plan;
- (10) Where other efforts fail, the recommended use of "sanctions" (e.g., controlled access to federal and state funds for roads, sewers, schools, etc.) where reasonable residential land use and density patterns are not adopted (such sanctions could be initiated by the various planning agencies concerned);
- (11) Encouragement of the use of the rent supplement program and Section 23 (public housing leaseback) in towns and villages (could be negotiated by Housing Council and arrangements made to manage units where necessary);
- (12) Consolidation of housing services (e.g., tenant selection in subsidized projects; relocation; counseling; waiting lists, etc.);
- (13) Restructuring and strengthening of the housing registry function

EXHIBIT F

now performed by the Monroe County Human Relations Commission (See: Rochester Bureau of Municipal Research, Plan for a Housing Registry, January, 1966);

- (14) Seeking amendment of the State Constitution to permit creation of a Monroe County Housing Authority;
- (15) Reform of the real property tax according to recommendations set forth in the Rochester Bureau of Municipal Research's The Real Property Tax, May 1968, and similar studies, particularly to reduce the burden of public school financing on real property;
- (16) Promoting the establishment of the right to "decent" housing as a statutory right with the obligation and responsibility to ensure this right for every citizen lodged in an appropriate state and/or county administrative mechanism;
- (17) Probably through a non-profit corporation, the creation and execution of a demonstration project for the industrialized production of housing units for low and moderate income housing projects. (Needs exploration in depth by the community as an alternative method of bringing down housing costs.);

EXHIBIT F

- (18) Increasing the availability of technical planning services from the Monroe County Planning Council;
- (19) Encouragement of the use of advance land acquisition by Monroe County in order to carry out land use plans;
- (20) Strengthening of the authority of county, regional and state planning agencies to allow enforcement of approved land use plans and residential densities and "economic" mixes;
- (21) Restructuring of the building and housing code enforcement functions of the city, towns and villages -- possibly merging the separate enforcement operations into a unified, countywide building and housing code administration. Such a merger would probably entail the adoption by all county jurisdictions of a single building and housing code.

These actions are without a doubt ambitious and controversial. If they seem too grand, it is only because the seriousness of the shortage of adequate low and moderate income housing and the quality of the entire residential development pattern

has not been properly faced or understood. The demonstrated mass and inertia of the problem are very great. Timidity is no response. The leadership of the metropolitan Rochester community must act boldly.

ROCHESTER CENTER FOR GOVERNMENTAL AND
COMMUNITY RESEARCH.

The Rochester Center for Governmental and Community Research is part of the legacy of George Eastman. In 1915 the founder of Eastman Kodak Company gave personal and financial support to establishment of the Rochester Bureau of Municipal Research, an organization devoted to the principles of non-partisan evaluation and improvement of local government.

In the years since its founding the name of the organization has been changed and its scope has broadened, but the objectives set forth by Mr. Eastman have remained unchanged.

The Research Center is a private, non-profit, non-partisan agency. Its studies and research reports revolve around the issue of effective government in its broadest sense. The Center thus involves itself with urban and community concerns on a local and regional basis, and the examination of relevant public policy.

Its staff members represent a range of academic disciplines from statistics to economics, from sociology to political science and public administration. Their professional consultation services are available upon request from public officials and agencies, or appointed citizen committees.

320

EXHIBIT F

As a non-profit agency, the Research Center depends primarily upon voluntary contributions. Local governments often pay nothing for the Center's consulting or advisory services. In the case of major studies they usually pay a portion of the true cost. Studies for non-local jurisdictions are fully reimbursable.

The community is rewarded for its voluntary support of the Center by improved public services and more economic and efficient governmental operation. Adoption of various research study recommendations has often led to major tax savings.

The Research Center has been careful to preserve its non-partisan status in the community, working closely with all administrations on the public's behalf.

The home of the Research Center is the historic Jonathan Child House, built in 1838 by the first mayor of Rochester and pictured on the Center's seal. It was recently purchased by the Center from the Landmark Society of Western New York, Inc. The Research Center has restored the house and adapted it successfully for its use.

HOUSING COUNCIL IN THE MONROE COUNTY
AREA, INC.

CHARTER MEMBER LIST

1. Action for a Better Community, Inc. (ABC)
2. American Association of University Women, Rochester, New York Branch
3. Asbury First United Methodist Church Housing Committee
4. Association for the Blind of Rochester and Monroe County, Inc.
5. ✓ Better Rochester Living, Inc.
6. Bishop Sheen Housing Foundation
7. Brockport Action Task Force on Housing (BATH)
8. ✓ The Build Your Own House Club
9. Center for Community Issues Research
10. The Church of the Incarnation Episcopal, Vestry
11. Church Women United in Rochester and Vicinity, Inc.
12. Citizens Planning Council of Rochester & Monroe County, Inc. (CPC)
13. Community Interests Inc.
14. ✓ Community Volunteers of Rochester, Incorporated
15. Cooperative Extension Association of Monroe County
16. ✓ FIGHT
17. Four Downtown Churches of Rochester, New York, Housing Department of ACCT
18. Frederick Douglass League
19. Genesee Rapids Neighborhood Association
20. Genesee Settlement House
21. Greece Residents Organized to Act (GRO-Act)

EXHIBIT G

22. Holy Name of Jesus Parish, Human Development Task Force
23. Housing Opportunity Program Enlistment Incorporated (H.O.P.E.)
24. ✓ I.C. Housing Development Fund Company, Inc.
25. The Junior League of Rochester, Inc.
26. Ladies Association for Community Enrichment (L.A.C.E.)
27. Lake Avenue Friendship Corporation
28. League of Women Voters of the Rochester Metropolitan Area
29. Metro-Act of Rochester, Inc.
30. ✓ Model Neighborhood Council
31. Monroe County Bar Legal Assistance Corp.
32. Monroe County Department of Social Services
33. Monroe County Planning Council
34. Montgomery Neighborhood Center, Inc.
35. 19th Ward Community Association, Inc.
36. National Council of Jewish Women, Rochester Section
37. New Rochester
38. North East Area Development, Inc. (NEAD)
39. Northeast Property Upgrading Association (NEPUA)
40. ✓ Northeast District Council, Inc. (N.E.D.C.)
41. Northwest Housing Task Force
42. Office of Human Development
43. Olean Townhouses
44. Penfield Action for a Creative Tomorrow (PACT)
45. ✓ Penfield Better Homes Corporation
46. Penfield Christian Landlords, Inc.
47. Priests Association of Rochester, Social Action Committee

EXHIBIT G

48. Rochester Area Committee for Open Housing (RACOH)
49. ✓ Rochester Area Council of Churches Development, Inc. and Rochester Area Council of Churches Housing Development Fund Co. Inc.
50. Rochester Jaycees
51. ✓ Rochester Housing Authority (RHA)
52. Rochester Management, Inc.
53. ✓ Rochester Neighbors, Inc.
54. Rochester Soul Christian Leadership, Inc.
55. ✓ Rochester Urban Renewal Agency and City of Rochester, Dept. Urban Renewal & Econ. Developmen
56. ✓ Rochester United Settlement Houses (RUSH), Housing Development Fund Company, Inc. (Harris Park Project)
57. Senior Citizens Action Council Inc. of Monroe County, State of New York (SCAC)
58. ✓ Sisters of St. Joseph, Social Concerns Committee
59. South East Area Coalition, Inc. (SEAC)
60. South Area Welfare Rights Group (SEWRG)
61. South Side Seniors (Citizens)
62. St. Thomas Episcopal Church, Christian Social Action (STECCSA)
63. Teen League of Rochester (TL)
64. ✓ Temple B'Rith Kodesh, Social Action Committee
65. Third Presbyterian Church, Session
66. ✓ Unitarian Housing Committee (First Unitarian Church)
67. WEDGE
68. ✓ Webster Council of Churches Housing Committee
69. Webster Human Relations Council
70. ✓ Western Monroe Community Project, Inc.
71. Young Womens' Christian Association of Rochester and Monroe County (YWCA)

EXHIBIT H
Attachment #7

Dec. 30

Hon. Joseph Ferrari
President, Monroe County Legislature
County Office Building
50 Main Street West
Rochester, New York 14614

Re: Housing in Monroe County

Dear Mr. Ferrari:

Early in 1967 the City and County, under authorization of the Rochester City Council and the Monroe County Board of Supervisors, jointly appointed a Metropolitan Housing Committee. The authorization stated the need for an effective metropolitan housing policy, further stating that "if such policy is to be effective..." a citizens housing committee is required in order to evaluate metropolitan housing needs and make recommendations "for the formulation" of a metropolitan housing policy. The Committee was specifically charged with inquiring into "Metropolitan Rochester housing needs, 1967-1976."

About a year later that Committee commissioned the Rochester Bureau of Municipal Research (now the Rochester Center for Governmental and Community Research Inc.) to perform the required research and report to the Committee. A series of reports was completed in 1969.

EXHIBIT H

These reports, under the title "Housing in Monroe County, N.Y." contained a complete analysis of the housing problem in Monroe County, together with suggested goals for reducing the crisis. It also included a list of 21 "specific recommended actions." The report was neither recognized nor acted upon by the Committee, the County Legislature, or City Council.

Concerned with this seemingly deliberate inaction in the face of obvious need, an Ad Hoc Housing Committee was formed in June of 1970. It brought together representatives from a broad range of neighborhood associations, community interest groups, non-profit housing groups, and social service organizations. Its purpose was to create a "Housing Council", the organizational framework for housing in Monroe County recommended by the Bureau's study. Efforts to accomplish this purpose have progressed, and at the last meeting of the Ad Hoc Housing Committee it was unanimously agreed that the Committee would henceforth constitute the Housing Council of Monroe County and would serve the community in that capacity.

Since the problem must be approached on a county-wide basis, we believe that County Legislature must initiate the required action. Therefore, by copy of this letter, we petition the Legislature to take the following actions:

326

EXHIBIT H

1. Give official public recognition to the report "Housing in Monroe County, N Y" prepared for the Metropolitan Housing Committee.
2. Demonstrate that official recognition by creating a standing legislative committee concerned solely with action to resolve the housing crisis in Monroe County and instructing it to make specific immediate recommendations to the Legislature.
3. Commit themselves to implement the goals stated on pp 26 and 27 of the "Summary Report, Housing in Monroe County, N.Y." and take the actions stated on pp 29, 30 and 31 of that report
4. Create a Citizens Housing Advisory Committee to advise the County Legislature on housing matters. This advisory committee should consist of representatives from community interest and neighborhood groups in the Rochester-Monroe County area. The groups to be represented shall be chosen by the Housing Council of Monroe County

327

EXHIBIT H

Due to the deepening crisis and long history of inaction, the following dates, by which constructive action should be taken, are suggested for the like numbered previously listed items:

1. Two weeks after receipt of this letter.
2. Three weeks after receipt of this letter.
3. Five weeks after receipt of this letter (significant action).
4. Four weeks after receipt of this letter.

The idea that government should act to assure adequate housing for all is not new. A national goal of "a decent home and a suitable living environment for every American family" was stated in Section 2 of the Housing Act of 1949. Yet, while the County spends millions of dollars and employs thousands of people in other areas of public benefit, including public health and public welfare, it has not had any significant impact on housing.

Sincerely,

V.F. Vinkey, Chairman
Political Action Committee
Housing Council of Monroe County

VFV:klm

FOR FURTHER INFORMATION, CALL VIC VINKEY:
325-2000, x13982(daytime)244-3761(evening)

EXHIBIT I

Statement to the Ways and Means Committee and the Intergovernmental Committee of the County Legislature. Tuesday, January 26, 1971.

HOUSING CRISIS IN MONROE COUNTY

GENTLEMEN: This statement is intended as a brief review of the housing crisis in Monroe County. There are at least three severe housing problems facing Monroe County: First, a housing shortage for low and moderate income families and individuals; Second, a lack of adequate housing-related services including a lack of family budget counseling, housing care training, and housing referral services; Third, a deterioration of residential environments because of inadequate public and private planning and development practices. I will briefly sketch the dimensions and nature of each of these problems - with special emphasis on the first: the desperate housing plight of our fellow citizens with low and moderate incomes - the elderly, young families, the handicapped.

First, the low and moderate income housing shortage. By low income I mean those families with annual incomes of less than \$7,500.- and individuals or couples with annual incomes of less than \$5,000. By moderate income I mean those families earning annual incomes of \$7,500. to \$10,000.- and those

EXHIBIT I

individuals or couples earning \$5,000. to \$7,5000. Obviously, these ranges are only approximate and may vary considerably depending on individual circumstances. To provide decent housing for these low and moderate income households, the Rochester Center for Governmental and Community Research has, as you probably know, estimated the need to build 7,400 new units each year over the seven year period 1969-75. This amounts to a total of approximately 52,000 units. Of these, 13,400 units are needed immediately to replace sub-standard housing, to provide market flexibility, and to relieve overcrowding and 38,500 are needed to accommodate newly formed households and other future needs. In addition, approximately 11,500 occupied homes and apartments are in need of major rehabilitation. The Research Center's report, cited here, is only one of many reports - local, state and federal - which have documented and reaffirmed Rochester-Monroe County's serious housing problems.

Is our community moving toward an adequate solution to the low and moderate income housing shortage? While the need for low and moderate income housing units has been estimated at 7,400 a year, we actually have averaged only 5,400 housing units per year for all income levels during the past decade! Furthermore, 1969 was one of the worst years in the 1960's for producing housing - and 1970 was by far the worst year for housing production in over 10 years. Throughout the 1960's the production and the availability of housing for low and

EXHIBIT I

moderate income families and individuals has decreased. The private sector has produced virtually no housing for even moderate (no less low) income households since the mid-1960's .

It is true that some low and moderate housing has been produced through various state and federal programs. So far, however, all of this housing has been concentrated in the City of Rochester - and production has been very limited - an annual average of fewer than 400 units in the 1960's. It is also true that several public and private agencies - the Metropolitan Housing Foundation, the Rochester Housing Authority, the New York State Urban Development Corporation, etc. - are planning substantial low and moderate income housing construction programs throughout the county over the next five years. However, even if all the now planned housing were actually constructed, we would be left with a substantial deficit of unmet housing needs. And, needless to say, planned housing - especially for low and moderate income families - has a notorious reputation of never being realized. The obstacles to building decent housing in the quantity needed are many.

So, to return to the question - Is our community moving toward an adequate solution to the low and moderate income housing shortage? I must answer: NO! We are not ! Although laudable and

EXHIBIT I

substantial, present plans, even if realized, would amount to probably less than 50 percent of our housing needs as presently recognized. Greater, more organized and far more determined leadership is needed.

A second major housing problem is the lack of coordinated, adequate housing-related services. While services for relocating families displaced by certain public actions, services for training in proper housing care, and services for budget counseling, housing placement referrals and the like to exist in our community, such services are very limited and almost entirely uncoordinated. Thus, many, if not most, citizens seeking housing are denied the assistance they need, many are pushed from one office to another in a never ending circle of red tape and frustration. Besides this shockingly unfair treatment of our fellow citizens, the community also denies itself its fair share of the benefits of federal and state housing-related programs - as well as denying itself a more complete and reasonable use of its existing housing stock.

Let me elaborate. By failing to be sufficiently aware of our citizens' housing needs on day-to-day basis, we fail to know our eligibility for state and federal housing programs - programs for which we are paying but receiving less than our fair return. Under-utilization of such programs is particularly obvious in all our county's municipalities outside the City of

EXHIBIT I

Rochester. Our failure to establish a working registry of housing units with a good placement referral service has meant both inadequate and inappropriate utilization of the existing housing stock. We fail to rehabilitate units which should be rehabilitated; we fail to quickly reoccupy certain types of units as they become vacant; we under-utilize many housing units whose use could be maximized. It is impossible to do justice to this complex subject of housing-related services here - but I call your attention to our acute need for greatly improved services and service coordination.

A third major housing problem is one with which we all have either direct or indirect experience: the deterioration of residential environments because of inadequate public and private planning and development practices. What do I mean by "deterioration"? I mean the excessive separation of place of residence from place of work (as well as from schools, recreational facilities, open space, shopping and the like). I mean excessive traffic congestion and high accident rates caused by virtually unlimited access of driveways (residential and commercial) to our major county thoroughfares (Ridge Rd.; Route 31; West Henrietta Road - to name a few). In short, I mean the entire series of unnecessary but acute problems - from water pollution to unnecessarily high municipal service costs - brought about

EXHIBIT I

by insufficient attention to urban planning and design. Among other things, the absence of an official Monroe County comprehensive land use and development plan has contributed to this present regrettable state of affairs. Guidelines, which could help greatly to develop **inter-municipal** solutions to growth problems and, indeed, to prevent such problems in the first place - do not yet exist.

All three of these problems - the low and moderate income housing shortage, inadequate housing services, and deteriorating residential environments - combine into one large problem which can truly be called - and must be recognized as - a serious housing crisis in Monroe County.
Lawrence Witmer, Housing Council of Monroe County.

EXHIBIT J

By Messrs. Williams and Santoro

Intro. No. _____

RESOLUTION NO. _____ of 1971

CREATING A SPECIAL COMMITTEE ON HOUSING.

WHEREAS, the Metropolitan Housing Committee, charged with inquiry into metropolitan Rochester's housing needs for the period 1967-1976, employed the Rochester Center For Governmental and Community Research which in a report made public in April, 1970 analyzed various components of the housing problem and recommended certain actions be taken,

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE as follows:

Section 1. A special committee to consist of five (5) Legislators to be appointed by the President is hereby

EXHIBIT J

created to analyze the actions recommended in the report entitled "Housing in Monroe County, N.Y." and to submit such resolutions to the County Legislature in relation to the implementation of the report as the Committee deems advisable.

Sec. 2. This resolution shall take effect immediately.

Ways and Means Committee
Intergovernmental Relations Committee

February 25, 1971

File No. 71-18

336

EXHIBIT K

70 North Water Street
Rochester, New York 14604
(454-2770)

May 5, 1971

Mr. Gordon B. Anderson
County Legislator
110 Newcastle Road
Rochester, New York 14610

Dear Gordon:

It has now been more than a month since our first meeting with the Special Legislative Committee on Housing which you chair. We are encouraged by your obvious interest and concern about the housing crisis and hope to continue working with you and other members of the Housing Committee. However, we are greatly distressed by the Committee's failure to take more immediate and positive action on the eight items which we proposed at our initial meeting. We proposed these items because they were all amenable to immediate action. Yet, you have completed action on only two. Some interpret this as a direct and negative indication of the results which the committee can be expected to produce.

In particular, we believe that the Committee presently has sufficient information to indicate the desirability of recommending that the County Legis-

337

EXHIBIT K

lature recognize and endorse the Housing Council of Monroe County. As you know, the city passed a resolution of endorsement several months ago. We do not know of any questions of legality or procedure which prevent the legislature from taking this action. Current plans are to "officially launch" the Council during "Housing Week" (June 20-26). It would be most appropriate for an official endorsement to be approved by the full legislature well in advance of those dates. Incidentally, we hope to have Mr. George Romney, the Secretary of Housing and Urban Development, as a speaker for the occasion.

The remaining items are equally important. We recommend that the committee, as a matter of good business practice and a demonstration of concern, attempt to make recommendations on all of the eight points by mid May (May 18, 1971). If, for some reason, recommendations cannot be made by then, we would appreciate very much hearing from you in that regard by the aforementioned date. This would enable us to achieve a better understanding, of any problems you envision and a chance to provide whatever assistance we can.

Thank you.

Sincerely,
/s/ Vic
Victor F. Vinkey
Chairman, Political
Action Committee
Housing Council of
Monroe County

EXHIBIT L

SUGGESTIONS FOR IMMEDIATE ACTION BY THE
SPECIAL COMMITTEE ON HOUSING OF THE MONROE
COUNTY LEGISLATURE

1. Recognize the Housing Council of Monroe County
2. Recommend endorsement of specific housing goals by the full legislature (Number of units to be constructed in a specific time span)
3. Accelerate, to the maximum extent possible, completion of the County Master Plan, by additional funding or reordering of priorities within the planning council. First priority to be given to the housing component of that plan.
4. Recommend implementation (by passage of appropriate legislation) of Section 239 n of the General Municipal Law (Subdivision Review).
5. Endorse the state "Community Development" bill and associated bond issue by sending an appropriate message from the county legislature to the state legislature.
6. Recommend appointment of a special Monroe County Tax Study Committee to investigate reform of the real property tax.

EXHIBIT L

7. Take a tour of housing conditions in Monroe County
8. Recommend a county legislative resolution authorizing and suggesting close working relationships between the Monroe County Planning Council and UDC -Greater Rochester, Inc.

Political Action
Committee
Housing Council of
Monroe County
March 24, 1971

EXHIBIT M

MONROE COUNTY LEGISLATURE COUNTY
GORDON B. ANDERSON OF
Assistant Majority Leader MONROE
Legislator -- 21st District STATE OF
110 Newcastle Road NEW YORK
Rochester, New York 14610
Tel. 482-8580

June 9, 1971

Mr. Victor Vinkey, Chairman
Political Action Committee
Housing Council of Monroe County
134 Nunda Blvd.
Rochester, New York 14610

Dear Vic,

I regret the delay in answering your letter of May 5th to me. In your letter you requested a review of the eight suggestions presented to the County Special Housing Committee. If I recall correctly, one of the first requests made by the Housing Council of Monroe County was that a Special Housing Committee of the Monroe County Legislature be appointed. We now have such a committee. That is one request fulfilled.

Now let's consider the eight specific requests made to the Special Housing Committee.

1. Recognition of the Housing Council has not been formalized, but tacit approval has been given. The Special Housing Committee meets

EXHIBIT M

with representatives of the Housing Council and obtains valuable information and direction from the Council.

2. Recommendations of housing goals as presented in the Housing in Monroe County publication have not been accepted to date.
3. Acceleration of the County Master Plan with priority to be given to the housing component of the plan is not feasible. The various components are interdependent and the master plan must be presented as a whole
4. It does not seem advisable for the County Housing Committee to recommend implementation of the 239N General Municipal Law. The Monroe County Planning Council has not recommended the implementation of this law. In fact, they are on record of not favoring implementation.
5. Endorsement of the state "Community Development Bill" by the County and City has been indicated by a letter signed by President Ferrari and Mayor May urging the local State legislators to support the passage of necessary legislation.
6. A letter from the Special Housing Committee requesting the appoint-

EXHIBIT M

ment of a 5-7 member County Study Committee will be submitted to the Monroe County Legislature on June 15th.

7. The Housing Committee has observed housing conditions in Monroe County through the courtesy of the Housing Council of Monroe County who provided routes and transportation for the tours.
8. Close working relationships between UDC, Greater Rochester and Monroe County Planning Council has been in effect and will continue. The accompanying letters confirm this fact.

In my opinion the counsel from your group has been helpful and you are to be congratulated on your achievements thus far.

Yours truly,
/s/ Gordon
Gordon B. Anderson,
Chairman
Special Housing Committee
of Monroe County

/ch

EXHIBIT N

Monroe County Legislature
County of Monroe, State of New York
Joseph N. Ferrari, President

Michael D. Pastorelle
Clerk

Joseph C. Peiffer
Deputy Clerk

407 County Office Building
Rochester, New York 14614
Telephone 454-7200 extension 545
Area Code 716

September 2, 1971

To The Honorable
The County Legislature
County of Monroe
Rochester, New York

Ladies and Gentlemen:

The Special Housing committee pursuant to the charge contained in Resolution No. 86 of 1971 has analyzed the report entitled "Housing in Monroe County, N.Y." In addition, counseling has been asked for and received from the various agencies involved in housing in Monroe County.

After extensive deliberation over information obtained through these sources, the Special Housing committee recognizes that the problem of housing cannot be solved within the boundries of the city of Rochester alone, and encourages all the people of our community, as well as

EXHIBIT N

those in commerce and government, to review the need for housing as community-wide responsibility, and to seek solutions together.

The Special Housing committee respectfully submits the following recommendations to the Monroe County Legislature:

I. The formation of the Housing Development committee to be jointly created by the County Legislature and the City Council. Members of this committee would consist of the executive directors representing the following organizations.

1. Association of Town Supervisors
2. Chamber of Commerce
3. Citizen's Planning Council
4. City of Rochester Planning Commission
5. Council of the City of Rochester
6. FIGHT
7. Genesee-Finger Lakes Regional Planning Board
8. Housing Council of Monroe County
9. Metropolitan Rochester Foundation
10. Monroe County Legislature
11. Monroe County Planning Council
12. Rochester Home Builders Association
13. Rochester Housing Authority
14. Urban Development Corporation
15. Urban Renewal

The purpose of this committee is to bring together various elements of our community with the ability to make things happen in the field of housing. They would

EXHIBIT N

represent planners, builders, government and private enterprises from the community.

II. Recognize the Housing Council of Monroe County (representing many community groups interested in housing problems) as one of several agencies concerned with solving the housing problems which exist in this County, and that the Legislature encourages the Council in its efforts to stimulate the community to find ways to provide decent housing for all that live in this County.

III. Endorse the revised housing goals of 79,000 units to be constructed in Monroe County during the period from now through 1980. Of this amount 54,500 is recognized as growth through 1980 and 24,500 are needed to replace sub-standard housing. Of the 70,000 units 60% or 47,500 units are designated for moderate and low income families.

IV. Encourage the Monroe County Planning Council to complete the County Master Plan as quickly as is feasible. The Housing Committee recognizes the need and importance of this plan as a tool to solving the many problems of our community of which housing is one of the most important.

V. Enact as a Local Law 239N of the General Municipal Law (Sub-Division Review). This law provides for a review of certain proposed sub-division plots

EXHIBIT N.

by the Monroe County Planning Council. Enactment of this law will help assure better land use throughout the County.

VI. Endorse the State Community Development Bill and associated bond issue by sending an appropriate message from the Monroe County Legislature to the State Legislature.

This bill is in the form of an amendment to the New York State Constitution. It has been passed by 1971 State Legislature. Must be passed by 1972 Legislature and submitted to State electorate in election of 1972 before it can be enacted.

VII. The Monroe County Legislature call upon the State of New York to enact a law providing for capital grants to assist local Housing Authorities in maintaining adequate operating, maintenance and tenant services at State-aided public housing developments.

VIII. The creation of a standing Legislature Committee entitled Community Development Committee. The committee would, among other things, deal with housing needs of the community; cultural aspects and work as liaison between the County Legislature and various planning groups with respect to land use and development.

The Special Housing committee requests that these recommendations be referred to

EXHIBIT N

the appropriate committees. We strongly recommend affirmative action by the County Legislature.

Respectfully submitted
Special Housing Committee
Gordon B. Anderson,
Chairman
R. Graham Annett
Jeremiah F. Clifford
Ronald J. Good
Dorothy M. Riley

EXHIBIT O

FOR RELEASE: 6 P.M., SUNDAY, JANUARY
24, 1971

MAY ASKS COUNCIL APPROVAL
OF HOUSING GOALS

Mayor Stephen May will introduce a resolution at Tuesday's City Council meeting strongly endorsing recommendations of the housing report prepared for the Metropolitan Housing Committee by the Center for Governmental and Community Research and urging all levels of local government in Monroe County to participate in solving the current housing crisis.

The Mayor noted that City Council approval of his resolution will help carry out the report's recommendation that the "Rochester City Council and the Monroe County Legislature and town and village boards formally express public support for adoption of the 1970's

as the decade during which decent housing in a suitable living environment will be provided to meet the needs of every individual and family in the Rochester-Monroe County area." May's resolution also notes that the report further recommends that "specific production goals be set in Monroe County for low and moderate income housing which will reach an annual average for the next seven years of approximately 2700 new housing units in the City of Rochester and 4700 new housing units in the town of Monroe County."

The Mayor emphasized that the city administration is more than meeting the recommended city goal through a greatly accelerated housing program which will result in 4,000 housing starts in the City in 1971. This is more than the total

for any year in the city's history and close to the combined total for the decade of the 1960's, May said.

"Although the city is making an expensive and massive effort to deal with the pressing housing needs of low and middle-income families, senior citizens and the handicapped through subsidized units, there has never been a unit of subsidized housing built in the suburbs of Monroe County," he emphasized. May strongly urged that the leadership exhibited by the City of Rochester, in meeting human needs of such a vast magnitude, be followed immediately by a comparable exercise of responsibility by the Monroe County Legislature and the towns and villages of Monroe County.

The report, entitled "Housing in Monroe County," stems from actions of the

City Council and the former Monroe County Board of Supervisors which authorized the City and County Managers to appoint a Metropolitan Housing Committee. The Committee, appointed in 1967 and chaired by Joseph C. Wilson, conducted a comprehensive research program, employing the Center for Governmental and Community Research, which, in its report analyzed various components of the housing crisis in the Rochester Metropolitan area and emphasized that there must be a choice of suitable living quarters for persons of all income levels throughout Monroe County.

EXHIBIT P

Councilman May

By Council May-----RESOLUTION ENDORSING
REPORT OF ROCHESTER CENTER FOR
GOVERNMENTAL AND COMMUNITY RESEARCH,
ENTITLED"HOUSING IN MONROE COUNTY,
N.Y.,"

WHEREAS, the Rochester City Council
and the former Monroe County Board of
Supervisors recognized the need for an
effective metropolitan housing policy
and, pursuant to such recognition,
authorized the appointment of the Metro-
politan Housing Committee by the City
and County Managers in 1967, and

WHEREAS, this committee was charged
with inquiring into metropolitan
Rochester's housing needs for the
period 1967-76; special housing problems
of minority groups, the elderly and the
handicapped; proposed sites for new hous-
ing developments for the period 1967-76;

EXHIBIT P

and problems of financing, taxation and construction of required new housing, particularly for those with low and moderate incomes, and

WHEREAS, the Metropolitan Housing Committee, chaired by Joseph C. Wilson, conducted a comprehensive research program, employing the Rochester Center for Governmental and Community Research which, in a report made public in April, 1970, analyzed various components of the housing problem in the Rochester metropolitan area, and

WHEREAS, this report recommends that "As a part of its housing philosophy the community should accept decent housing as the right of every citizen, and further the attainment of this right should be accepted as a concern and responsibility of government aided

and supported by the private sector,"
and

WHEREAS, this report recommends that the "Rochester City Council and the Monroe County Legislature and town and village boards formally express public support for adoption of the 1970's as the decade during which decent housing in a suitable living environment will be provided to meet the needs of every individual and family in the Rochester-Monroe County area,"
and

WHEREAS, this report recommends "specific production goals be set in Monroe County for low and moderate income housing which will reach an annual average for the next seven years of approximately 2700 new housing units in the City of Rochester and 4700

EXHIBIT P

new housing units in the towns of
Monroe County," and

WHEREAS, this report recommends
the creation of a Metropolitan Housing
Council to coordinate and expedite the
work of non-profit housing groups in
this area, and

WHEREAS, the City of Rochester is
demonstrating its commitment to the
goals cited in this report by a program
of greatly increased housing starts
in 1970 and thereafter, particularly for
low and middle-income families, senior
citizens and the handicapped,

NOW, THEREFORE BE IT RESOLVED that
the Council of the City of Rochester
hereby commends those responsible for
preparing "Housing in Monroe County, N.Y.",
pledges its continuing efforts to meet
the report's objectives, and urges other

356

EXHIBIT P

local government bodies, including the Monroe County Legislature, to endorse the report and participate in its implementation, and be it further

RESOLVED, that copies of this resolution be forwarded to the Monroe County Legislature and all town and village boards in Monroe County.

EXHIBIT Q

METRO-ACT PROPOSAL TO THE PENFIELD TOWN
BOARD

Since the release of the Wilson Report on Housing (prepared by the Rochester Center for Governmental & Community Research in 1970) the need for and ability of the suburbs to assume its share of low and moderate income housing became more evident than ever.

However, the lack of response by the towns of Monroe County led the Metro-Act Housing Task Force to initiate an investigation into the zoning ordinances and practices of the towns. All of them are to a greater or lesser degree discriminatory and unduly restrictive and Penfield's ordinance and practices ranked among the most restrictive.

EXHIBIT Q

The apparent solution to the housing problem, a problem listed as having highest priority in the Community Chest Cresap study, lies in the willingness of the suburbs to change their zoning ordinances and assume their proportion of needed housing. Failing this, a challenge in the courts may be necessary to force the town leaders to do what they refuse to do voluntarily.

Our recommendations cover areas of density restrictions, lot size and floor space requirements.

More specifically we propose the following as necessary changes:

- 1) Zoning of 10% of the total land area of the town (approximately 2,500 acres) for housing below the \$20,000 market value range.

EXHIBIT Q

A-- Part of this for areas now receiving services; part for areas not now receiving services

B--This means that the areas will have to have requirements of no more than 7,000 sq.' lot size. Allowance will have to be made for five single family units per acre.

C-- It is understood that this type of zone will be dispersed adequately throughout the town.

2) Amendment of the PUD ordinance.

We propose a policy of the whole town being open to PUD zoning, with certain areas being stipulated as primarily for PUDs, especially in east Penfield.

Forty percent of the units of a PUD should be allowed for low/moderate income

360

EXHIBIT Q

units. The developer, in his program application, should be required to meet this criterion and guarantee price levels on the sale of property.

3) Town House Requirements

We believe that the present specifications and density limitations for town houses are unduly stringent.

We propose that this portion of the ordinance be rewritten on a health oriented basis and that other arbitrary specifications, such as floor space, be omitted. A requirement of 700 sq. ft. may be reasonable but not beyond that.

4) Multiple Residence

Unit per acre limitations should be raised to eighteen, with a requirement that buildings not cover more than 30% of the total lot size.

361

EXHIBIT Q

Furthermore of the apartments 25% should be able to be rented for under \$150.00 per month and 25% should be able to be rented for under \$185.00.

-end-

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NEW YORK

Title	*	
Omitted		AFFIDAVIT
In	*	
Printing		Civil Action
	*	No. 1972-42

STATE OF NEW YORK)
COUNTY OF STEUBEN) SS:
TOWN OF WAYLAND)

ANDALINO ORTIZ, being duly sworn,
according to law, deposes and says:

1. I am a private citizen residing
in the Town of Springwater, New York; my
mailing address is Rural Delivery 1,
Wright's Road, Box 202, Wayland, New
York. I am one of the plaintiffs in the
above noted action, bringing this action
on my own behalf and on behalf of all
persons similarly situated. My claim is
that I, as a property owner of the City
of Rochester, am forced to pay a greater

proportionate share of real estate taxes to the City of Rochester than other residents of the City of Rochester area to their respective towns because the City of Rochester has and must continue to build more than its fair share of tax abated housing projects within the territorial limits of the City of Rochester to meet low and moderate income housing requirements of the Rochester metropolitan area - all by reason of the exclusionary practices of the defendants. Additionally, my claim is that I, as a citizen of Spanish/Puerto Rican extraction am being denied the right and/or opportunity to reside in the Town of Penfield because of my race - all due to the illegal, unconstitutional and exclusionary practices

AFFIDAVIT, ANDELINO ORTIZ

of the Town of Penfield which have the effect of excluding persons of Spanish/Puerto Rican extraction from renting, buying and/or living in the Town of Penfield by reason of **there** being allowed no low, moderate income housing. By virtue of the illegal, unconstitutional and exclusionary practices of the Town of Penfield, all of which have had the effect of preventing me from living near work in the Town of Penfield.

I have been put to great expense of time and money in commuting to employment in the Town of Penfield. I make this affidavit in opposition to the defendants' motion herein to dismiss my complaint.

2. I was born in Puerto Rico in 1925; I came to the mainland, United States in 1947. I married my wife, Maria,

AFFIDAVIT, ANDELINO ORTIZ

in Pennsylvania in 1948. We have seven children, Zarchairah, age 22, Rebecca, age 19, Juan, age 18, Andalino, Jr., age 17, Marielena, age 15, Christopher, age 12, and Christina, age 10. I came to Rochester with my wife and family in 1966. All of our children with the exception of Zarchairah, still live with my wife and myself.

3. When coming to Rochester in 1966, my wife and I sought a place to live which would be within reasonable distance of my job and which would provide an environment where we could live and bring up our children, giving them the best education available in public schools, the maximum opportunity to share in cultural events of the community, use the public libraries, public parks, etc.

AFFIDAVIT, ANDELINO ORTIZ

4. My job on coming to Rochester and continuing until May, 1972, was as a janitor at St. Joseph's, Gebard Road, Penfield, New York. My gross salary per week was \$130.00; net \$102.00 per week; gross annual income, \$6,760.00. On our first arriving in Rochester, my wife, Maria, also worked part time as a domestic; she averaged about two days work a week at \$12.00 a day. Figuring that we could afford to spend about one-fourth of our monthly income on providing for our housing needs, our family could afford to pay \$126.00 a month to supply housing for us when we first came to Rochester.

5. I found that housing in my price range, low and moderate income housing, was impossible to find in the Rochester metropolitan area except in the center city of the city of Rochester.

AFFIDAVIT, ANDELINO ORTIZ

We had no choice in housing but to settle for renting of housing in the decaying section of Rochester's center city. That rented housing was inadequate in terms of space for my family and environment but it was the only choice in housing that a person of my minority and low income status had.

6. In 1967, my wife Maria secured more steady employment at St. Joseph's, Gerard Road, Penfield, New York. She had an income of \$80.00 per week gross and a net income of \$65.00 a week. Thereafter my wife Maria secured full time employment as an interpreter for the health clinic at the University of Rochester in Rochester, New York. She now has a gross income of \$119.00 per week; net income of \$94.50 a week; a total of \$6,188.00 gross income a year. I am

AFFIDAVIT, ANDELINO ORTIZ

presently unemployed.

7. I found renting a home in Rochester center city to be most unsatisfactory. For example, one of the places where our family first resided on Central Park was in terrible condition and entirely inadequate for my family. There were one inch spaces around the windows causing the place to be continually drafty and almost impossible to heat in the winter. There was water standing in the cellar. The toilet was broken. The house was infested with roaches. There were only three bedrooms for nine people.

8. With both myself and my wife working either full time or part time, we immediately began to save our money and look for a house that we might be able to afford buying. Again our

AFFIDAVIT, ANDELINO ORTIZ

search was necessarily concentrated in the Rochester center city since there was no housing on the market anywhere in the Rochester metropolitan area which we could afford on our low income budget. We finally save \$500.00 which was enough for a down payment on a house at 5 Evergreen Street, Rochester, New York. The selling price of the house was \$10,000.00 and we obligated ourselves on a mortgage of \$9,500.00.

9. Even though we now had our own home in Rochester center city, I was still dissatisfied to have my children growing up in a decaying center city, "ghetto" environment. In order to break free of the environment of living and rearing my children in the decaying inner city, I began to explore the possibilities of moving my family to one

AFFIDAVIT, ANDELINO ORTIZ

of the surrounding towns in the Rochester metropolitan area. Since my job at that time and continuing until May of 1972 was in the Town of Penfield, I initiated inquiries about renting and/or buying a home in the Town of Penfield. However, because of my income being low or moderate, I found that there were no apartment units large enough to house my family of wife and seven children, nor were there apartment units that were available reasonably priced so that I could even afford to rent the largest apartment unit. I have been reading ads in the Rochester metropolitan newspapers since coming to Rochester in 1966 and during that time and to the present time, I have not located either rental housing or housing to buy in Penfield. Accord-

371

AFFIDAVIT, ANDELINO ORTIZ

ing to information recently assembled by Metro-Act of Rochester and which I have seen, a three bedroom house in the Town of Penfield rents for a minimum of \$250.00 a month; the tenant then has to pay additional for all utilities.

According to this information a three bedroom apartment in the Town of Penfield now rents for \$300.00 a month plus electricity; it is virtually impossible to find a three bedroom house in the Town of Penfield for less than \$30,000.00. Thus my efforts to locate either rental or purchased housing in the Town of Penfield was unsuccessful because of either the generally inadequate space in most rental units or the impossible high rents of the few rental units with enough space and/or the impossibly high

AFFIDAVIT, ANDELINO ORTIZ

cost of buying and/or renting a home in Penfield. (A summary of rental information in the Town of Penfield is attached hereto and made a part hereof as Exhibit A.)

10. Finally, in 1968 I located a dilapidated home outside of Wayland, New York, (Town of Springwater). The selling price of the house was \$9,500.00. I paid \$4,000.00 and obligated myself on a mortgage of \$5,500.00 to the First National Bank of Wayland for seven years. Because the house was in such poor condition, (the house was uninhabitable when I bought it), I immediately needed to obligate myself for a home improvement loan of \$1,500.00 to the First National Bank of Wayland and another home improvement loan for \$1,400.00 to

AFFIDAVIT, ANDELINO ORTIZ

Beneficial Finance. The house in Wayland had been unoccupied for some time except for one room. Over a period of time, I worked on the house so that it became habitable. I replaced the roof; I put in all new window glass; I replaced all the walls either with dry wall or put paneling on the existing walls; I redid all the ceilings by putting in lowered ceilings. I installed wiring to the upstairs of the house where there had been no wiring.

11. After making all of these major repairs, the house was habitable for my family year round and in 1971 we moved to **the house outside Wayland.** Since 1971, we have rented our house in Rochester at 5 Evergreen Street. The rent I receive from the house in

AFFIDAVIT, ANDELINO ORTIZ

Rochester is just enough to defray the mortgage and other expenses on the house.

12. The house on Wright's Road outside Wayland, New York (Town of Springwater), is a frame house consisting of ten rooms - six bedrooms, a kitchen, a dining room, a living room and a family room. The expenses for living in my house outside Wayland, New York (Town of Springwater), include the following:

1. Monthly mortgage payment to First National Bank of Wayland, \$83.69 per month.

2. Monthly payment on home improvement loan to First National Bank of Wayland, New York, \$59.88.

3. Monthly payment on home improvement loan to Beneficial Finance - \$41.00.

4. Insurance on house - \$12.00

AFFIDAVIT, ANDELINO ORTIZ

per month (\$144.00 per year).

5. Property taxes - \$24.00 per month (\$288.00 per year).

6. Heat - \$33.33 per month (\$415.00 per year).

7. Electricity - \$32.00 per month (\$386.00 per year).

There is a well on the property from which we get water.

13. Since I was unable to locate housing near my work in the Town of Penfield (employment dating from my arriving in Rochester in 1966 to May 1972) I have been forced by reason of the exclusionary practices of the Town of Penfield to reside in Wayland, New York, Town of Springwater (1971 through May 1972) forty-two miles from my work in Penfield. I worked five days a week, eight hours a day at St. Joseph's. I

AFFIDAVIT, ANDELINO ORTIZ

was at work by 7:30 in the morning. Travel one way to the job in Penfield took at least one hour and ten minutes one way - in bad weather the time involved one way to work was about two hours. The maximum distance from my job if I had been able to live in the Town of Penfield would have involved driving time of no more than twenty minutes to the job at St. Joseph's.

14. I use a 1966 Chevrolet car to commute to work or, occasionally, a pick up truck. The car or truck consume gasoline at a rate of thirteen miles per gallon; thus, every day my transportation to and from work in Penfield required 6.5 gallons of gasoline - gasoline which cost me 39¢ to 43¢ a gallon. This means that

AFFIDAVIT, ANDELINO ORTIZ

there was at least \$2.56 involved each day in gasoline costs for my automobile or \$12.80 involved in gasoline costs alone for my automobile to and from my work each week. Thus, in costs of gasoline alone, commuting to and from the job in Penfield has cost me \$666.00 per year.

15. For my tax dollar in the Town of Springwater, to the best of my information, I am provided with very little service. On the basis of information assembled and called to my attention by Metro Act of Rochester, Inc., the following is a brief outline of the services available to me and my family in my community:

A. My six children who live with me attend Wayland Central School which is a twenty mile bus ride from

AFFIDAVIT, ANDELINO ORTIZ

our home. I have two children in the twelfth grade, one child in the tenth grade, one child in the ninth grade, one child in the fourth grade and one child in the fifth grade. The Wayland Central School consists of one building which houses kindergarten through high school and includes a swimming pool and three gyms (two gyms for elementary level; one gym for high school level), an auditorium, two lunch rooms (one for elementary level; one for secondary level).

The faculty of Wayland Central School numbers one hundred with three administrators; there are one thousand students in grades kindergarten through six and seven hundred students in grades seven through twelve. Average class size at the elementary level is 28 through 30 with one slow section of

AFFIDAVIT, ANDELINO ORTIZ

20 pupils. In the secondary level, average class size is 25 to 30 with a slow section of 18-20 pupils. Teacher/pupil ratio at the secondary level is 110 students per teacher.

The schools offers special services of a psychologist one day a week. An assistant or an intern is available five days per week through the BOCES program of Livingston and Steuben Counties. There are two guidance teachers, two special reading teachers.

Curriculum of the school at the elementary level is a standard curriculum including music and art. There are no languages, however, taught in the elementary grades. Curriculum in grades seven through twelve is a standard curriculum with home making,

AFFIDAVIT, ANDELINO ORTIZ

agriculture and industrial arts also offered. French, German and Latin are offered in grades nine through twelve. All persons are required to take regents exams; there is no non-regents program offered.

Activities offered by this school system at the elementary level include band and chorus. At the secondary level there are two bands, a chorus, a library club, a future teachers club, a future business leaders club, future home makers, Latin club, newspaper, year-book, art club and drama group. At the elementary level, there is fifth and sixth grade intramural baseball and track. At the secondary level, there are all sports except football - including baseball, soccer, track, wrestling, tennis, golf, skiing, swimming.

AFFIDAVIT, ANDELINE ORTIZ

B. The Town of Springwater provides no garbage or trash collection service for the residents. A private company is available for contract at the cost of 75¢ per week, one pickup per week. Highways are maintained in the Town of Springwater on a budget of \$32,400.00 for maintenance, \$45,837.00 for machinery and new equipment and \$42,000.00 for snow removal. The Town of Springwater budget for its volunteer fire department (department composed of twenty to thirty men who are active), was \$9,350.00 for 1971. There is one fire station. There is one volunteer ambulance service available to residents of Springwater seven days a week, which is financed by private contributions.

C. The Town of Springwater recreation budget is \$600.00 per year.

AFFIDAVIT, ANDELINO ORTIZ

The town sponsors fall, winter and spring roller skating for all ages, once a week, and a boys' basketball program once a week. There is no summer recreation program and no adult recreation program. The closest public library for the use of my family (outside of the Wayland Central School library, which my children use) is the Wayland village library. Wayland is located about five or six miles from where we live. The library is open twenty hours per week and is financed \$1,000 per year from the town, \$1,100.00 a year from the village, and \$1,350.00 from Community Chest and \$1,020.00 from miscellaneous income. The library belongs to the Southern Tier Library System. There are records in addition to books for loan. There are no films

AFFIDAVIT, ANDELINO ORTIZ

available nor are there special programs provided by the library. The village of Wayland also has a recreation program on a budget of approximately \$2,000.00 per year. There is a summer playground program for ages six to fifteen as well as a swimming program. There are no adult programs. There is no youth center nor senior citizen program.

16. However, if I were not excluded from residing in the Town of Penfield by reason of the exclusionary practices of the defendants, I understand, based on information related to me by residents of the Town of Penfield and Metro Act members, that I would be able to take advantage of the Penfield Public School system which offers services as follows:

AFFIDAVIT, ANDELINO ORTIZ

A. There are six elementary schools, two junior high schools and one senior high school in the Penfield Central School system. The average class size, grades one through six is 26 students to one teacher. The class sizes vary at the junior and senior high level depending on the course.

B. The Penfield Central School District offers the following special services. The district employs one full time speech teacher, one social worker, two psychologists and three counselors for the elementary levels. In the secondary schools there are nine full time counselors. There is one full time physician. The district has additional mental health services which include three consulting physicians, two of whom are on the staff of the depart-

AFFIDAVIT, ANDELINO ORTIZ

ment of pediatrics of the University of Rochester Medical School. These services are paid for by the school district.

C. The Penfield Central School District offers the following reading services. There are four special reading teachers for the district plus one school tutor who is paid by the hour to work with youngsters who have very special, individual needs. There is a reading resource center at one of the elementary schools.

D. The Penfield Central School District offers special education. Students with perceptual handicaps and various learning disorders attend special programs at BOCES - a central school for these services supported by the districts in the county. There are specialized teachers and programming

AFFIDAVIT, ANDELINO ORTIZ

designed for these youngsters. (A plan is being developed over the next five years for the return of many of the special education students to Penfield so that these students may attend regular classes and the district will provide special resource people to aid the children.)

17. I am informed that students in the Penfield school system, according to tests, appear to be doing better than comparable youngsters in inner city and other county schools. For example:
reading of a third grade student - percentage of students reading below minimum competency - Penfield, 14%, State, 27%, Monroe County, 22%, City, 23%. Third grade math - percentage below minimum competency - Penfield, 7%, State, 21%, County, 18%.
Reading, sixth grade, percentage of stu-

AFFIDAVIT, ANDELINO ORTIZ

dents below minimum competency -
Penfield, 10%, State, 30%, County, 22%.
Sixth grade math - percentage below
minimum competency - Penfield, 12%,
State, 33%, County, 26%.

I understand that in Penfield, the
per-pupil cost from non-Federal funds
ending June, 1971 was \$1,487.49. Eighty
percent (80%) of Penfield youngsters
go on to higher education versus 20%
from the city.

18. According to my information,
the curriculum in the Penfield Central
School District includes basic skill
program for slow learning students,
grades 4 through 12. An honors program
is maintained for students who wish to
accelerate learning. A regents program
is designed for academic orientation
and students who want to attend college.

AFFIDAVIT, ANDELINO ORTIZ

There is a non-regents program for the non-college bound. Seniors are offered advanced placement courses approved by colleges for possible credit toward a college degree. A vocational program is available in addition to regular classes at the high school level.

Additionally, there is a music program consisting of general music for grades 1 through 8 in every school. There is a Suyuki violin program offered in every elementary school. Instrumental instruction and music theory is offered at the high school level.

A. General art classes are offered for grades 1 through 8 in every school. An elective art program which offers a wide range from pottery to mechanical drawing is available in grades 9 through 12.

AFFIDAVIT, ANDELINO ORTIZ

B. Business education is offered to students in grades 9 through 12. There are a wide variety of courses offered including such courses as typing, bookkeeping, etc.

C. Distributive education courses are available in grades 10 through 12. Students majoring in retailing have classes at school combined with partial employment for pay and credit. This program is coordinated by the school with preparation and evaluation.

D. Home economics is available from grades 7 through 12. There is a wide range of courses from developing work skills to functioning in a household and partnership.

E. A comprehensive industrial arts program is available in grades 7

AFFIDAVIT, ANDELINO ORTIZ

through 12. Penfield Central School staff is involved in research during their paid summer working hours to develop a curriculum of courses directly related to daily living. Such courses would include technical chemistry, life science and essentials of math.

19. I understand that Penfield schools offer athletic programs including physical education programs for grades 1 through 12. There is a plan to extend this physical education program to kindergarten youngsters. An intramural program for elementary and junior high is operated by the school system for students on after school hours. In the high school, there is a fall and spring interscholastic program. Interscholarship competition for girls who excel in intramurals consists of six programs.

AFFIDAVIT, ANDELINO ORTIZ

There are also interscholastic programs for girls, competition in gymnastics, grades 9 through 12. In the fall, girls have soccer and field hockey; in the winter, basketball and volleyball and in the spring, swimming and softball.

20. I understand that boys have interscholastic competition provided in grades 7 through 9 on a modified sports program for soccer, football, basketball and cross country. In grades 9 through 12, boys have available interscholastic competition in soccer, football, cross country, basketball, swimming, wrestling, ice hockey, skiing, track, tennis, baseball and golf.

21. According to my information, the Town of Penfield provides recreation services to residents of the Town of Penfield. Those services include

AFFIDAVIT, ANDELINO ORTIZ

programs during the summer of 1) play-ground program (7 weeks - 5¢ to 25¢ charge for arts and crafts) for children of different ages, 2) tennis lessons (\$1.00 for all lessons), 3) women's tennis, 4) swimming lessons for children, 5) swimming lessons for adults, 6) softball leagus. Fall and winter sports - 1) boys basketball (\$1.00 registration), 2) gymnastics - elementary and junior high years, 3) basketball program for high school boys and young adults. Services to senior citizens, recreational activities, referral services and crafts, arts, and film programs that are available through the Penfield recreation department.

22. I understand that the Town of Penfield maintains one park, Harris Whaler Town Park; there is a skating rink in this

AFFIDAVIT, ANDELINO ORTIZ

park and plans for development include tennis courts, baseball diamonds, playgrounds and picnic areas.

23. I understand that the Town of Penfield recreation department sponsors a Penfield community orchestra which meets throughout the year and gives free concerts to the community periodically. Additionally, the recreation department sponsors the Penfield Players which is a group which performs plays in the community at public performances. Admission is charged for performances, but anyone interested in joining may join the Penfield Players. The 1972 Parks and Recreation budget for the Town of Penfield was \$60,277.00.

24. According to my information, the Penfield Free Library is a member of the Monroe County Library System and shares

AFFIDAVIT, ANDELINO ORTIZ

in all services - loaning books, records, films - and in the training of librarians. It was established by an organization of private individuals and is maintained and controlled by an organization of private individuals for the free use of the public. In 1970, the Penfield Free Library had an inventory of 33,152 volumes, 151 periodicals, 1,068 recordings and 60 large print books. It provides special (free) programs for the community; film programs for adults; weekly story hour for pre-school children; Lunch 'n Listen book reviews for adults. The library is open 7 days a week from 10:00 A.M. to 12:00 noon on Mondays, Tuesdays, Thursdays and Fridays; from 2:00 P.M. to 9:00 P.M. on Mondays, Thursdays, and Fridays; on Saturday from 2:00 P.M. to 5:00 P.M. and on Sundays from 1:00 P.M.