

# Town taking steps to repeal landlord licensing law

By **Jim Herr** - January 26, 2018



*Cheektowaga Police and NFTA Police stage outside of the suspect's apartment in the Gardenvillage Apartments, November 14th. (Jim Herr/Cheektowaga Chronicle)*

CHEEKTOWAGA – The Town of Cheektowaga is taking steps to repeal its landlord licensing law less than a week after it received a letter from the New York Civil Liberties Union calling the law unconstitutional the supervisor's office said in a statement Friday.

On Tuesday, the NYCLU, ACLU, Empire Justice Center, and the NYS Coalition Against Domestic Violence [emailed Supervisor Diane Benczkowski's office a letter](#) calling on the town to overturn its nuisance law.

"After receiving the letter from the NYCLU, I immediately referred it to our legal department. Since then I have conferred with Town Attorney John Dudziak, and I will be proposing a full repeal of the ordinance," said Supervisor Diane Benczkowski.

The [2013 law requires landlords](#) of one or more non-owner-occupied dwellings to obtain a free license from the town clerk's office. If "criminal activity" was documented by the Cheektowaga Police Department, it allowed the town board to take corrective action – up to and including financial penalties.

“While the original intent of the ordinance was to keep absentee landlords accountable and reachable to ensure the proper maintenance of all properties within the town, we cannot continue to enforce a law that has been deemed unconstitutional,” said Ms. Benczkowski. “I look forward to discussing with the Town Board and our residents alternative ways to hold absentee landlords accountable.”

The NYCLU called on the town to repeal its law after a state appellate court ruled a similar law from a Thompson County village was unconstitutional. The court ruled that the law deprived citizens of due process and violated their First Amendment.

“I think there is enough room in the law to take care of those situations without punishing [victims] in ways that the statute like this did not intend,” John Curr, III of the Western Region Office of the New York Civil Liberties Union.

“Someone’s ability to negotiate a new lease or not to be evicted was impacted by the fact that they were victims of domestic violence and that’s where the real fear here is, potential victims or targets of domestic violence are prevented, or they live under the specter of potential eviction, just for reaching out to the police,” added Mr. Curr.

Cheektowaga Chronicle is told that the town’s law office is currently working on a resolution to call for a public hearing to repeal the law. The resolution should be discussed at the next board meeting on February 13th at 7 pm in Town Hall. A work session proceeds the meeting starting at 5 pm.