HRA Policy Bulletin #2022-004

Date: January 13, 2022

DISTRIBUTION: *ALL STAFF*

REOPENING OF THE NEW YORK STATE EMERGENCY RENTAL ASSISTANCE PROGRAM (ERAP)

Subtopic(s): Rental Assistance

■ **INTRODUCTION**

The purpose of this policy bulletin is to inform all Family Independence Administration (FIA) Job Centers, HIV/AIDS Service Administration (HASA) centers, Rental Assistance Program (RAP), FHEPS Centralized Determination Unit (FCDU), Homelessness Prevention Administration (HPA), Rental Assistance Unit (RAU), and Adult Protective Services (APS) staff that on January 11, 2022, the New York State Office of Temporary and Disability Assistance (OTDA) reopened the Emergency Rental Assistance Program (ERAP) to new applications.

■ **BACKGROUND**

NYS ERAP is a rental assistance program that is administered by the NYS Office of Temporary and Disability Assistance (OTDA) targeted to assist individuals with rent arrears resulting from the COVID-19 pandemic. The program initially launched in June 2021 but was closed to most New York City residents on November 14, 2021.

Note: The portal remained open only for New York City residents with incomes over 80% of the area median income (AMI) up to 120% of AMI for State Funded ERAP.

As a result of a preliminary injunction against OTDA, the NYS ERAP portal reopened to new applicants on January 11, 2022, and will remain open until further notice.

■ **REQUIRED ACTION**

As a result of the NYS ERAP portal being reopened, clients with rent arrears may once again apply for ERAP. However, unlike when the portal was last opened, OTDA does not consider ERAP as an available resource <u>unless an ERAP application was submitted on or before November 14, 2021</u>. When a client applies for assistance with rent arrears, either as a One Shot Deal or as an emergency grant on an active case, staff must ask if the individual applied for ERAP, and if so, when they submitted their application.

Note: For households with incomes over 80% of the area median income (AMI) up to 120% State ERAP is considered an available resource regardless of when the State ERAP application was filed.

Applied for State ERAP on or before November 14, 2021

If the household applied for State ERAP on or before **November 14, 2021**, and they have yet to receive a determination, staff must reject/deny the request. The lone exception is for clients who may be potentially eligible for the Family Homelessness and Eviction Prevention Supplement (FHEPS) program. These cases will be held until an ERAP determination is made.

FIA, HASA, FCDU, and RAU staff must follow the detailed instructions found in PB #21-38-OPE on how to process requests for assistance with rental arrears.

RAP and APS staff must continue to follow the instructions in HRA-PB-2021-034 as it relates to the interplay of CityFHEPS and NYS ERAP.

Applied for State ERAP on or After January 11, 2022, Received an ERAP Decision or Did Not Apply for State ERAP

If the household applied for State ERAP on or after **January 11, 2022** staff must process the client's request for rent arrears, FHEPS, or CityFHEPS per regular case processing requirements.

If the client has not applied for State ERAP, they are not required to apply in order to be eligible for assistance from HRA as State ERAP is not considered an available resource to these households. However, staff must inform clients that the State ERAP portal is now open and that they can apply if they so choose. Applying for State ERAP will provide certain protections while the State makes a decision on their application (See **Attachment A** for the available tenant protections). Clients may apply by going to http://www.otda.ny.gov/erap or by calling **1-844-NY1-RENT (1-844-691-7368)**. If they need assistance with filing an application they can connect with a Community Based Organization (CBO) in their community by visiting http://nyc.gov/erap to find a provider who can assist them.

If the household received an ERAP determination and either was denied or approved and the household still needs additional assistance with rent arrears (for example, arrears accrued after the ERAP payment), their request must be processed and a determination must be made factoring in any amounts already paid by ERAP.

Note: Only for households with income at or above 80% of AMI but under 120% of AMI, State ERAP is still considered an available resource and any request for rental assistance must be denied until an ERAP determination is made by the State regardless of when they applied for State ERAP.

<u>Determining State ERAP Application Status and Date of Application</u>

If the household indicates that they have applied for State ERAP, staff must ask for documentation from the client. However, if the client is unable to provide it, they must not be deferred to provide it. Staff must complete the requestor section of the revised NYS ERAP Application Status (**HRA-180**) form and send it to erap@hra.nyc.gov to confirm the NYS ERAP application status. The HRA ERAP team will complete the response section of the **HRA-180** and send it back to the requestor. Once the status is received, staff must check the **HRA-180** for the date the State ERAP application was submitted and take the actions outlined in this bulletin.

REFERENCES:

GIS 21TA/DC039
GIS 22TA/DC004

RELATED ITEMS

PB #21-38-OPE
HRA-PB-2021-034

ATTACHMENTS

HRA-180 (E)   NYS ERAP Application Status (Rev. 01/11/2022)

ATTACHMENT A

STATE ERAP APPLICANT TENANT PROTECTIONS

Once a State ERAP Application is filed, tenants <u>cannot</u> be evicted for:

- Non-Payment of Rent During the COVID-19 Pandemic

- Expiration of lease

- Being a holdover tenant

Even if a State ERAP application has been filed, tenants <u>may</u> still be evicted for:

- Intentionally causing significant damage to the property

- Persistently and unreasonably engaging in behavior that significantly interferes with the use and enjoyment of other tenants or occupants

- Causing a substantial safety hazard to others

Human Resources Administration
Department of Social Services

NYS ERAP APPLICATION STATUS

To: Emergency Rental Assistance Program (erap@hra.nyc.gov)

From: _____
Worker Name

_____
Worker Email

Program Area: _____

REQUEST: **RESPONSE:**

CLIENT NAME	CASE NUMBER	DATE OF BIRTH OF ERAP APPLICANT	SOCIAL SECURITY NUMBER (SSN) OF ERAP APPLICANT (IF APPLICABLE)	ERAP APPLICATION NUMBER	ADDRESS OF ERAP APPLICANT	ERAP APPLICATION STATUS (PENDING, APPROVED, DENIED, NO APPLICATION)	ERAP Application Date (if pending)	APPROVAL AMOUNT (TOTAL)	PERIOD COVERED (FROM - TO)