



The Fredonia Student Association
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RESOLUTION-39

TO: Representatives of the Student Association General Assembly

FROM: Connor M. Aitcheson, President of the Student Association

SPONSOR: Samantha R. Larson, Chief of Staff, Senior Class Representative

SUBJECT: Fredonia Village Board Amendment to Rental Law - §179-91D

RATIFIED: Student Association General Assembly - Thursday, 4 October 2018

15 In favor

3 Opposed

3 Abstentions

Action Requested

I recommend that the Fredonia Student Association take an official stance and call for the Fredonia Village Board to amend the proposed amendments to the 'Housing Standards' (Rental Law) Chapter 179, by striking "name and date of birth for each occupant" from §179-91D(2) prior to the vote on the main motion of approving the proposed changes. Considering that the students of the State University of New York at Fredonia contribute to a notable percentage of the number of tenants of rented property within the Fredonia Village Limits, this proposed implementation of a registry of tenants poses a great impact on Fredonia students.

Connor M. Aitcheson

President of the Student Association

Seth M. Meyer

Speaker of the Assembly

Resolution

Whereas amendments to Village of Fredonia Code Chapter 179 “Housing Standards” were introduced to the Village Board on August 27, 2018¹, and;

Whereas the proposed amendments include the addition of §179-91D, which would require the implementation and maintenance of a registry of information for both owners, occupants, and property managers of rented property in the village², and;

Whereas the proposed registry would require information that includes, but is not limited to, the property address, and the occupant’s name and date of birth, and;

Whereas this registry would fall under the jurisdiction of the New York State Freedom of Information Law, Public Officers Law, Article 6, §179-91³, and;

Whereas the State University of New York at Fredonia has a total enrollment of 4,433 undergraduate and 224 graduate students as of 18 September 2018⁴, with only 49.8% (2318 students) residing on campus⁵, and;

Whereas the continuous influx and departure of Fredonia students has a direct impact on the pace and frequency of turnover of renters in the village throughout the entire calendar year, and;

Whereas the Observer attributes Village Attorney Dan Gard to saying “that the registry information could be vital for code enforcement, police, fire and emergency medical services⁶,” and;

¹ “Village Board Meetings - Agenda and Minutes: Aug. 24, 2018 agenda”, Village of Fredonia, Accessed 30 September 2018, <http://villageoffredoniany.com/offices/village-board-meetings-agendas-and-minutes/>

² “Chapter 179 Amendments to Housing Standards 9-25-2018”, Village of Fredonia, Accessed 30 September 2018, <http://villageoffredoniany.com/wp-content/uploads/2018/09/Chapter-179-Amendments-to-Housing-Standards-9-25-2018.pdf>

³ “Freedom of Information Law”, New York Department of State, Accessed 2 October 2018, <https://www.dos.ny.gov/coog/foil2.html>

⁴ “Enrollment - 2018 Fall Semester”, Institutional Research, Planning, and Assessment, Received 3 October 2018

⁵ “Historical Third Week Occupancy Date, Fall Semesters: Fall 2018 9/17/18”, Fredonia Office of Residence Life, Received 3 October 2018

⁶ “Village board sets new hearing on rental law”, Observer, Accessed 30 September 2018, <http://www.observertoday.com/news/page-one/2018/09/village-board-sets-new-hearing-on-rental-law/>

Whereas the Observer attributes Mayor Athanasia Landis to saying that “the tenants’ list is mainly to keep things straight for police, as it is not uncommon to see someone falsely identify themselves as a resident when a party with dozens of people is broken up⁷,” and;

Whereas §179-91D(3) mandates this information be made available to the Village Police and Fire Departments, and;

Whereas failing to maintain and continuously update a registry with accuracy may result in outdated information being referenced for code enforcement or providing police, fire or emergency medical services, and;

Whereas the mishandling of personal information is of great concern to the students of the State University of New York at Fredonia, and;

Whereas there is an abundance of reasons as to why individuals may request that their name and place of residency remain private, of which include safety concerns for survivors of sexual assault or domestic violence, and;

Whereas the Family Educational Rights and Privacy Act (FERPA) mandates under 34 CFR §99.37 that educational institutions that receive funding from any sector of the US Department of Education must notify parents, or students over the age of 18, of the use of directory information and of their right to opt out of any disclosure of said directory information⁸, and;

Whereas any student may have an issued Order of Protection against their parent, or any other individual, which would not be indicated in the registry, potentially resulting in the disclosure of this information to said individual who is identified in the Order, and;

Whereas this law does not include the option for occupants of rented property to opt out of being listed in the registry, and;

Whereas the Village Attorney Dan Gard referenced a similar rental registry passed by the Common Council of the City of Buffalo in 2004 as rationale and precedent for Fredonia’s proposed registry⁹, and;

⁷ Local law on rental property code changes to be held today”, Observer, Accessed 30 September 2018, <http://www.observertoday.com/news/page-one/2018/09/local-law-on-rental-property-code-changes-to-be-held-today/>

⁸ “The Family Rights and Privacy Act (FERPA)”, The United States Department of Education, Accessed on 3 October, <https://www2.ed.gov/policy/gen/guid/fpco/pdf/pprasuper.pdf>

⁹ Fredonia Village Attorney Dan Gard, Personal Interview, 2 October 2018

Whereas the City of Buffalo's Rental Registry under Chapter 264 - Licensing of Rental Housing Business - only requires information regarding the property owner, or agent for the owner, and does not mandate the inclusion of occupants, as does Fredonia's proposed §179-91D¹⁰, and;

Whereas the proposed amendments to the Village of Fredonia Code Chapter 179 "Housing Standards" have been tabled for a Public Hearing on October 8th, 2018, at 7:30pm¹¹; now, therefore, be it

Resolved that the Fredonia Student Association recognize the potential impact the implementation of a registry of information of occupants of rented property in the Fredonia Village may have on the students of the State University of New York at Fredonia; and be it further

Resolved that the Fredonia Student Association officially oppose the passing of any law or amendment that require such a registry of information of tenants in rented property in the Village of Fredonia; and be it further

Resolved that the Fredonia Student Association urge the Fredonia Village Board to oppose such a registry and to amend the proposed changes and additions to Chapter 179 by amending §179-91D(2) by by striking "name and date of birth for each occupant" prior to the vote on the main motion to approving the proposed changes; and be it further

Resolved that the Fredonia Student Association send representation to the Fredonia Village Board public hearing on October 8th, 2018, in order to represent the interests of the Fredonia student body and advocate based on the official opposition outlined in this resolution; and be it further

Resolved that copies of this resolution be distributed to President Virginia Horvath, Mayor Athanasia Landis, Village Attorney Dan Gard, and the Fredonia Village Board of Trustees.

¹⁰ "Rental Registration: Registration Information (PDF)", City of Buffalo, Accessed 4 October 2018, <https://www.buffalony.gov/723/Rental-Registration>

¹¹ "Village Board Meetings - Agenda and Minutes: Sept. 24, 2018 agenda", Village of Fredonia, Accessed 30 September 2018, <http://villageoffredoniany.com/offices/village-board-meetings-agendas-and-minutes/>