



## Cheektowaga supervisor supporting repeal of ordinance after complaints

One official in Cheektowaga wants to repeal part of the town code. It might make some property owners happy, but the former councilman who wrote the law is defending it.

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**CHEEKTOWAGA, N.Y. (WIVB)** – One official in Cheektowaga wants to repeal part of the town code. It might make some property owners happy, but the former councilman who wrote the law is defending it. He says it's good for the town.

The ordinance can be found in chapter 194 of the town code. Civil liberties groups call it a nuisance ordinance. The way the law is written, if police are called out to a home, the property owner gets a warning. Then, a second warning. The third time, the property owner gets fined, even if the tenant is the one who caused the problem.

Last week, representatives from the ACLU, NYCLU, Empire Justice Center, and the New York State Coalition Against Domestic Violence [wrote to officials in Cheektowaga](https://www.nyclu.org/sites/default/files/field_documents/cheektowaga_nuisance_ordinance_letter.pdf) ([https://www.nyclu.org/sites/default/files/field\\_documents/cheektowaga\\_nuisance\\_ordinance\\_letter.pdf](https://www.nyclu.org/sites/default/files/field_documents/cheektowaga_nuisance_ordinance_letter.pdf)), demanding the ordinance be repealed. They cited a recent court ruling which called another community's ordinance unconstitutional.

"Nuisance ordinances, such as this one, infringe on residents' constitutional right to petition the government because they punish calls for police assistance," the letter to town officials read. "We believe that your nuisance ordinance is also unlawful and we hope that this recent decision will prompt Cheektowaga to rescind its rental property ordinance."

Now, that's exactly what town supervisor Diane Benschowski wants to do.

"I will be proposing a full repeal of the ordinance," Benschowski told News 4 in a statement. "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.

"I look forward to discussing with the town board and our residents alternative ways to hold absentee landlords accountable."

Absentee landlords are property owners who live out of town.

Stanley Kaznowski was on the Cheektowaga Town Council from 2008 to 2013. He co-wrote the law. Kaznowski says it has made neighborhoods safer and more quiet, and the town is better off with the law.

"It was not meant to go after (people affected by) domestic violence. It was not meant to go after poor people that had drug overdoses," Kaznowski said. "It was meant to go after people who had parties at two o'clock in the morning, with three or four people arguing on the front lawn, and in some cases fighting."

Kaznowski said he hopes the current town board can keep some of the good parts of the law. The board meets again on February 13<sup>th</sup>.

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