



OFFICE OF POLICY, PROCEDURES, AND TRAINING

James K. Whelan, Executive Deputy Commissioner

Adam Waitzman, Assistant Deputy Commissioner
Office of Procedures

POLICY BULLETIN #21-38-OPE

NEW YORK STATE EMERGENCY RENTAL ASSISTANCE PROGRAM

Date: June 7, 2021	Subtopic(s): Rental Assistance
	Table of Contents
	PURPOSE.....2
	New York State Emergency Rental Assistance Program (NYS ERAP).....2
	ERAP Eligibility2
	Eligibility Documentation4
	Uncooperative Landlords4
	Payments5
	One Shot Deal (OSD) Application for Rent Arrears.....6
	Interviewer Script – not applied for NYS ERAP6
	Not Applied for NYS ERAP7
	Applied for NYS ERAP but No Determination8
	Applied for NYS ERAP and Denied.....8
	Applied for NYS ERAP and Approved.....8
	Application for Rent Arrears and Ongoing CA Benefits9
	Not Applied for NYS ERAP9
	Interviewer script – not applied for NYS ERAP9
	Not Potentially Eligible for FHEPS10
	Potentially Eligible for FHEPS10
	FCDU10
	Applied for NYS ERAP but No Determination12
	Not Potentially Eligible for FHEPS12
	Potentially Eligible for FHEPS12
	FCDU12
	Applied for NYS ERAP and Approved.....13
	Active CA Participants Requesting Special Grant for Rent Arrears...13
	Not Applied for NYS ERAP13
	Interviewer Script – Not Applied for NYS ERAP13
	Not Potentially Eligible for FHEPS14
	Potentially Eligible for FHEPS14
	FCDU14
	Applied for NYS ERAP but No Determination15
	Not Potentially Eligible for FHEPS15

HAVE QUESTIONS ABOUT THIS PROCEDURE?
Call 718-557-1313 then press 3 at the prompt followed by 1 or
send an e-mail to *FIA Call Center Fax* or fax to: (917) 639-0298

Potentially Eligible for FHEPS15
 FCDU15
 Applied for NYS ERAP and Denied.....16
 Applied for NYS ERAP and Approved; Potential FHEPS Eligibility16
 Arrears addressed through FHEPS.....16
 FHEPS determination without arrears.....17
 FHEPS Requests Sent Directly to FCDU.....17
 Not Applied for NYS ERAP/No Decision on NYS ERAP17
 Decision Received on NYS ERAP17

PURPOSE

The purpose of this policy bulletin is to introduce the New York State Emergency Rental Assistance Program (NYS ERAP) to staff at the FHEPS Centralized Determination Unit (FCDU), HIV/AIDS Services Administration (HASA), and Family Independence Administration (FIA) Job Centers. This policy bulletin is informational for all other staff.

New York State Emergency Rental Assistance Program (NYS ERAP)

ERAP Eligibility

Must be a renter to be qualify for NYS ERAP

NYS ERAP is a rental assistance program that is administered by the NY State Office of Temporary and Disability Assistance (OTDA) targeted to assist individuals with rent arrears resulting from the COVID 19 pandemic. NYS will pay up to 12 months of rental arrears (and utility arrears if applying for both) to eligible low and moderate income households owed on or after March 13, 2020, along with 3 months of future rent and other assistance. The 12 months of rental arrears do not need to be consecutive or continuous. ERAP funding also includes utility assistance for households requesting help with both rent and utility arrears.

Note: For clients already in receipt of Cash Assistance (CA) rent payments, the three months of prospective rent, if issued, will not include the CA shelter allowance. No re-budgeting will be required on these cases. For clients in receipt of SNAP benefits, there are also no implications as changes in rent do not need to be reported until the next recertification.

ERAP applications will be accepted on the online portal as of June 1, 2021 at otda.ny.gov/erap.

Residents of New York City are eligible if they:

- Fell behind in rent due to the COVID-19 pandemic AND
- Qualified for unemployment benefits **or** have lost income and/or have an increase in expenses due to the COVID-19 pandemic; AND
- Owe back rent for the period March 2020 through the present; AND
- Have a monthly gross (before tax) household income at or below 80% of the Area Median Income (AMI).

NYC Gross Annual Income Limits		
Household Size	At or under 80% AMI	At or under 50% AMI
1	\$66,850	\$41,800
2	\$76,400	\$47,750
3	\$85,950	\$53,700
4	\$95,450	\$59,650
5	\$103,100	\$64,450
6	\$110,750	\$69,200
7	\$118,400	\$74,000
8	\$126,000	\$78,750

Please Note:

- Individuals without an immigration status are eligible to apply for NYS ERAP.
- There is no resource test to apply, or be found eligible for, NYS ERAP.
- Priority is given to applicants at or under 50 percent of the AMI.
- Secondary tenants may also be eligible for ERAP.
- Landlords may initiate the NYS ERAP application on behalf of tenant(s) who are otherwise eligible for NYS ERAP. All payments will be made directly to the landlord/property owner on behalf of the tenant. Tenants will be notified of the amounts paid on their behalf.
- Up to 12 months of utility arrears since March 13, 2020 through the present, may also be covered by NYS ERAP if above eligibility criteria are met. Utility arrears are only provided if the individual also applies for rental arrears. The instructions outlined in this policy bulletin apply to utility assistance only when requested in conjunction with a rent arrears request. Requests solely for utility arrears assistance must be processed per current procedure.

Refer to [PD #17-24-ELI](#) for the Utility Process when request is solely for utility assistance

Please refer to the OTDA New York State Emergency Rental Assistance Program Flyer (**Attachment B**) for more information.

Eligibility Documentation

The online NYS ERAP application will ask applicants to self-attest to priority categories. The following documentation can be submitted to prove various aspects of eligibility:

Eligibility Category	Documentation
Risk of experiencing homelessness or housing instability	Past due notices, demand letters, housing court documents
Income	Paystubs, self-attestations, informal notes, Cash Assistance notice, Supplemental Security Income (SSI) letters
Unemployment	Department of Labor (DOL) data match; Unemployment Income Benefits (UIB) award letter; self-attestation if not formally on UIB
COVID-impact	Self-attestation
Home address	Current rent receipt or lease, landlord or primary tenant letter, utility bill, statement from another person, school records
Rent amount	Any paper documenting arrears (i.e. ledger)
Utility Arrears	Utility Bill, turn-off notice

Uncooperative Landlords

Each NYS ERAP application will need outreach to the landlord to be considered complete. The portal will track uncooperative landlords and any failed and successful landlord outreach attempts.

Note: If the only reason an NYS ERAP application is not completed is due to an uncooperative landlord, the money will be set aside for the applicant/tenant for 180 days while NYS ERAP continues to outreach to the landlord. The NYS ERAP application will not be rejected because of the landlord. In the meantime, the applicant/tenant cannot be evicted while the NYS ERAP application is still being processed and the lack of cooperation from the landlord may be used as a defense in any housing court proceeding brought against the applicant/tenant.

Payments

NYS ERAP will issue payments to landlords via direct deposit as a primary option. Paper checks are a secondary method of payment. All landlords must submit the Request for Taxpayer Identification Number and Certification (W-9) form. Payment to landlords will be issued within seven days of NYS ERAP application approval.

If an HRA applicant/participant or a landlord reports issues with payments, they must be directed to the NYS ERAP program. Staff must provide the link to the NYS ERAP program, otda.ny.gov/erap, and the NYS ERAP Hotline phone number, 1-844-NY1-RENT (1-844-691-7368)

Applicants with the Same Residential Address

The application portal will flag any applications where two people in the same household applied for NYS ERAP.

Only the Primary
tenant's name appears
on the lease

Secondary tenants who sublet from a primary tenant are eligible to apply for NYS ERAP. OTDA will try to match applications by address in order to group together roommates, if they apply separately.

Both tenant's names
appear on the lease

Tenants who double up (i.e., two families renting and sharing an apartment, or room renters) are eligible to apply for NYS ERAP.

Note: The application portal will flag any applications where two people in the same household applied for NYS ERAP.

Appeals Process

For any NYS ERAP applications that were denied, there will be an appeals process. Applicants will not need to reapply for NYS ERAP.

Note: The online system will not stop a second NYS ERAP application from being submitted, unless there is an NYS ERAP application pending.

Prioritization

From June 1st through June 30th, New York State is prioritizing households with income at or below 50% AMI and at least one household member within the following categories:

- Unemployed for at least 90 days
- Veteran
- Experiencing domestic violence or is a survivor of human trafficking
- Has an eviction case pending in housing court
- Lives in a building with 20 or fewer units
- Resides in a mobile home
- Lives in a community disproportionately impacted by COVID (NYS ERAP website has a zip code look-up to check if a community has been disproportionately impacted, otda.ny.gov/erap)

After June 30th, applications will be processed on a first-come, first-serve basis. All eligible households should apply as soon as possible to preserve their place in line, as funds are limited.

One Shot Deal (OSD) Application for Rent Arrears

OSD applications for rental arrears must have the caseload (“unit worker”) changed to “ERAP1” for Job Centers and “ERAP2” for HASA Centers. For applications submitted online, staff must update this using Application Modification in the Paperless Office System (POS). For applications submitted in-person, on paper, or over the phone, staff must enter ERAP1 for Job Centers or ERAP2 for HASA Centers when completing the Application Registration as part of the Application Intake.

Arrears accumulated during the COVID-19 pandemic

The staff member conducting the interview (Case Management Unit [CMU]/Homelessness Diversion Unit [HDU]/Non-FIA Redeployed staff) must inform the applicant that the New York State Office of Temporary and Disability Assistance (OTDA) is requiring that they must apply for NYS ERAP before their rent arrears application/request can be determined. Failure to submit an NYS ERAP application will result in denial of their rent arrears application/request as required by OTDA. Below, and attached as **Attachment A** is the script that the interviewer must read to the applicant if they have not applied for NYS ERAP. Note, if the applicant is applying for both rent and utility arrears, add the language bolded and in parenthesis.

Interviewer Script – for applicants that have not applied for NYS ERAP

*You have applied for/requested payment of rent arrears (**and utility assistance**). NY State currently has a rental assistance program known as the New York State Emergency Rental Assistance Program (NYS ERAP). The State requires that you apply for NYS ERAP before eligibility for rent arrears (**and utility assistance**) through HRA can be determined. You can apply for NYS ERAP online at otda.ny.gov/erap. If you need assistance or are unable to apply online you can apply over the phone by calling the NYS ERAP Hotline at 1-844-NY1-RENT (1-844-691-7368).*

HRA has also partnered with organizations in the community that can help you with the application process. You can visit the HRA website (<http://nyc.gov/erap>) to get a list of organizations in your community. Please note that you do not have to repay any assistance you get from NYS ERAP and your immigration status will not impact your eligibility. More information about NYS ERAP is available at otda.ny.gov/erap.

After you get a decision on your NYS ERAP application, you can apply or request additional rent arrears assistance from HRA if there are more arrears that were not paid by NYS ERAP or if your NYS ERAP application was denied. Please remember that you should provide proof of application for NYS ERAP and/or a decision should you need to apply for or request additional assistance from HRA.

All arrears accumulated prior to March 2020

Note: If the arrears requested are all prior to March 2020, the case must be processed as a regular OSD as if there was no NYS ERAP.

Applications with both utility and rent arrears

Note: If the OSD application is also for utility arrears, the below steps also apply. If the OSD application is just for utility arrears it must be processed per regular procedure.

Not Applied for NYS ERAP

Does not go to HDU

If the OSD applicant indicates that they have not applied for NYS ERAP, the interviewer must inform the applicant that they must apply for NYS ERAP as it is an available resource. The CMU JOS/Worker must provide the applicant with the link: otda.ny.gov/erap and the phone number to the NYS ERAP Hotline 1-844-NY1-RENT (1-844-691-7368). They must also provide the link to the HRA website, <http://nyc.gov/erap>, which will have a link to the list of community based organizations (CBOs) that can assist individuals with their NYS ERAP application. Staff must read the script above.

These OSD applications must be denied with reason code **Y95** (Application for Emergency Assistance Only) and enter the following as the reason on the Notice of Decision on Assistance to Meet an Immediate Need or Special Allowance (For Applicants Only) (**W-145HH**) in the final "Other" field at the bottom of page 3 of the notice:

New York State OTDA requires that you apply for the Emergency Rental Assistance Program before being considered for a grant from HRA. 18 NYCRR 352.23 Come back to HRA if you need more help..

Must issue two **W-145HHs** if both utility and rent arrears requested

Note: If the applicant requested both rent arrears and utility arrears, a separate **W-145HH** must be completed for each request.

Applied for NYS ERAP but No Determination

Does not go to HDU

Applicants who indicate that they have applied for NYS ERAP but have not yet received a decision on their application must be provided the NYS ERAP link, otda.ny.gov/erap and the phone number to the NYS ERAP Hotline 1-844-NY1-RENT (1-844-691-7368) to check on the status of their NYS ERAP application. They must also be provided with the HRA website, <http://nyc.gov/erap>, for a list of CBOs that can help the individual with NYS ERAP. These OSD applications must be denied with reason code **Y95** (Application for Emergency Assistance Only) and the CMU JOS/Worker must enter the following as the denial reason on the **W-145HH** in the final "Other" field at the bottom of page 3 of the notice:

New York State OTDA requires that you apply for the Emergency Rental Assistance Program before being considered for a grant from HRA. 18 NYCRR 352.23. Come back to HRA if you need more help.

Must issue two **W-145HHs** if both utility and rent arrears requested

Note: If the applicant requested both rent arrears and utility arrears, a separate **W-145HH** must be completed for each request.

Applied for NYS ERAP and Denied

Refer to [PB #19-16-OPE](#) to see if case needs to go to HDU or if CMU process OSD per current procedure

If the applicant indicates that they were denied for NYS ERAP, the CMU or HDU JOS/Worker must complete the requestor section of the new NYS ERAP Application Status (**HRA-180**) form and send it to erap@hra.nyc.gov to confirm the NYS ERAP denial. The HRA ERAP team will complete the response section of the **HRA-180** and send it back to the requestor. Once confirmation is received, the CMU or HDU JOS/Worker must continue processing the OSD per current procedure.

Applied for NYS ERAP and Approved

If the applicant indicates that they were approved for NYS ERAP and does not provide proof, the CMU or HDU JOS/Worker must complete the requestor section of the **HRA-180** form and send it to erap@hra.nyc.gov to confirm the NYS ERAP approval. The HRA ERAP team will complete the response section of the **HRA-180** and send it back to the requestor.

If the applicant provided the proof, or once the approval confirmation is received, staff must continue to process the OSD per current procedure using the information obtained from the approval.

Application for Rent Arrears and Ongoing CA Benefits

All applications for ongoing CA benefits that also contain a request for rent arrears must have the caseload (“unit worker”) changed to “ERAP1” for Job Centers or “ERAP2” for HASA Centers. For applications submitted online, staff must update this using Application Modification in the Paperless Office System (POS). For applications submitted in-person, on paper, or over the phone, staff must enter ERAP1 for Job Centers or ERAP2 for HASA Centers when completing the Application Registration as part of the Application Intake.

The ongoing CA application will be processed per regular business procedure. For the rent arrears component, the case is referred to HDU. The HDU JOS/Worker will interview the applicant and must inform them that they must apply for NYS ERAP before their rent arrears request can be determined. Based on how the applicant responds, the HDU/JOS Worker must take the following actions.

Not Applied for NYS ERAP

If the applicant indicates that they have not applied for NYS ERAP, the HDU JOS/Worker must read the following script (also attached as **Attachment A**) to the applicant. Note, if the applicant is requesting utility arrears in addition to rent arrears, add the language bolded and in parenthesis.

Interviewer script – for applicants that have not applied for NYS ERAP

*You have applied for/requested payment of rent arrears (**and utility assistance**). NY State currently has a rental assistance program known as the New York State Emergency Rental Assistance Program (NYS ERAP). The State requires that you apply for NYS ERAP before eligibility for rent arrears (**and utility assistance**) through HRA can be determined. You can apply for NYS ERAP online at otda.ny.gov/erap. If you need assistance or are unable to apply online you can apply over the phone by calling the NYS ERAP Hotline at 1-844-NY1-RENT (1-844-691-7368).*

HRA has also partnered with organizations in the community that can help you with the application process. You can visit the HRA website (<http://nyc.gov/erap>) to get a list of organizations in your community. Please note that you do not have to repay any assistance you get from NYS ERAP and your immigration status will not impact your eligibility. More information about NYS ERAP is available at otda.ny.gov/erap.

After you get a decision on your NYS ERAP application, you can apply or request additional rent arrears assistance from HRA if there are more arrears that were not paid by NYS ERAP or if your NYS ERAP application was denied. Please remember that you should provide proof of application for NYS ERAP and/or a decision should you need to apply for or request additional assistance from HRA.

Not Potentially Eligible for FHEPS

The HDU JOS/Worker must also evaluate the case for potential FHEPS eligibility but not factor in the need for a new lease, the arrears amount, or other proof of residency rights for 12 months. However, the rent amount must still be factored into the evaluation. If the case is not potentially eligible for FHEPS (e.g., no children in the household; rent is above the enhanced FHEPS maximum) then, based on State requirements, the HDU JOS/Worker must deny the request for rent arrears (not the entire application) and issue the **W-145HH**. The following reason must be indicated on in the final "Other" field at the bottom of page 3 of the notice

New York State OTDA requires that you apply for the Emergency Rental Assistance Program before being considered for a grant from HRA. 18 NYCRR 352.23. Come back to HRA if you need more help.

Must issue two **W-145HHs** if both utility and rent arrears requested

Note: If the applicant requested both rent arrears and utility arrears, a separate **W-145HH** must be completed for each request.

Potentially Eligible for FHEPS

If the household is potentially eligible for FHEPS, the HDU JOS/Worker must complete the FHEPS application and packet and then refer the case to FCDCU.

FCDCU

FCDCU will pend the case until a determination on the NYS ERAP application is made. See [below](#) instructions on how to pend the case in the Rental Assistance Database (RAD).

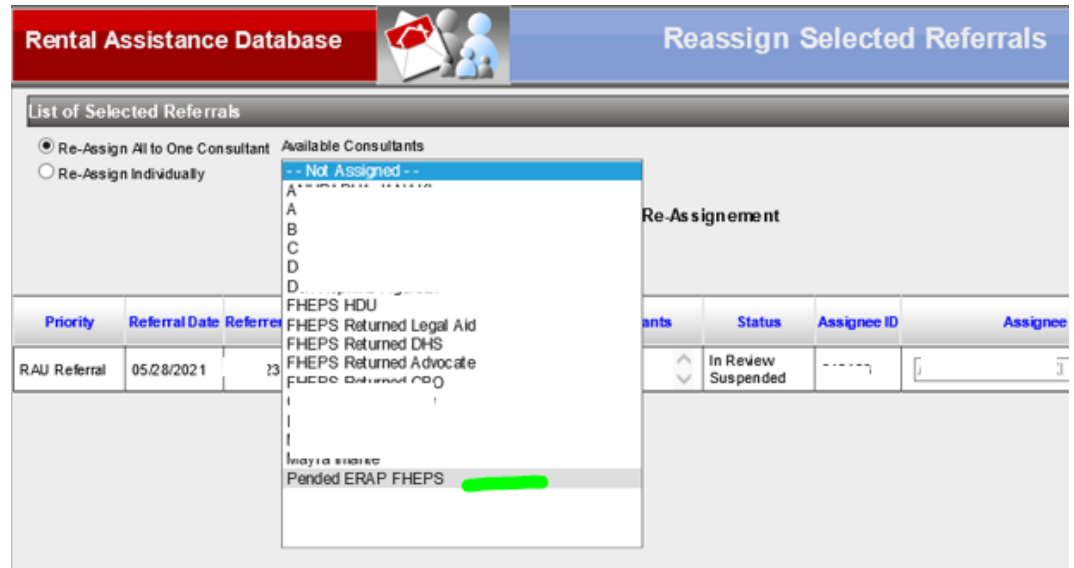
Periodically, reports from RAD will be generated and the HRA ERAP team will use the reports to check against information received from OTDA. The HRA ERAP team will then provide the annotated reports back to FCDCU. FCDCU will determine FHEPS eligibility using the information from the NYS ERAP determination.

Note: If NYS ERAP has been approved, FCDCU may use the approval in lieu of a new 12-month lease and/or other residency rights for 12 months in determining eligibility.

New Queue in RAD

To pend the case in RAD, the FCDU supervisor must use the Re-Assign button in RAD to move the case from the FCDU staff member's queue to the the new Pended ERAP FHEPS queue as shown below.

Assign to Pended ERAP FHEPS queue



Select Pended ERAP as the Decision Justification

A new Pended ERAP Decision Justification option has also been added to RAD as shown below.



Applied for NYS ERAP but No Determination

Applicants who indicate that they have applied for NYS ERAP but have not yet received a decision on their application must be provided the NYS ERAP link, otda.ny.gov/erap and the phone number to the NYS ERAP Hotline 1-844-NY1-RENT (1-844-691-7368) to check on the status of their NYS ERAP application. Staff must also provide the link to the HRA website <http://nyc.gov/erap> where clients can find a community based organization (CBO) that can help them with the NYS ERAP application.

Not Potentially Eligible for FHEPS

The HDU JOS/Worker must also evaluate the case for potential FHEPS eligibility but not factor in the need for a new lease, the arrears amount, or other proof of residency rights for 12 months. However, the rent amount must still be factored into the evaluation. If the case is not potentially eligible for FHEPS (e.g., no children in the household; rent is above the enhanced FHEPS maximum) then the HDU JOS/Worker must deny the request for rent arrears (not the entire application) and issue the **W-145HH**. The following reason must be indicated in the final "Other" field at the bottom of page 3 of the notice:

New York State OTDA requires that you apply for the Emergency Rental Assistance Program before being considered for a grant from HRA. 18 NYCRR 352.23 Come back to HRA if you need more help.

Must issue two **W-145HHs** if both utility and rent arrears requested

Note: If the applicant requested both rent arrears and utility arrears, a separate **W-145HH** must be completed for each request.

Potentially Eligible for FHEPS

If the household is potentially eligible for FHEPS, the HDU JOS/Worker must complete the FHEPS application and packet and then refer the case to FCDU.

FCDU

FCDU will pend the case until a determination on the NYS ERAP application is made. FCDU will also mail the Information About Your Application For FHEPS and Rent Arrears (**HPA-HPA-108**) to the household. Click [here](#) for the instructions on how to pend the cases in the Rental Assistance Database (RAD).

Periodically, reports from the Rental Assistance Database (RAD) will be generated and the HRA ERAP team will use the reports to check against information received from OTDA. The HRA ERAP team will then provide the annotated reports back to FCDU.

Note: If NYS ERAP has been approved, FCDU may use the approval in lieu of a new 12-month lease and/or other residency rights for 12 months in determining FHEPS eligibility.

Applied for NYS ERAP and Approved

If the applicant indicates that they were approved for NYS ERAP and provides the documentation, the HDU JOS/Worker must determine if there are arrears not covered by the NYS ERAP approval. If there are arrears not covered, the HDU JOS/Worker must continue to process the applicant rent arrears request, using information from the NYS ERAP approval, per current procedure.

If the applicant does not provide the proof of the ERAP approval, the HDU JOS/Worker must complete the requestor section of the **HRA-180** and submit it to erap@hra.nyc.gov for confirmation of the approval and payment amounts. The HRA ERAP team will complete the response section of the **HRA-180** and send it back to the requestor.

Based on the NYS ERAP approval, if the applicant has arrears that were not covered by NYS ERAP, HDU JOS/Worker must continue to process the applicant rent arrears request per current procedure, including evaluations for FHEPS eligibility.

Active CA Participants Requesting Special Grant for Rent Arrears

For active cases where the participant has requested a special grant for rent arrears, the HDU JOS/Worker must ask the participant if they have applied for NYS ERAP, and if so, have they received a decision. HDU will take the following actions based on the participant's response.

Not Applied for NYS ERAP

If the participant indicates that they have not applied for NYS ERAP, the HDU JOS/Worker must read the following script (also attached as **Attachment A**). Note that if the individual is also requesting utility arrears along with rent arrears, add the bolded language in parenthesis.

Interviewer Script – Not Applied for NYS ERAP

*You have applied for/requested payment of rent arrears (**and utility assistance**). NY State currently has a rental assistance program known as the New York State Emergency Rental Assistance Program (NYS ERAP). The State requires that you apply for NYS ERAP before eligibility for rent arrears (**and utility assistance**) through HRA can be determined. You can apply for NYS ERAP online at otda.ny.gov/erap. If you need assistance or are unable to apply online you can apply over the phone by calling the NYS ERAP Hotline at 1-844-NY1-RENT (1-844-691-7368).*

HRA has also partnered with organizations in the community that can help you with the application process. You can visit the HRA website (<http://nyc.gov/erap>) to get a list of organizations in your community. Please note that you do not have to repay any assistance you get from NYS ERAP and your immigration status will not impact your eligibility. More information about NYS ERAP is available at otda.ny.gov/erap.

After you get a decision on your NYS ERAP application, you can apply or request additional rent arrears assistance from HRA if there are more arrears that were not paid by NYS ERAP or if your NYS ERAP application was denied. Please remember that you should provide proof of application for NYS ERAP and/or a decision should you need to apply for or request additional assistance from HRA.

Not Potentially Eligible for FHEPS

The HDU JOS/Worker must also evaluate the case for potential FHEPS eligibility but not factor in the need for a new lease, the arrears amount, or other proof of residency rights for 12 months. However, the rent amount must still be factored into the evaluation. If the case is not potentially eligible for FHEPS (e.g., no children in the household; rent is above the enhanced FHEPS maximum) then as per the State, the HDU JOS/Worker must deny the request for rent arrears and issue the **W-137B**. The following reason must be indicated in the "Other (specify)" field on page 2 of the notice:

*OTDA requires that you apply for NYS ERAP as a resource.
18 NYCRR 352.23.*

FIA-1104 must be issued in addition to the **W-137B** if both utility and rent arrears are requested

Note: If the participant requested both utility arrears and rent arrears, staff must issue the **W-137B** for the rent arrears and the Notice of Determination Regarding Your Request for a Utility (Natural Gas, Utility Heat, Lights, Electricity) Arrears Payment (For Active Cases Only) (**FIA-1104**) for the utility arrears with the same reason indicated.

Potentially Eligible for FHEPS

If the household is potentially eligible for FHEPS, the HDU JOS/Worker must complete the FHEPS application and packet and then refer the case to FCDU.

FCDU

FCDU will pend the case until a determination on the NYS ERAP application is made. FCDU will mail the new Important Information About Your Application For FHEPS and Rent Arrears (**HPA-108**) to the household. Click [here](#) for the instructions on how to pend

Periodically, reports from the Rental Assistance Database (RAD) will be generated and the HRA ERAP team will use the reports to check against information received from OTDA. The HRA ERAP team will then provide the annotated reports back to FCDU

Note: If NYS ERAP has been approved, FCDU may use the approval in lieu of a new 12-month lease and/or other residency rights for 12 months in determining eligibility.

Applied for NYS ERAP but No Determination

Participants who indicate that they have applied for NYS ERAP but have not yet received a decision on their application must be provided the NYS ERAP link, otda.ny.gov/erap and the phone number to the NYS ERAP Hotline 1-844-NY1-RENT (1-844-691-7368) to check on the status of their NYS ERAP application. Staff must also provide the link to the HRA website <http://nyc.gov/erap> where clients can find a community based organization (CBO) that can help them with the NYS ERAP application.

Not Potentially Eligible for FHEPS

The HDU JOS/Worker must also evaluate the case for potential FHEPS eligibility but not factor in the need for a new lease, the arrears amount, or other proof of residency rights for 12 months. However, the rent amount must still be factored into the evaluation. If the case is not potentially eligible for FHEPS (e.g., no children in the household; rent is above the enhanced FHEPS maximum) then the HDU JOS/Worker must deny the request for rent arrears (not the entire application) and issue the **W-137B**. The following reason must be indicated in the "Other (specify)" field on page 2 of the notice:

OTDA requires that you apply for NYS ERAP as a resource. 18 NYCRR 352.23.

FIA-1104 must be issued in addition to the **W-137B** if both utility and rent arrears are requested

Note: If the participant requested both utility arrears and rent arrears, staff must issue the **W-137B** for the rent arrears and the Notice of Determination Regarding Your Request for a Utility (Natural Gas, Utility Heat, Lights, Electricity) Arrears Payment (For Active Cases Only) (**FIA-1104**) for the utility arrears with the same reason indicated.

Potentially Eligible for FHEPS

If the household is potentially eligible for FHEPS, the HDU JOS/Worker must complete the FHEPS application and packet and then refer the case to FCDU.

FCDU

FCDU will pend the case until a determination on the NYS ERAP application is made. FCDU will mail the **HPA-108** informing the individual that their FHEPS application is being pended. Click [here](#) for instructions on how to pend the case in the Rental Assistance Database (RAD).

Periodically, reports from the Rental Assistance Database (RAD) will be generated and the HRA ERAP team will use the reports to check against information received from OTDA. The HRA ERAP team will then provide the annotated reports back to FCDU

Note: If NYS ERAP has been approved, FCDU may use the approval in lieu of a new 12-month lease and/or other residency rights for 12 months in determining eligibility.

Applied for NYS ERAP and Denied

If the participant indicates that they were denied for NYS ERAP, the HDU JOS/Worker must ask for proof of the denial. If the participant does not provide the proof, the HDU/JOS worker must complete the requestor section of the **HRA-180** form and send it to erap@hra.nyc.gov to confirm the NYS ERAP denial. The HRA ERAP team will complete the response section of the **HRA-180** and send it back to the requestor.

If the participant provides the proof, or once the denial is confirmed, the HDU JOS/Worker must continue processing the rent arrears request per current procedure, including evaluation of potential FHEPS eligibility. In this situation, the arrears must be evaluated as part of that evaluation.

Applied for NYS ERAP and Approved; Potential FHEPS Eligibility

If the participant indicates that they were approved for NYS ERAP, the HDU JOS/Worker must determine if there are arrears not covered by the NYS ERAP approval. If the participant does not provide the proof of the NYS ERAP approval, the HDU/JOS Worker Must complete the requestor section of the **HRA-180** form and send it to erap@hra.nyc.gov to confirm the NYS ERAP approval. The HRA ERAP team will complete the response section of the **HRA-180** and send it back to the requestor.

Based on the NYS ERAP approval, or confirmation received from the HRA ERAP team of ERAP approval, if the applicant has arrears that were not covered by NYS ERAP, HDU JOS/Worker must continue to process the rent arrears request per current procedure, including an evaluation for potential FHEPS eligibility. If potentially FHEPS eligible, the case must be referred to FCDU.

Arrears addressed
through FHEPS

FHEPS determination
without arrears

If the participant was approved for NYS ERAP and does not have any rent arrears, the HDU JOS/Worker must still evaluate for potential FHEPS eligibility. If the participant is potentially FHEPS eligible, other than rent arrears that were paid by NYS ERAP, the case must be referred to the FHEPS Centralized Determination Unit (FCDU). FCDU must process the FHEPS applications and make a FHEPS determination based on all criteria other than arrears. If eligible, FCDU must put the FHEPS on the budget for recurring FHEPS issuances and issue the appropriate FHEPS approval notice.

FHEPS Requests Sent Directly to FCDU

In certain situations, legal advocates may submit FHEPS applications directly to FCDU. When this occurs, FCDU must inquire from the legal advocate if the participant has applied for NYS ERAP and whether or not a decision was made. FCDU staff must take the following actions based on the response of the legal advocate.

Not Applied for NYS ERAP/No Decision on NYS ERAP

If the legal advocate has indicated that the participant has not applied for NYS ERAP or that a decision on NYS ERAP has not yet been made, the FCDU staff must pend the FHEPS application. Using data provided from the State on NYS ERAP determinations, a match of cases pending by FCDU will be provided. FCDU will determine FHEPS eligibility using the information from the NYS ERAP determination.

Note: If NYS ERAP was approved, FCDU does not need to see a new lease in order to determine FHEPS eligibility, as the approval of NYS ERAP provides the protections necessary to put FHEPS on the budget.

If NYS ERAP was denied, FCDU must factor the rent arrears amount as well as a new lease or tenancy for at least 12 months into their determination on FHEPS eligibility.

Decision Received on NYS ERAP

If the legal advocate indicates that a decision has been rendered on the participant's NYS ERAP application, FCDU must process the FHEPS request. If NYS ERAP was approved and there are arrears that were not covered, the FHEPS application must be processed and evaluated per current procedure.

If NYS ERAP has covered all arrears, FCDU must continue to process and determine eligibility without any consideration of arrears. If eligible, FHEPS must be added to the budget per current procedure.

If NYS ERAP was approved, FCDU a new lease is not required in order to determine FHEPS eligibility, as the approval of NYS ERAP provides the protections necessary to put FHEPS on the budget.

If NYS ERAP was denied, the FHEPS evaluation must factor the rent arrears amount as well as a new lease or tenancy for at least 12 months.

Effective Immediately

Related Item:

[PB #06-18-ELI](#)

[PB #17-78-OPE](#)

[PB #19-16-OPE](#)

[PD #17-24-ELI](#)

Attachments:

Attachment A	Interviewer Script
Attachment B	OTDA New York State Emergency Rental Assistance Program Flyer
FIA-1104 (E)	Notice of Determination Regarding Your Request for a Utility (Natural Gas, Utility Heat, Lights, Electricity) Arrears Payment (For Active Cases Only) (Rev. 4/21/17)
HPA-108 (E)	Important Information About Your Application For FHEPS and Rent Arrears (Rev. 5/27/21)
HRA-180 (E)	NYS ERAP Application Status (Rev. 6/1/21)
W-137B (E)	Action Taken on Your Request for Emergency Assistance, Additional Allowances, or to Add a Person to the Cash Assistance Case (For Participants Only) (Rev. 6/2/21)
W-145HH (E)	Notice of Decision on Assistance to Meet an Immediate Need or Special Allowance (For Applicants Only) (Rev. 6/2/21)

ATTACHMENT A

Requests for Assistance paying both Rent and Utility Arrears

The below script must be read to individuals requesting assistance with rent arrears who have not yet applied for the Emergency Rental Assistance Program (ERAP). For individuals who have also applied for utility assistance along with rent arrears, add the language **bolded** and in parenthesis. DO NOT READ TO HOUSEHOLDS APPLYING FOR UTILITY ASSISTANCE ONLY:

*You have applied for/requested payment of rent arrears (**and utility assistance**). NY State currently has a rental assistance program known as the New York State Emergency Rental Assistance Program (NYS ERAP). The State requires that you apply for NYS ERAP before eligibility for rent arrears (**and utility assistance**) through HRA can be determined. You can apply for NYS ERAP online at otda.ny.gov/erap. If you need assistance or are unable to apply online you can apply over the phone by calling the NYS ERAP Hotline at 1-844-NY1-RENT (1-844-691-7368).*

HRA has also partnered with organizations in the community that can help you with the application process. You can visit the HRA website (<http://nyc.gov/erap>) to get a list of organizations in your community. Please note that you do not have to repay any assistance you get from NYS ERAP and your immigration status will not impact your eligibility. More information about NYS ERAP is available at otda.ny.gov/erap.

After you get a decision on your NYS ERAP application, you can apply or request additional rent arrears assistance from HRA if there are more arrears that were not paid by NYS ERAP or if your NYS ERAP application was denied. Please remember that you should provide proof of application for NYS ERAP and/or a decision should you need to apply for or request additional assistance from HRA.

New York State Emergency Rental Assistance Program

The Emergency Rental Assistance Program assists households behind on their rent that have experienced financial hardship due to COVID-19 and are at risk of homelessness or housing instability. In addition, the program can provide temporary rental assistance and assistance with unpaid utility bills.

DO I QUALIFY?

Eligible residents must meet the following criteria:

- Household gross income at or below 80 percent of area median income, which varies by county and household size.
- A member of the household received unemployment benefits or experienced a reduction in income, incurred significant costs or experienced financial hardship, directly or indirectly, due to the COVID-19 pandemic.
- The applicant owes past due rent at their current residence.

HOW DOES IT WORK?

This assistance can pay up to 12 months of past due rent and for some households, pay up to 3 months for future rent. The program can also pay for up to 12 months of overdue electric or gas bills. Please note, payments will always be issued directly to the landlord or utility provider.

Applications can be submitted
online beginning

June 1

For more information, visit otda.ny.gov/ERAP or call **844-NY1RENT (844-691-7368)**



Office of Temporary
and Disability Assistance



IMPORTANT INFORMATION ABOUT YOUR APPLICATION FOR FHEPS AND RENT ARREARS

We have received your application for FHEPS and your request for help paying rent arrears. Before HRA can provide a determination, you must apply for the State's Emergency Rental Assistance Program (ERAP). See below for additional information about ERAP.

Once the State makes a decision about ERAP, we can continue processing your FHEPS application and evaluate any remaining rent arrears. If any additional information is needed at that time, we will contact you.

FREQUENTLY ASKED QUESTIONS

Q. What is ERAP?

A. The Emergency Rental Assistance Program (ERAP) is a State program that helps eligible households with up to 12 months of back rent owed on or after March 13, 2020, along with 3 months of future rent and other assistance. Any assistance paid through ERAP does not have to be paid back.

Q. How Do I Apply for ERAP?

A. You can apply for ERAP online at otda.ny.gov/erap. You may also apply over the phone by calling **1-844-NY1-ERAP (1-844-691-7368)**. If you need help filing your ERAP application, you can visit <http://nyc.gov/erap> to find a list of community based organizations that can help.

Q. What if I already applied for ERAP?

A. If you've already applied, you just need to wait for a decision on your application. Once you get a decision, HRA can start processing your FHEPS application and address any arrears not covered by ERAP. The State is sharing information with HRA and we will be notified of the decision on your ERAP application.

(Turn page)

IMPORTANT INFORMATION ABOUT YOUR APPLICATION FOR FHEPS AND RENT ARREARS *(continued)*

FREQUENTLY ASKED QUESTIONS *(continued)*

Q. Do I have to tell HRA when I get the ERAP decision?

A. No, you are not required to tell HRA when you get the decision, but you are welcome to do so. The State is sharing information with HRA and we will be notified about your decision.

Q. What happens if I get denied ERAP?

A. If the State determines that you are not eligible for ERAP, HRA will process your FHEPS application and rent arrears request.

SAMPLE

SAMPLE

Date: _____
 Case Number: _____
 Case Name: _____
 Center: _____
 Caseload: _____
 Worker Telephone No.: _____
 FH&C Telephone No.: _____

**Action Taken on Your Request for Emergency Assistance,
 Additional Allowances, or to Add a Person to the Cash Assistance Case
 (For Participants Only)**

The Agency's decision(s) regarding your benefit program(s) is/are explained below, next to the checked box(es) .

This Notice applies only to your request for an additional allowance to meet a special need, a change in grant, or an application for emergency assistance. If your request for additional assistance is denied, your ongoing Cash Assistance case will not be affected.

On _____, you requested Emergency Assistance
 (Date) Additional allowance for:

Your request for _____ has been accepted. You will receive:

- One payment in the amount of \$ _____ .
- Period covered, if applicable: _____ .

How we will pay:

- | | | |
|--|--|---|
| <input type="checkbox"/> Broker's or finder's fee/voucher paid to broker/finder | <input type="checkbox"/> You must pick up check at your Job Center | <input type="checkbox"/> Check mailed to your home |
| <input type="checkbox"/> We will add it to your regular Cash Assistance grant which you can get through the EBT system | <input type="checkbox"/> Security deposit/agreement/ voucher paid/provided to landlord | <input type="checkbox"/> Check sent directly to landlord/vendor |

Other action:

You will receive a second notice informing you as to how your ongoing benefits will be affected.

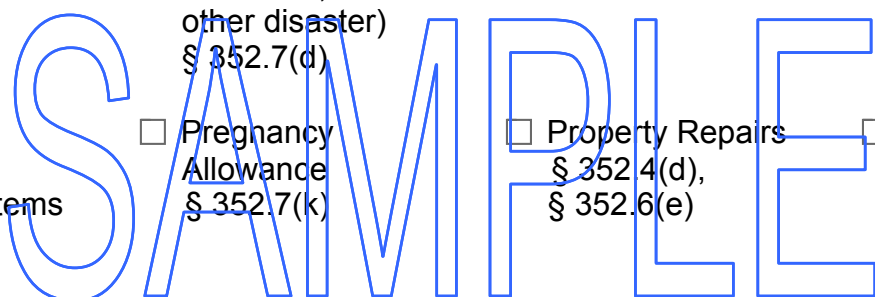
(Turn page)

On _____, you were referred to the Office of Burial Services at 33-28 Northern Boulevard, 3rd Floor, Long Island City, NY 11101, (718) 473-8310, to apply for a burial allowance.

Your request for _____ has been denied because:

The law(s) and/or regulation(s) that allow(s) us to do this is/are 18 NYCRR (please see the section numbers below):

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> Addition to Household § 352.30 | <input type="checkbox"/> Additional Allowance for Fuel § 352.5 | <input type="checkbox"/> Back Mortgage and/or Taxes § 352.7 (g) | <input type="checkbox"/> Back Rent § 352.7 (g) |
| <input type="checkbox"/> Broker's or Finder's Fee/Voucher § 352.6(a) | <input type="checkbox"/> Catastrophic Loss (replacement of clothing and furniture lost in fire, flood or other disaster) § 352.7(d) | <input type="checkbox"/> Furniture and Other Household Items § 352.7(a) | <input type="checkbox"/> Moving Expenses § 352.6(a) |
| <input type="checkbox"/> Repair of Essential Household Items § 352.7(b) | <input type="checkbox"/> Pregnancy Allowance § 352.7(k) | <input type="checkbox"/> Property Repairs § 352.4(d), § 352.6(e) | <input type="checkbox"/> Rent Security Deposit/ Letter of Guarantee § 352.6(a) |
| <input type="checkbox"/> Work Activity Related Supportive Services § 385.4 | <input type="checkbox"/> Restaurant Allowance § 352.7(c) | <input type="checkbox"/> Semimonthly Fuel for Heating Allowance § 352.5(b) | <input type="checkbox"/> Storage of Furniture and Personal Belongings § 352.6(f) |



Other (specify):

JOS/Worker's Name

Date

Supervisor's Name

Date

Do you have a medical or mental health condition or disability? Does this condition make it hard for you to understand this notice or to do what this notice is asking? Does this condition make it hard for you to get other services at HRA? **We can help you.** Call us at 212-331-4640. You can also ask for help when you visit an HRA office. You have a right to ask for this kind of help under the law.

**YOU HAVE THE RIGHT TO APPEAL THIS DECISION.
BE SURE TO READ THE CONFERENCE AND FAIR HEARING INFORMATION
SECTION OF THIS NOTICE FOR HOW TO APPEAL THIS DECISION.**

SAMPLE

(Turn page)

Conference and Fair Hearing Information

CONFERENCE

If you think our decision is wrong, or if you do not understand our decision, please call us to set up a conference (a conference is an informal meeting with us). To do this, call the Fair Hearing and Conference (FH&C) unit phone number on **page 1** of this notice or write to us at the address on **page 1** of this notice. Sometimes this is the fastest way to solve a problem you may have. We encourage you to do this even if you have asked for a Fair Hearing. If you ask for a conference, you are still entitled to a Fair Hearing.

STATE FAIR HEARING

Deadline: If you want the State to review our decision, you must ask for a Fair Hearing within sixty (60) days from the date of the notice for Cash Assistance, medical assistance, or social services issues; and you must ask within ninety (90) days for Supplemental Nutrition Assistance Program (SNAP) issues.

If you cannot reach the New York State Office of Temporary and Disability Assistance by phone, by fax, in person or online, please write to ask for a Fair Hearing before the deadline.

How to Ask for a Fair Hearing: If you believe the decision(s) we are making is/are wrong, you may request a State Fair Hearing by telephone, in writing, fax, in person or online.

(1) **TELEPHONE:** Call **(800) 342-3334**. (Please have this notice in hand when you call.)

(2) **WRITE:** Send a copy (and keep a copy for yourself) of this entire notice, with the "Fair Hearing Request" section completed, to:

**Office of Administrative Hearings
New York State Office of Temporary and Disability Assistance
P.O. Box 1930
Albany, NY 12201**

(3) **FAX:** Fax a copy of this entire notice, with the "Fair Hearing Request" section completed, to: **(518) 473-6735**.

(4) **IN PERSON:** Bring a copy of this entire notice, with the "Fair Hearing Request" section completed, to the Office of Administrative Hearings, New York State Office of Temporary and Disability Assistance at: **14 Boerum Place, Brooklyn NY 11201**

(5) **ONLINE:** Complete an online request form at:
<http://www.otda.state.ny.us/oah/forms.asp>

(Turn page)

What to Expect at a Fair Hearing: The State will send you a notice that tells you when and where the Fair Hearing will be held. At the hearing, you will have a chance to explain why you think our decision is wrong. To help explain your case, you can bring a lawyer and/or witnesses such as a relative or a friend to the hearing, and/or give the Hearing Officer any written documentation related to your case such as: pay stubs, leases, receipts, bills and/or doctor's statements, etc. If you cannot come yourself, you can send someone to represent you. If you are sending someone who is not a lawyer to the hearing instead of you, you must give that person a letter to show the Hearing Officer that you want that person to represent you. At the hearing, you, your lawyer or your representative can also ask questions of witnesses whom we bring, or you bring, to explain the case.

If you have a disability, and cannot travel, you may appear through a representative such as a friend, relative or lawyer. If your representative is not a lawyer, or an employee of a lawyer, your representative must bring the hearing officer a written letter, signed.

LEGAL ASSISTANCE: If you need free legal assistance, you may be able to obtain such assistance by contacting your local Legal Aid Society or other legal advocate group. You may locate the nearest Legal Aid Society or advocate group by checking the Yellow Pages under "Lawyers."

ACCESS TO YOUR FILE AND COPIES OF DOCUMENTS: To help you get ready for the hearing, you have a right to look at your case files. If you call, write, or fax us, we will send you free copies of the documents from your files, which we will give to the Hearing Officer at the Fair Hearing. Also, if you call, write or fax us, we will send you free copies of specific documents from your files which you think you may need to prepare for your Fair Hearing. To ask for documents or to find out how to look at your file, call **(718) 722-5012**, fax **(718) 722-5018** or write to **HRA Division of Fair Hearing, 14 Boerum Place, Brooklyn, New York 11201**. If you want copies of documents from your case file, you should ask for them ahead of time. They will be provided to you within a reasonable time before the date of the hearing. Documents will be mailed to you only if you specifically ask that they be mailed.

AVAILABILITY OF POLICY MATERIALS: The Office of Temporary and Disability Assistance (OTDA) policy issuances and HRA policy issuances and manuals are available to you or your representative to determine whether a fair hearing should be requested or to prepare for a fair hearing. OTDA policy issuances and manuals are posted on the OTDA website at <http://www.otda.ny.gov/legal>. In addition, upon request to HRA, specific OTDA and HRA policy issuances and manuals are also available to explain how the agency reached its determination. To request policy issuances and manuals, call **(718) 722-5012**, or fax **(718) 722-5018**, or email CRO@hra.nyc.gov or write to **HRA Division of Fair Hearing, 14 Boerum Place, Brooklyn, NY 11201**.

INFORMATION: If you want more information about your case, how to ask for a Fair Hearing, how to see your file or how to get additional copies of documents, call or write to us at the phone number/address listed on **page 1** of this notice.

(Turn page)

FAIR HEARING REQUEST

I want a Fair Hearing. The Agency's decision is wrong because:

Print Name: _____ Case Number: _____
Name M.I. Last Name

Address: _____

City: _____ State: _____ Zip Code: _____ Telephone: _____

Signature: _____ Date: _____

SAMPLE

(Turn page)

New York State Emergency Rental Assistance Program (ERAP)

To find out if HRA can help with your rental assistance needs, the State requires that you apply for ERAP and have a decision on your ERAP application.

Any arrears paid by ERAP do not have to be paid back!

To apply for ERAP visit www.otda.ny.gov/erap. You can also apply over the phone by calling **1-844-NY1-RENT (1-844-691-7368)**. If you need assistance with submitting an ERAP application, visit <http://nyc.gov/erap> for a list of Community Based Organizations that can help. Once a decision is made on your ERAP application, if you still need help, you can always come back to HRA for assistance. Visit www.nyc.gov/accesshra to resubmit a Special Grant Request.

Funding is currently available through ERAP for New York City households who are behind in their rent. Eligible low and moderate-income households can get up to 12 months of their back rent paid, along with 3 months of future rent and other assistance.

Residents of New York City are eligible if they:

- Fell behind in rent since the COVID-19 pandemic began in March 2020 **AND**
- Qualified for unemployment benefits or have lost income and/or have an increase in expenses due to the COVID-19 pandemic; **AND**
- Have a monthly gross (before tax) household income at or under 80% of the Area Median Income (AMI).

Gross Annual Income Limits	
Household Size	At or Under 80% AMI
1	\$66,850
2	\$76,400
3	\$85,950
4	\$95,450
5	\$103,100
6	\$110,750
7	\$118,400
8	\$126,000



Date: _____
 Case Number: _____
 Case Name: _____
 Caseload: _____
 Worker Name: _____
 Worker
 Telephone Number: _____
 FH&C
 Telephone Number: _____

Notice of Decision on Assistance to Meet an Immediate Need or Emergency Grant (For Applicants Only)

You asked for help to meet an immediate need. This notice is about that request. If you also applied for ongoing Cash Assistance, this notice is not about that application. You will get a separate notice about your application for ongoing Cash Assistance.

Note about recent Cash Assistance denials: If you fail to comply with eligibility requirements, your application for ongoing Cash Assistance may be denied. If it is denied for failing to comply, and you reapply for an immediate needs/emergency grant for food or items relating to personal care within 90 days of the denial, we may deny your request. If you can prove that you had a good reason why you did not comply, we may approve a second request, even if it is within 90 days of the denial.

SAMPLE

What You Asked For

On _____, you requested assistance to meet an immediate need of:

This is a follow up to our notice dated . _____

(Turn Page)

Decision On Your Request

Approval

- You can pick up an emergency grant in the amount of \$ _____ on _____.
(Date)
- This grant is being issued before a review of your case is made.
- An emergency grant (one-shot deal) has been provided in the amount of \$ _____ for
_____.
- A Goodwill Voucher has been provided in the amount of \$ _____ for _____ on
_____.
(Date)

You Must Pay Us Back

- You are responsible for repaying \$ _____ as shown below:
 - This amount must be repaid to us based on the agreement to repay that you signed on _____.
(Date)
 - You must repay the amount shown above because it is more than the Human Resources Administration (HRA) shelter maximum of \$ _____ for your family size of _____ for each month of arrears that HRA agreed to pay. However, please note that if you own real property and HRA has filed a lien, you will still be responsible to repay the full amount of your emergency grant. In addition, recovery of the full amount paid by HRA may occur under other provisions of law (e.g., lawsuit settlements, lottery intercept, etc.).

(Turn Page)

Decision On Your Request

Denial

Food-related Immediate Need

- You failed to establish/document identity.
- You have excess resources.
- You do not have an eligible non-citizen status.
- You got an immediate needs grant in the past 90 days and then failed to comply with eligibility requirements.
- You were given same-day Supplemental Nutrition Assistance Program (SNAP) benefits.
- Other reason for denial (please specify):

Nonfood-related Immediate Need

- You failed to establish/document identity.
- You have excess resources.
- You do not have an eligible non-citizen status.
- You got an immediate needs grant in the past 90 days and then failed to comply with eligibility requirements.
- You applied for Cash Assistance on _____ (within the last three months).
(Date)

You were given the benefit checked below, and you failed to comply with the eligibility requirements. You did not prove that you had a good reason for failing to comply.

- Immediate need(s) grant(s)
- Goodwill Voucher(s)
- Other grants (please specify):

The regulations that allow us to do this are 18 NYCRR § 351.1, § 351.8, and § 352.7.

- Other:

Other Action

Other action taken on your application:

Your request is not an immediate need.

Medical Assistance

If you need help with your medical bills, you must apply separately for Medical Assistance.

If you want more information about eligibility for Medical Assistance, call the Worker's telephone number listed on **page 1**.

Your Medical Assistance stays the same.

Your application for Medical Assistance is being reviewed. We will send you our decision within 30 days.

YOU HAVE THE RIGHT TO APPEAL THIS DECISION. BE SURE TO READ THE CONFERENCE AND FAIR HEARING INFORMATION SECTION OF THIS NOTICE FOR HOW TO APPEAL THIS DECISION.

SAMPLE

Do you have a medical or mental health condition or disability? Does this condition make it hard for you to understand this notice or to do what this notice is asking? Does this condition make it hard for you to get other services at HRA? **We can help you.** Call us at 212-331-4640. You can also ask for help when you visit an HRA office. You have a right to ask for this kind of help under the law.

(Turn Page)

Conference and Fair Hearing Information

CONFERENCE

If you think our decision is wrong, or if you do not understand our decision, please call us to set up a conference (a conference is an informal meeting with us). To do this, call the Fair Hearing and Conference (FH&C) unit phone number on **page 1** of this notice or write to us at the address on **page 1** of this notice. Sometimes this is the fastest way to solve a problem you may have. We encourage you to do this even if you have asked for a Fair Hearing. If you ask for a conference, you are still entitled to a Fair Hearing.

STATE FAIR HEARING

Deadline: If you want the State to review our decision, you must ask for a Fair Hearing within sixty (60) days from the date of the notice for Cash Assistance, medical assistance, or social services issues; and you must ask within ninety (90) days for Supplemental Nutrition Assistance Program (SNAP) issues.

If you cannot reach the New York State Office of Temporary and Disability Assistance by phone, by fax, in person or online, please write to ask for a Fair Hearing before the deadline.

How to Ask for a Fair Hearing: If you believe the decision(s) we are making is/are wrong, you may request a State Fair Hearing by telephone, in writing, fax, in person or online.

(1) **TELEPHONE:** Call **(800) 342-3334**. (Please have this notice in hand when you call.)

(2) **WRITE:** Send a copy (and keep a copy for yourself) of this entire notice, with the "Fair Hearing Request" section completed, to:

**Office of Administrative Hearings
New York State Office of Temporary and Disability Assistance
P.O. Box 1930
Albany, NY 12201**

(3) **FAX:** Fax a copy of this entire notice, with the "Fair Hearing Request" section completed, to: **(518) 473-6735**.

(4) **IN PERSON:** Bring a copy of this entire notice, with the "Fair Hearing Request" section completed, to the Office of Administrative Hearings, New York State Office of Temporary and Disability Assistance at: **14 Boerum Place, Brooklyn NY 11201**

(5) **ONLINE:** Complete an online request form at:
<http://www.otda.state.ny.us/oah/forms.asp>

(Turn page)

What to Expect at a Fair Hearing: The State will send you a notice that tells you when and where the Fair Hearing will be held. At the hearing, you will have a chance to explain why you think our decision is wrong. To help explain your case, you can bring a lawyer and/or witnesses such as a relative or a friend to the hearing, and/or give the Hearing Officer any written documentation related to your case such as: pay stubs, leases, receipts, bills and/or doctor's statements, etc. If you cannot come yourself, you can send someone to represent you. If you are sending someone who is not a lawyer to the hearing instead of you, you must give that person a letter to show the Hearing Officer that you want that person to represent you. At the hearing, you, your lawyer or your representative can also ask questions of witnesses whom we bring, or you bring, to explain the case.

If you have a disability, and cannot travel, you may appear through a representative such as a friend, relative or lawyer. If your representative is not a lawyer, or an employee of a lawyer, your representative must bring the hearing officer a written letter, signed.

LEGAL ASSISTANCE: If you need free legal assistance, you may be able to obtain such assistance by contacting your local Legal Aid Society or other legal advocate group. You may locate the nearest Legal Aid Society or advocate group by checking the Yellow Pages under "Lawyers."

ACCESS TO YOUR FILE AND COPIES OF DOCUMENTS: To help you get ready for the hearing, you have a right to look at your case files. If you call, write, or fax us, we will send you free copies of the documents from your files, which we will give to the Hearing Officer at the Fair Hearing. Also, if you call, write or fax us, we will send you free copies of specific documents from your files which you think you may need to prepare for your Fair Hearing. To ask for documents or to find out how to look at your file, call **(718) 722-5012**, fax **(718) 722-5018** or write to **HRA Division of Fair Hearing, 14 Boerum Place, Brooklyn, New York 11201**. If you want copies of documents from your case file, you should ask for them ahead of time. They will be provided to you within a reasonable time before the date of the hearing. Documents will be mailed to you only if you specifically ask that they be mailed.

AVAILABILITY OF POLICY MATERIALS: The Office of Temporary and Disability Assistance (OTDA) policy issuances and HRA policy issuances and manuals are available to you or your representative to determine whether a fair hearing should be requested or to prepare for a fair hearing. OTDA policy issuances and manuals are posted on the OTDA website at <http://www.otda.ny.gov/legal>. In addition, upon request to HRA, specific OTDA and HRA policy issuances and manuals are also available to explain how the agency reached its determination. To request policy issuances and manuals, call **(718) 722-5012**, or fax **(718) 722-5018**, or email CRO@hra.nyc.gov or write to **HRA Division of Fair Hearing, 14 Boerum Place, Brooklyn, NY 11201**.

INFORMATION: If you want more information about your case, how to ask for a Fair Hearing, how to see your file or how to get additional copies of documents, call or write to us at the phone number/address listed on **page 1** of this notice.

(Turn page)

FAIR HEARING REQUEST

I want a Fair Hearing. The Agency's decision is wrong because:

Print Name: _____ Case Number: _____
Name M.I. Last Name

Address: _____ Telephone: _____

City: _____ State: _____ Zip Code: _____

Signature: _____ Date: _____

SAMPLE

(Turn page)

New York State Emergency Rental Assistance Program (ERAP)

To find out if HRA can help with your rental assistance needs, the State requires that you apply for ERAP and have a decision on your ERAP application.

Any arrears paid by ERAP do not have to be paid back!

To apply for ERAP visit www.otda.ny.gov/erap. You can also apply over the phone by calling **1-844-NY1-RENT (1-844-691-7368)**. If you need assistance with submitting an ERAP application, visit <http://nyc.gov/erap> for a list of Community Based Organizations that can help. Once a decision is made on your ERAP application, if you still need help, you can always come back to HRA for assistance. Visit www.nyc.gov/accesshra to resubmit a Special Grant Request.

Funding is currently available through ERAP for New York City households who are behind in their rent. Eligible low and moderate-income households can get up to 12 months of their back rent paid, along with 3 months of future rent and other assistance.

Residents of New York City are eligible if they:

- Fell behind in rent since the COVID-19 pandemic began in March 2020 **AND**
- Qualified for unemployment benefits or have lost income and/or have an increase in expenses due to the COVID-19 pandemic; **AND**
- Have a monthly gross (before tax) household income at or under 80% of the Area Median Income (AMI).

Gross Annual Income Limits	
Household Size	At or Under 80% AMI
1	\$66,850
2	\$76,400
3	\$85,950
4	\$95,450
5	\$103,100
6	\$110,750
7	\$118,400
8	\$126,000