
HRA Policy Bulletin #2022-017

(Replaces HRA-PB-2022-004, HRA-PB-2021-034, PB #21-38-OPE)

Date: April 14, 2022

DISTRIBUTION: ALL STAFF

**Reopening of the New York State Emergency
Rental Assistance Program (ERAP)**

Subtopic(s): Rental Assistance

■ **REVISIONS TO PRIOR BULLETIN**

This bulletin is being revised to provide updated instructions regarding checking on the status of a State Emergency Rental Assistance Program (ERAP) application. See the [Determining State ERAP Application Status and Date of Application](#) section of this procedure for updated guidance. This procedure also serves to incorporate instructions for processing rent arrears requests formerly included in PB #21-38-OPE that still remain relevant while the remainder of that policy bulletin has become obsolete.

■ **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 administered by the NYS Office of Temporary and Disability Assistance (OTDA) that assists 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.

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

■ REQUIRED ACTION

As the NYS ERAP portal is open, 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 unless an ERAP application was submitted on or before 10PM on November 14, 2021. Effective with this policy bulletin, staff are no longer required to ask if the individual applied for ERAP. A new data match process described in this procedure replaces the need to ask. See the [Determining State ERAP Application Status and Date of Application](#) section of this procedure.

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 **10PM on 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 conducting the interview must inform the household that the New York State Office of Temporary and Disability Assistance (OTDA) considers State ERAP as an available resource if their application for State ERAP was submitted on or before **10pm on November 14, 2021**. Requests for rental arrears from these households must be denied and the appropriate notice (Notice of Decision on Assistance to Meet an Immediate Need or Special Allowance (For Applicants Only) (**W-145HH**), or the Action Taken on Your Request for Emergency Assistance, Additional Allowances, or to Add a Person to the Cash Assistance Case (For Participants Only) (**W-137B**)) must be issued. Staff must indicate on the notice that:

OTDA considers NYS ERAP as an available resource. 18 NYCRR 352.23.

Note: RAP and APS staff must use the dates outlined in this procedure to determine if an existing ERAP application may be sufficient or if the case should be processed for CityFHEPS.

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.

Determining State ERAP Application Status and Date of Application

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.

A new automated weekly match has been established between POS and the State's ERAP portal. This new process will match requests for rental assistance, from the prior week, in POS against the State's ERAP portal to determine:

- Was an ERAP application submitted
- Date of ERAP application
- Status of ERAP application
- If approved for ERAP, the amount approved for and the month's covered by the ERAP payment(s).

Designated management and regional staff will have access to the weekly report and will disseminate as appropriate to inform eligibility workers which rent arrears requests can be processed and which must be rejected or denied because the consumer has a pending ERAP application submitted before 10pm on November 14, 2021.

Effective with this bulletin, staff are no longer required to complete the NYS ERAP Application Status (**HRA-180**) form and send it to erap@hra.nyc.gov except in limited one-off exceptions such as Fair Hearings or retroactive requests that pre-date the release date of this bulletin.

REFERENCES:

[GIS 21TA/DC039](#)

[GIS 22TA/DC004](#)

ATTACHMENTS

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

