

■ HELPING HANDS

Housing court's receivership program helps both landlords and tenants

With all the housing problems this town has—an aging, underfilled housing stock, whole streets left toothless by demolitions, out-of-state speculation, a foreclosure list that seemingly stretches to infinity—the folks at Buffalo Housing Court often find themselves looking for and pioneering new methods to tackle them. As new programs are developed and old ones are improved upon, occasionally one emerges as a wild success story, yielding unimagined benefits.

Such is the case with the housing court's receivership program, an initiative started a year ago by Judge Henry Nowak and Cindy Cooper, executive director of the court's ongoing reform project. The original intent of the program, according to Nowak, was to make sure that owners weren't pulling rental income out of Buffalo while their properties fell into decay. "It was supposed to be used in the classic scenario: the owner who refuses to repair the property but continues to pull rent out," Nowak says.

In that scenario, when a property is written into housing court, the judge can temporarily take control from the owner and put it into the care of one of the city's non-profit housing agencies. The designated agency collects rent from the tenants and puts 95 percent of the rent toward physical repairs, while keeping five percent to help cover administrative costs. Once the house is brought up to code, it is returned to its owner, along with any profits left over after repairs. It's a win-win-win situation: the tenant's living situation is improved, the landlord gets back a house that is up to code and the rest of the neighborhood has one less derelict house to stare at.

The ability to put properties into receivership is nothing new; in fact, it was originally written into the law that created housing court. As Cooper points out, though, the current receivership program has little in common with its intended use. "The law is usually used for attorneys to handle properties, not for what we're using it for," she says. "Most of the time receivers are used in mortgage foreclosure actions and divorce actions, and there's a lot more money in-

involved."

Judge Nowak saw a better way to use them. With help from Cooper and several community housing agencies—Matt Urban Community Center, University Heights Community Development Association and West Side Neighborhood Housing Services, to name a few—he set up the current program, which has become a great success.

"When the tenants are struggling and can barely afford the rent, and they're living in a house that has all of these problems, it's tough to pay the rent," says Nowak. "But when you turn around and say to that person, 'Pay what you can, and we're going to fix your house with this rent money,' it's amazing how much easier it is for the tenant to pay the rent. Now they know that they're helping themselves."

Leslie Vishwanath, housing director at the Matt Urban Community Center, says that some landlords are happy to have their houses taken into receivership. "In many cases, the landlords are senior citizens who simply can't serve as functional landlords anymore, so they're happy we help them collect the rent and make repairs." Vishwanath currently serves as the receiver for half a dozen or so properties across the East Side and South Buffalo.

If you ask Judge Nowak, though, the most exciting aspect of the program was unforeseen when it was created last year. "What we ended up finding, in a roundabout way, is there's a fairly significant population—meaning at least several hundred if not possibly more than a thousand people—living in houses that are not paying any rent, and they're in houses that are supposed to be vacant."

Instead of kicking these people out of the houses, though, receivers are encouraging them to stay, and trying to intervene positively into their lives by getting them on public assistance and improving their living conditions. Vishwanath relates one couple's story: "A couple months ago a homeless couple came into my office, and they weren't able to find housing, so they were squatting. Because they were squatting, they couldn't get a landlord statement filled out by their landlord, because technically they didn't have one. So we put them up in one of our properties on Gib-

son Street, filled out a landlord statement and helped them get on public assistance, and now they're paying tenants."

This type of success story is not atypical in the receivership program. Says Nowak, "We have been able to tap into this forlorn population of people who move from vacant house to vacant house and rarely have utilities—really a very at-risk population—to give them some sense of stability and protection."

The receiverships program has become a community stabilization tool, as well. Stephanie Simeon, housing director at the University Heights Community Development Association, says organizations like hers pay even closer attention to properties in receivership. "Every Wednesday I take a trip to look at our [12] receiver properties to make sure everything's okay. I'm able to keep an eye on them, and I often can get community service workers in there to mow lawns and pick up the trash. Even though they're not income generating, at least we can keep the properties up to code and cleaned up."

If this seems too easy on errant landlords, Cooper points out that receivership doesn't replace sentencing. If a property owner is unwilling to bring his house up to code, the city may put his house into receivership and still fine him or give him jail time. "The goal here is to get the properties fixed and the neighborhoods protected," Cooper says. "Sentencing somebody to a fine or jail time doesn't correct the problem. We're much more concerned with solving the problem than with punishing people."

While the receiverships program is still fledgling—there are about 100 houses in the program right now—Nowak hopes to drastically expand the program in the near future with the addition of a revolving loan fund that the receivers could draw from. "In a lot of these cases," Nowak says, "they are beautiful houses, but they can't be rented because the water's off or the furnace isn't working."

With an initial investment of a couple thousand dollars, these houses could easily be added to the program. Nowak hoped the city could set aside a fund that receivers could draw from, make those initial repairs and pay back with rent money. The city came up empty-handed, though, and now these receivers hope to work with Community Preservation Corporation or a similar company to establish a fund and ensure the program's future success.

—peter koch

■ SEX EDUCATION AT CANISIUS COLLEGE

Not as simple as the birds and the bees

When the members of UNITY, Canisius College's Gay-Straight Alliance, decided to plan a student drag show on campus this spring, their goal was not to challenge 2,000-plus years of Catholic dogma. Yet this was the reason given by the college in canceling the event nearly three weeks before its intended date.

On March 6, a letter was sent to the student leaders of UNITY from the school's administration stating that the drag show planned for March 30 was to be discontinued due to its "implicit challenge to Catholic teaching on homosexuality."

The cancellation of the drag show resulted in an emotionally charged response from UNITY. According to UNITY's president, Canisius student Luigi Rodo, the group's members were shocked at the announcement because, he said, "up until receiving the letter, we thought everything was good to go." Petitions immediately were sent by members via email to the administrators of the college, claiming that the decision was an act of sexual discrimination.

The administration at Canisius denies the accusation of discrimination. In the opinion of Father Michael Tunney, a Jesuit professor, the drag show was problematic from the beginning, mainly due to UNITY's mantra of educating people on sexual orientation. "UNITY is a group that is held to a higher standard," said Tunney. "Because of homosexuality and its troublesome nature in the church, this is a reality."

The relationship between sexuality and traditional Catholic doctrine has often seemed irreconcilable, and is an issue that many students battle daily at colleges with a religious tradition. Religious institutions, in turn, struggle to identify the line between educating its students about sexuality while working under the confines of religious dogma, as in the example of Canisius College and UNITY's cancelled drag show. The question remains: How is a Catholic institution supposed to provide an open forum for its students when tolerance of homosexuality runs contrary to the teachings of the Catholic Church?

In 1993, the Cardinal Newman Society was formed in response to this contemporary quandary. As is stated on its website, the mission of the Society is to commit

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itself to the restoration of Catholic identity on college and university campuses in the US, or to preserve *Ex Corde Ecclesiae*—"from the heart of the church"—a document in which Pope John Paul II spelled out his vision for what a Catholic university should be. According to its president, Patrick J. Reilly, "homosexual activism on Catholic colleges has dramatically increased over the past several years, quickly eclipsing any other concern."

Predictably, Reilly agreed with the decision of Canisius College to cancel the drag show. "A drag show is a form of entertainment and has no protection of academic freedom," he said. "The college's responsibility is to ensure an environment that is conducive to the Catholic lifestyle."

However, college students often find it difficult to adhere to Catholic teachings when they are seen as incompatible with our constantly changing society. In the 1960s, following Vatican II, it seemed that the Catholic Church was finally acknowledging the need to harmonize itself with the people that make up its constituency.

It was not until 1997, however, that homosexuality was explicitly addressed, when American bishops wrote the doctrine entitled *Always Our Children*. In this message, written mainly for parents with children who had "come out," along with a reminder to parents to practice Christ's unconditional love there was an element of acceptance for all individuals regardless of sexual orientation.

According to Father Tunney, this doctrine was an important step for the Catholic Church in its pursuit of pastoral compassion. "This is a great opportunity for the Catholic Church to respond and care for its own people, which the church is beginning to grapple with in a very sensitive and productive way," Tunney said.

By most measures, however, the Church is growing more and more conservative. In a country where freedom of expression is regarded as sacred, is it possible to find a middle ground at Catholic colleges and universities where students, and the organizations which represent them, are not discriminated against for their sexual orientation?

UNITY's Rodo says that the drag show was intended to be educational. "It is controversial, but you can harness the controversy and use it for something greater than that—to educate people [about homosexuality]," said Rodo.

Dr. Conley maintains that the administration has supported UNITY and will continue to do so, and says that the decision to cancel the drag show was made in the best interest of the club. Father Tunney suggested that the college would be more likely to support a more clearly educational program: "A paper that is delivered on the history of drag," Tunney said, as an example, "or new developments in AIDS research."

—caroline phelan

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