



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Hadassah Mativetsky, City Council President

Sarah Dinhofer, City Clerk

COUNCIL OF THE CITY OF BINGHAMTON

Business Meeting Minutes

City Council Chambers, 38 Hawley Street, Binghamton, NY 13901

6:00 PM Wednesday, August 7, 2024

I. CALL TO ORDER

At 6PM by President Mativetsky

II. PLEDGE OF ALLEGIANCE

Led by President Mativetsky

III. ROLL CALL

Present: Porter, Middleton, Cavanaugh, Hotchkiss, Mativetsky, Kosty, Dundon

Also Present: Sarah Dinhofer (City Clerk), Robert Heary (1st Asst. Corporation Counsel)

IV. REPORTS FROM COMMITTEES AND APPROVAL OF MINUTES

Motion: Dundon

Second: Middleton

All in Favor

V. PUBLIC HEARING

VI. SET PUBLIC HEARINGS

VII. PUBLIC COMMENT

Residents wishing to submit public comment may do so electronically by emailing their comments prior to 1:00PM on the day of the meeting to clerk@cityofbinghamton.gov or in-person during the meeting.

- Rebecca Rathmell, Binghamton resident: Reads into record letter from Eric Tars, attorney representing National Homelessness Law Center (**appended at end of minutes*)
- Kenneth Brown, Binghamton resident: States support of unhoused status legislation, urges support by Councilmember Kosty. Notes real necessity for legislation considering recent incident on Southside caught on video of 2 police officers harassing houseless individual, going through individual's property without stating cause. Brings up recent legislation proposed by Charles Ackerman – believes that Ackerman would be profiting both through contribution to housing crisis and solution, suggests putting further restrictions on potential development
- Philip George, Binghamton resident: Here to talk about homelessness, mental health, and substance abuse. Lives at Woodburn Court -- not homeless, but lives in public housing where rent continues to increase. Comments that overall focus for everyone seems to be on student housing. States government officials hold meetings talking about finding solutions, but nothing gets done. Speaks to need for assistance for mental health, substance abuse – believes Mayor should be doing more

**Comments submitted via email are appended at end of minutes.*



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VIII. FIRST READING LEGISLATION

Local Law LL24-04. Municipal and Public Affairs: Middleton. A Local Law to amend City of Binghamton Code Chapter 45 to include “unhoused status” as a protected class

Motion: Middleton

Second: Hotchkiss

Discussion: CM Dundon comments surprise that Mayor has changed position on legislation, considering recent statement that law would not help anyone – does not believe that clerical changes affected substance of law. Reiterates need for solutions to affordable housing crisis. CM Middleton adds that Mayor used fearmongering tactics to mislead business owners about original legislation’s effects; seems that Mayor flip-flops on policy based on convenience. CM Middleton notes that Council took time to do due diligence on legislation. CM Porter notes that legislation was introduced by Rebecca Rathmell and was met by opposition from Mayor at every point, similar to Human Rights Commission legislation. CM Cavanaugh reiterates importance of having open dialogue within Chambers which represents multiple viewpoints; believes this legislation to be great examples of process. Speaks to importance of every individual having dignity, particularly relating to personal property. CM Hotchkiss thanks Rebecca Rathmell for bringing legislation to Council; believes protection of most vulnerable to be important first step in addressing housing crisis. CM Kosty disagrees with remainder of Council – does not believe that law will change anything. CM Dundon points out legislation is only as good as its enforcement; notes that Human Rights Commission will be able to hear potential human rights complaints. CM Mativetsky lays out impact of legislation: addresses cannot be required for employment/schooling, equal opportunity of enjoyment of public property for everyone. CM Mativetsky adds that sleeping on private property, leaving garbage on other’s property, or providing bathrooms to non-customers is NOT an effect of legislation. Adds that there may be misconception around definition of houselessness – points out that couch-surfing is one form of houselessness

Vote: 6-1-0-0

Nay: Kosty

Introductory Ordinance O24-61. Employees: Porter. An Ordinance to amend the 2024 Engineering budget to adjust for a budget transfer error

Motion: Porter

Second: Kosty

Discussion: CM Porter notes hope that less errors will be reflected in budget lines with new Comptroller

Vote: 7-0-0-0

Introductory Ordinance O24-63. Finance: Cavanaugh. An Ordinance to amend the 2024 BJCJSTF budget to effectuate a 2023 budget transfer

Motion: Cavanaugh

Second: Middleton

Vote: 7-0-0-0

Introductory Ordinance O24-64. Planning: Hotchkiss. An Ordinance authorizing the sale of 43.5 Clinton St. for \$1 to Trout Brook Housing Development Fund Corporation

Motion: Hotchkiss

Second: Dundon

Vote: 7-0-0-0



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Introductory Ordinance O24-65. Finance: Cavanaugh. An Ordinance to amend 2024 General Fund budget to adjust for Professional Services with Labella Associates

Motion: Cavanaugh

Second: Kosty

Discussion: CM Cavanaugh notes that Comptroller Robinson and Director Schleider assured Council that permit revenue will cover expense; agreed to bring updated reports with requests in future

Vote: 7-0-0-0

Introductory Resolution R24-64. Employees: Porter. A Resolution to adopt Record of Activities for elected officials

Motion: Porter

Second: Kosty

Discussion: CM Cavanaugh notes outstanding questions waiting to be answered regarding standard work day

Motion to hold over: Porter

Second: Middleton

Vote: 7-0-0-0

IX. COMMUNICATIONS FROM COUNCIL MEMBERS

CM Hotchkiss: N/A

CM Kosty: Praises democratic system for allowing disagreement in politics while allowing for bipartisan collaboration. Will be attending Downtown block party; encourages attendance. Condemns violence over past weekend

CM Dundon: N/A

CM Porter: Excited to see youngest son starting High School this year. First Ward Senior Neighborhood Watch will be starting back up in September at First Ward Senior Center every 2nd Tuesday at 6PM. Trinity AME, Senator Lea Webb, Broome-Tioga NAACP, and Appalachian Alumni chapter of Delta Sigma Theta sorority will be holding "Back to School" event on 8/24 giving out backpacks 10AM-12PM

CM Middleton: Greater Good Grocery store held event serving about 1200 people, commends CM Hotchkiss for volunteering. Favorite part of job is helping community members. 8/22 will be next Westside Neighborhood Meeting

CM Cavanaugh: N/A

CM Mativetsky: CARES program has free backpack/school supply giveaway 8/22 11A-4PM at Saratoga Community Center. Southside Sundays will have concert on 8/11 at Southside Commons Park at 2PM: Bass & Brown, Wildcard feat. Alyssa Crosby. Southside Neighborhood Assembly soliciting new membership; encourages interested individuals to visit Facebook page for contact information. ACA Garlic Festival on 8/31 back at Ross Park Pavillions. "Wild about Reading" back at Ross Park Zoo on Thursdays in August 11AM-12PM – animal, story, and craft free with admission. 8/9 from 11AM-1PM at Discovery Center will be LUMA Living Lights Mural Youth Workshop for kids under 12 that will be incorporated into 2024 Festival on 9/6 and 9/7 – deadline is 8/16. Spice of India will be opening on 10/12 serving Indian and American street food on corner of Mary and Vestal. Saturday will be Binghamton Bridge Pedal – registration comes with tshirt, children are free.

X. ADJOURNMENT



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Hadassah Mativetsky, City Council President

Sarah Dinhofer, City Clerk

At 7:09 PM: Porter

Second: Dundon

All in Favor



July 23, 2024

Council Member Kinya Middleton kinya.t.s.middleton@cityofbinghamton.gov
Council Member Olamni Porter olamni.n.porter@cityofbinghamton.gov
Council Member Hadassah Mativetsky hadassah.j.mativetsky@cityofbinghamton.gov
Council Member Michael Dundon michael.j.dundon@cityofbinghamton.gov
Council Member Nate Hotchkiss nate.r.hotchkiss@cityofbinghamton.gov
Council Member Robert Cavanaugh robert.c.cavanaugh@cityofbinghamton.gov
Council Member Michael Kosty Michael.P.Kosty@cityofbinghamton.gov
Mayor Jared Kraham jmkraham@cityofbinghamton.gov
Via email

Re: Support Unhoused Status Amendment to Human Rights Law

Dear Mayor Kraham and Councilors,

I write on behalf of the National Homelessness Law Center (“Law Center”) to urge you to **support the proposed amendment to the Binghamton Human Rights Law, Ch. 45 of the City Code**, which would affirm its unhoused citizen’s right to be free from discrimination in employment, housing, public accommodations, and education. Our choices define our community, and this Council has an important one to make. No matter your race or background, people don’t choose to be homeless. Discriminating against and punishing unhoused people isn’t the answer, and just puts more barriers in the way of efforts to end homelessness. Enshrining these protections in law is an important first step that will provide floor to build on so that then we can work to make sure everyone has a place to call home, so no one needs to live in public spaces in the first place.

Lack of affordable housing causes homelessness. This bill recognizes the [true cause of homelessness](#), lack of affordable housing. [Close to half of all Binghamton renters are rent-burdened](#), meaning they are paying more than they can afford in rent every month. Under the bill, one of those hardworking residents, or an elder on fixed income, who loses their housing because their rent is too high and there is nowhere else for them to rent, would be protected against discrimination simply because they lost their fixed address. This approach recognizes the structural housing crisis causing homelessness and protects its victims from further harm, facilitating their ability to more quickly get back into housing.

The Law Center works to solve homelessness. The Law Center is a national legal advocacy organization dedicated solely to solving homelessness. We have over 30 years of experience in policy advocacy, public education, and impact litigation. In 2014 we published [From Wrongs to Rights: The Case for Homeless Bill of Rights Legislation](#), collecting and analyzing Homeless Bill of Rights legislation in three states and Puerto Rico. We have also helped support the [Right to Rest Act](#) legislation introduced in at least four other states.

The Law Center has documented the failures and costs of criminalization of homelessness in more than 180 cities across the United States. *See, e.g.,* [Housing Not Handcuffs 2019: Ending the Criminalization of Homelessness in U.S. Cities](#) (2019) and [Housing Not Handcuffs 2021: State Law Supplement](#) (2021). We have also published best practices, model policies, and case studies on how to address homelessness constructively. *See, e.g.,* [Tent City, USA: The Growth of America’s Homeless Encampments, and How Communities are Responding](#) (2017).

The proposed amendment is consistent with the latitude cities have in addressing homelessness recently affirmed by the Supreme Court. The Law Center helped to organize more than 40 [amicus briefs](#) signed by more than 1100 individuals and organizations, including Councilmember Hotchkiss and Binghamton School Board member Korin Kirk, in the [Johnson v. Grants Pass](#) case before the Supreme Court this past term. Although the Court ultimately declined to recognize the applicability of the 8th Amendment to the cruel and unusual punishments imposed on homeless persons forced to sleep and shelter themselves in public spaces, the majority opinion emphasized that communities “have the latitude to experiment and find effective responses.” [Grants Pass v. Johnson](#), 603 U. S. ____ (2024), slip. op. at 10. The Court further noted that “...nothing in today’s decision prevents States, cities, and counties from going a step further and declining to criminalize public camping altogether. For its part, the Constitution provides many additional limits on state prosecutorial power, promising fair notice of the laws and equal treatment under them, forbidding selective prosecutions, and much more besides. All this represents only a small sample of the legion protections our society affords a presumptively free individual from a criminal conviction.” *Ibid.* at 24. All this affirms that while the Court did not put a constitutional floor on communities criminalizing homelessness, they actively acknowledged their decision is not a ceiling on communities taking constructive approaches, like Binghamton’s proposed amendment, that recognize additional rights for people experiencing homelessness.

The proposed amendment recognizes the threat of discrimination faced by Binghamton’s unhoused residents. Because people experiencing homelessness have heightened risks of serious illness, hospitalization, and early morbidity compared with the general population, they are especially vulnerable to [serious harms flowing from loss of their shelters and other property](#). For many unsheltered homeless people, [property loss is “the greatest threat” to their survival](#). Makeshift housing, like tents, offer protection, however rudimentary, from outdoor elements and allows the homeless citizens to seek shelter in locations where they feel most safe (relatively speaking). The destruction and removal of their belongings exposes already vulnerable individuals to increased risk of serious physical harm.¹ By providing for a reasonable expectation of privacy in homeless persons’ belongings and residence, as well as protection from discrimination by healthcare providers, the bill helps ensure a healthier, safer Binghamton for all its residents.

This bill helps recognize intersecting forms of discrimination. Homelessness disproportionately impacts [persons of color, the LGBTQ+ community](#), and persons with disabilities. For example, [Black Americans](#) represent 40% of people experiencing

¹ *See* [Jeremiah v. Sutter Cty.](#), No. 2:18-cv-00522-TLN-KJN, 2018 WL 1367541, at *4, *12 (E.D. Cal. Mar. 16, 2018) (“[T]he Court finds that Sutter County would knowingly place the homeless at increased risk of harm if it confiscates and seizes Plaintiffs’ shelters and possessions”).

homelessness nationally, despite constituting less than 13% of the overall population. Moreover, laws criminalizing homelessness are inequitably enforced. [Unhoused Black and Latinx people are 9.7 and 5.7 times more likely](#) to be cited under laws criminalizing homelessness than white people. The fastest growing subset of people experiencing homelessness are [seniors](#). Recognizing the multiple grounds upon which people can be marginalized and affirmatively protecting them under the law is a strong step to remedy this.

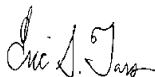
The only way to permanently end homeless encampments is to end the need for encampments. For example, while Milwaukee County’s housing first initiative costs \$2 million annually, it reduces annual Medicare costs by \$2.1 million, mental health costs to the county by \$715,000, and legal system costs by \$600,000—[a net savings to Milwaukee County of \\$1.4 million annually](#). Through this approach, Milwaukee has reduced its homeless population by 70 percent, down to [only 17 unsheltered persons](#) at the last count. A [2017 study](#) concluded that given “striking cost discrepancies and savings,” it is “fiscally irresponsible, as well as inhumane” not to provide permanent housing for people experiencing homelessness. While the proposed amendments do not create housing on their own, they help reduce immediate harm to unhoused persons while permanent housing solutions can be developed.

Conclusion

Given the lack of affordable housing, communities need sensible and cost-effective strategies to solve homelessness. The best, most cost-effective and permanent strategy is to ensure that all who are unsheltered have access to a safe place to live. In the meantime, the best first step is for Binghamton to at a minimum ensure that those who are currently unhoused have protections against further harms from discrimination that will make it harder for them to exit homelessness. We urge you to pass the amendments to the Human Rights Act adding unhoused status to its protections.

Please contact me at etars@homelesslaw.com to further discuss this bill or related issues.

Sincerely,



Eric S. Tars
Senior Policy Director
National Homelessness Law Center

Good evening.

On Saturday, July 27, 2024, my husband and I decided to ride our bikes along the "Two Rivers Greenway" for the first time. We began our trek at the north-end of Otsiningo Park (by the dog park) and rode to SUNY Binghamton on the Vestal Parkway and back again.

While we enjoyed the majority of the trail, we are wondering if you are aware of the encampments behind the old K-Mart Plaza and Lee's Nails on State Street, and another encampment by the river on the south side of the South Washington Street Bridge. The trail itself from Cheri Lindsey Park to the South Washington Street Bridge is in a deplorable condition; the grass and weeds are overgrown, and we encountered trash, encampments, and a few people who appeared to be unstable, for a lack of a better word. There was even an old mattress with clothing on it just off the trail behind the Holiday Inn.

At one point, I told my husband that I felt unsafe and suggested that we turn around, but my husband encouraged me to continue, and so we did. The trail was in much better condition once we arrived at the South Washington bridge and continued west toward SUNY.

I'm certain that the City Council must be aware of this problem. If you ARE aware of the problem, why is it not being addressed? If you are not aware of it, may I suggest you take a stroll or bike ride and check it out for yourself. I don't think this is the Binghamton you want to portray. It's truly a disgrace to the area.

I look forward to a response. Thank you.

REBECCA SMITH