



# Getting Rent Arrears Assistance

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Presentation to the Bronx Health Housing Consortium

The Brook Supportive Housing Residence • 455 E. 148th St at Brook Avenue • Bronx, NY 10455

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2:30 – 5:00 p.m.



# Training Goals

- Share best practices for helping clients get help to pay their rent arrears and avoid eviction
- Overview of essential elements of a rent arrears application
- Review of the different types of governmental and charitable rent arrears assistance available

# When You Need to Pay Rent Arrears

- You want to stay in the apartment and paying arrears will permit you to do so either by avoiding litigation or by complying with a court order or stipulation so that you can avoid eviction.



# Sources of Rent Arrears Money

- Earned income • tax return • savings • pension • family or friends
- NYC Human Resources Administration (HRA)
- HASA
- Administration for Children Services
- HomeBase
- Charities



# Role of the Tenant

- Make the initial application to HRA and some of the charities
- Provide needed documents
- Attend all required appointments
- Try to be as patient and respectful as possible in the face of frustration and bureaucracy
- Follow up
- Save whatever money they can to pay toward arrears and ongoing rent so that the arrears don't continue to grow.

# Role of the Advocate

- It is extremely helpful if you can help a tenant to assemble an organized, complete, persuasive application and provide a cover letter setting out the best facts of their case in a logical way.
- It is essential to follow up regularly with HRA or the charity to ensure that the application does not fall through the cracks.
- Encourage the Tenant
- Trouble shoot problems that arise

# The HRA Application Process

- Applicant makes the application at their local job center (call 311 to find out if uncertain).
- In Emergency can start the application at housing court office, some HomeBase offices, shelter system entry points and NYCHA for tenants with chronic rent delinquency cases.
- Homebound clients can request a home visit.



# Application Interview

- Generally applications are processed at the Job Centers.
- If there is an emergency the application can be started at:
  - the court houses, at some HomeBase sites and at the entry points to the shelter system.
  - The process is completed at the Job Center.
- Everyone over 18 should be at the application interview

# At the Interview: Explain Situation

- why there are arrears and
- why there is now sufficient income in the home to pay the current month of rent and all future rent.

Note: If there is not a clear showing of less income for the period of arrears and more income now, HRA will question why should they pay, if there are no new circumstances that will prevent rent arrears again.

# At the Interview: Fingerprinting

- Everyone over 18 must be fingered imaged.
- SSI recipients and homebound persons do not need to be finger imaged.

# *Three Practice Tips*

## 1. Prepare an advocacy letter for tenant

- Reason for arrears
- What's changed
- Sympathetic Facts

Sample Letter in materials

## 2. Practice in a Role Play

- Have your client practice telling her story in two sentences and answer questions

# *Three Practice Tips*

3. Warn your client that she will probably be at the welfare center for many hours.
  - If there are school children in home make arrangements, if possible, to have someone pick up the kids at the end of the school day.
  - Avoid Mondays, the first day of the month and the last day of the month when applying as these days tend to be the busiest.

# A portion of the arrears

- The HRA worker will try to get your client to come up with some rent arrears money from her income, friends and relatives, HomeBase (government funds administered by a not-for-profit, or a charity).
- It is imperative to secure at least one month's rent.
- Are the funds from a true charity or government monies?
- The larger the arrears, the more HRA will want from client.
- In advocacy letter explain: your client has already made some large payments to the landlord that was from friends or relatives or charities have been contacted.

# Current Rent

- Also if you don't have rent for the current month, you want to be applying any rent forward to the next month.
- You want to try to catch your client up so she is paying rent at the beginning of each month.

# Bureau of Eligibility and Verification (BEV)

- Applicant is sent to Bureau of Eligibility and Verification (BEV) to investigate for other income or resources and that the landlord is really owed the money.
- Questioning by one or two BEV workers.
- Preparation is very important and must bring all the documentation with her and the advocacy letter.
- The workers will want to see a lease. If none, client will need other documentation to show there is a tenancy (court papers, rent registration, rent bill, etc.)

Note: The workers know about fraud but often not about welfare eligibility and are known to make bizarre statements

# BEV Home Visit

- BEV will then schedule a second appointment for a home visit,
  - one to three weeks after the first BEV appointment.
  - If there is a deadline you client must ask for the first available date. The dates are in a computer and the workers have only the ability to pick among time slots.
- Client must be home on the date of the home visit. *If not*, the application will be denied and will have to start over.

# Documents Needed

- ID – State ID, Birth Certificate, Social Security Card
- Proof of Residence – Lease, Court Papers, Landlord Letter
- Family composition – all household members – Birth certificate, school letters, immunization records for younger kids
- Proof of rent amount – lease, bill, breakdown, Section 8 letter showing tenant share

# Documents Needed Cont.

- Proof of income from any source (SSI, UIB, child support, pay stubs etc.)
- Savings – bank account statements
- Lawful residence in the US if not a US citizen
- Proof of arrears due - Court stipulation, rent breakdown

# Elements of a Successful Rent Arrears Application

- Must show future ability to pay the rent
- Using all available resources to pay arrears - should have at least the current month's rent
- Arrears must be reasonable
- Explanation for how the tenant fell behind is reasonable, and/or it will not recur
- Plan for getting to a zero balance
- Sympathetic facts



# Future Ability to Pay

- Most important aspect of any successful application.
- Demonstrate that you have sufficient income in your household to pay the monthly rent going forward.
- If you cannot show future ability to pay your rent there is no entity that will give you the rent arrears, because you will be right back in arrears before they can issue the checks for back rent.

# Ways to show Future Ability to Pay

- Total household income from all members is sufficient to pay rent and basic expenses.
  - Pay stubs, SSI Award Letters, PA case information
- Tenant has a subsidy that when combined with income is sufficient to pay the rent.
  - Letter showing Section 8 and Tenant share of the rent
- Tenant has a third party who willing and able to commit to paying a portion of the rent.
  - If you are applying for FEPS you cannot have a 3<sup>rd</sup> party but you can have roommates.

# Arrears are Reasonable

- Amount of arrears
  - makes sense and
  - is not too high



# Amount of Arrears Makes Sense

- Landlord's rent breakdown is correctly calculated, no unexplained lump sums, no fees that are not rent.
- The amount in the stipulation is the same as the breakdown, or any difference can be explained.
- The arrears don't go back too far in time.
- Tenant has used available resources to pay part of the arrears.
  - Beware of Tax Returns and Savings Accounts

# Amount of Arrears Not Excessive

- The arrears amount is an amount that can be justified to the grantor or fits into the limits of what they grantor can give.
- Varies depending on who is giving the money



# What to do if application is denied?

- Send reconsideration application that addresses all the points in the denial with supporting documentation. Or
- Work on resolving weaknesses in the initial application.
- Submit a new application when circumstances have changed



# Fair Hearings?

- If get an HRA denial of an application for rent arrears it is best to avoid fair hearings about rent because the agency has a lot of discretion to grant or deny arrears
- But do file for a fair hearing about regular welfare issues if can't resolve through advocacy.

# What to do if application is approved?

- Make sure that the approval includes all of the arrears you requested. If not, try persuade the RAU unit to reconsider the whole amount.
- Request that checks be issued by the agency, and make sure to follow up.
- Checks may be picked up by landlord, tenant's representative or the tenant with written authorization from landlord.

# Arrears Money Available for Public Assistance (PA) Recipients

- Unpaid shelter and stale shelter checks
- Applicant Arrears
- Excess Rent and Duplication of Rent



## Unpaid shelter and stale shelter checks

- This is money that PA has already issued on behalf of the tenant that the landlord hasn't received or hasn't cashed.
- The tenant is entitled to have this money paid to the landlord and does not have to repay this money.



# Applicant Arrears

- Rent arrears owed at the time the person applied for PA
- Even if the person has been a long time recipient of PA can be issued for months when the case was closed.
- Can pay up to 6 mos. of arrears every 5 years – except at agency discretion. Amount paid is recoupable

# Excess Rent and Duplication of Rent

- Rent arrears that have accrued during the time tenant was getting PA shelter payments
- Recoupable
- Will pay 6mos every 5years – the agency has discretion to make exceptions.

# 3 subsidies pay arrears & ongoing excess rent

- FEPS (State or Regular FEPS) (Family Eviction Prevention Supplement)
- CityFEPS in the community
- SEPS in the community (Special Exit and Prevention Supplement)

# FEPS

- **FEPS** – (Family Eviction Prevention Supplement)  
Family with a minor child, at least one open PA shelter case in the household, monthly rent and rent arrears within FEPS limits, tenant must seek a FEPS provider to submit the application
- FEPS will pay up to \$7,000.00 in arrears
- FEPS also pays an ongoing monthly rent supplement
- There are rent limits depending on household size
- No third parties who don't live in the apartment but can have roommates.

# FEPS Providers

- Unlike most applications for rent arrears from HRA if you are applying for FEPS you must go to an Authorized FEPS Provider for them to do your application.
- See the separate handout with the April 2014 list of FEPS providers.



# CityFEPS

- New City program to get out of shelter or for families facing eviction or DV certified
- Pays a higher rent subsidy & more arrears
- Same basic rules as State FEPS but limited funding so 8 factors considered
- Must apply through HomeBase who refers to DHS and then HRA and then RAU for arrears and Paid FEPS provider for future

# How Much?

- Will pay more than \$7000 in arrears

CITYFEPS Program Maximum Rent Chart										
Family Size	1	2	3	4	5	6	7	8	9	10
Max Rent	\$1,213	\$1,268	\$1,515	\$1,515	\$1,956	\$1,956	\$2,197	\$2,197	\$2,530	\$2,530

- Get the fact sheet at:  
[http://www1.nyc.gov/assets/dhs/downloads/pdf/CITYFEP S/CITYFEPS-fact-sheet.pdf](http://www1.nyc.gov/assets/dhs/downloads/pdf/CITYFEP%20S/CITYFEPS-fact-sheet.pdf)

# SEPS

Extremely limited subsidy for single adults or adult families (children above 18) to exit shelter or not be evicted or DV certified

Similar rules to CityFEPS but 3 factors

- a. Military Service
- b. Reside in rent controlled apartment
- c. APS service

# How Much?

- Will pay more than \$7000 in arrears

SEPS Program Maximum Rent Chart				
Family Size	1	2	3	4
Max Rent	\$1,213	\$1,268	\$1,515	\$1,515

- Get the SEPS Fact Sheet at:  
<http://www1.nyc.gov/assets/dhs/downloads/pdf/SEPS/SEPS-fact-sheet.pdf>

# Arrears Money Available From HRA for People Not on PA

- EAF “Emergency Assistance to Needy Families with Children”
- EAA “Emergency Assistance to Adults”  
– households with SSI
- ESNA “Emergency Safety Net Assistance”
- Exception to Policy Grant



# EAF “Emergency Assistance to Needy Families with Children”

- Child under 18 or full time student under 19, related to primary caretaker by blood, marriage or adoption
- Need for grant arose from a catastrophic occurrence or circumstances that were unforeseeable and not under the control of the applicant
- Need did not arise from refusal to accept employment or training
- Applicant not disqualified from getting ongoing PA because of a sanction
- Family income under 200% of the FPL

# EAF

- Amounts at or below the shelter allowance is a free grant. Amounts above the shelter allowance is a loan and requires a repayment agreement
- No limit under law as to amount of time arrears cover. HRA usually issues 3-6 months of arrears, but has discretion to issue more.
- Looks for infant in HH, HH member has AIDS or is terminally ill, or has mental or physical disability, or other exigent circumstances, or very low rent (under \$850).

# EAA “Emergency Assistance to Adults”

- Households where some member adult or child is receiving or determined eligible for SSI.
- 4 months of arrears prior to application.
- Arrears do not have to arise from an unforeseen event.
- True grant, not a loan.
- Only once a year, unless specially approved
- Warning - SSI recipients should not have 3<sup>rd</sup> parties paying their rent (or for food, clothing or utilities) because this can lead to reduction in their SSI. Any 3<sup>rd</sup> party should pay for other bills including phone, cable, haircuts, toiletries, laundry & other permitted expenses.

# ESNA “Emergency Safety Net Assistance”

- Grant for people who don’t qualify for any other arrears program.
  - Families without minor children
  - Single adults
  - Families with kids who don’t meet the “emergency” test of EAF
  - Families that have gotten an EAA grant in the last 12 months



# ESNA

- Emergency need
- HH gross income is below 125% of the FPL
- Or over 125% and the need for rent arrears arouse from a fire, flood, or other catastrophe
- Applicant not disqualified due to sanction
- Applicant must sign a repayment agreement – this is a loan not a true grant. If not repaid HRA will deny future applications
- 3-4 months of arrears, but can give more, look for infant, AIDS or terminal illness, disability or other exigent circumstances, lower rent (below \$1000).

# High Rent Situations

- HRA does not have to pay for a specific home, could give moving money instead
- Do a housing search to show no cheaper apartments available.

# Moves rather than pay

- ½ a month's broker fee
- Security deposit voucher
- Moving truck-3 estimates from licensed movers
- Storage fees-3 estimates from licensed storage facility
- First month's rent (maybe)

# How much ESNA?

- Limited to one grant for up to 6m of arrears every 5 years or the local agency may issue more arrears more often

# Exception to Policy Grant

- Term used loosely to cover all rent arrears assistance but should be used to describe money HRA issues at its discretion and is not obligated to issue.
- Looking for compelling facts, strong future ability to pay, low rent.

# Other Government Resources for Rent Arrears

- HomeBase
- ACS - Foster Care Rent Subsidy
- HASA – Emergency Shelter Allowance for Persons with HIV/AIDS



# HomeBase

- Program run by DHS with contracts at not-for-profits called HomeBase; call 311 or online
- They have \$10 million dollars to divert families from shelter system
- Look at factors to determine risk of homelessness
- Must go to HRA first

# How Much?

- \$1000-\$2000 but very strict on future ability
- and zero balance
- In May and June may pay higher amounts
- No payback required, no recoupment
- Will not help every year
- May require applicant to attend money management course to qualify

# Foster Care Rent Subsidy

- Subsidy to keep children out of foster care or to get out of foster care
- Child in the community must be receiving preventative services and has housing need
- Cumbersome, slow process

# How Much?

- \$10,800 for arrears and subsidy  
( $\$300 \times 36$ )

Can reduce subsidy months and use \$1800  
towards arrears

Rent caps on apartments but exceptions  
made

# HIV/AIDS Subsidy

- Subsidy for person with AIDS or certain HIV related illnesses
- Administered through HASA
- HASA has their own RAU like process for arrears or ongoing subsidy above regular subsidy
- Must be eligible or in receipt of SSI
- As of 2014 can reduce recipients share of the rent to 30% of their income

# How Much?

- Will pay arrears like RAU does
- \$480 for first person in household
- \$380 for each additional person in household
- HASA may approve more on top of that depending on rent and household size

# Charities

- Use when tenant has been denied HRA grant/loan or when HRA unwilling to pay the entire arrears.
- Start with the Emergency Rent Coalition Hotline
- Build and maintain contacts
- Each charity has its own forms and process

# Emergency Rent Coalition

- Created so you or your client can do one stop charity shopping through Housing Court Answers Hotline (they prefer advocates calling)
- 212-962-4795

# Charities

- **Emergency Rent Coalition Hotline**  
**212-962-4795**
- Catholic Charities - (212) 419-3700
- Federation of Protestant Welfare Organizations (212) 801-1350
- Bridge Fund (a loan not a grant, for working poor – go through Emergency Rent Coalition Hotline 212-962-4795)
- Coalition for the Homeless - (212) 776-2047
- Part of the Solution (POTS) (718) 220-4892

# New York Times Fund Organizations (aka Neediest Cases Fund)

- [Brooklyn Community Services](#) 285 Schermerhorn Street, Brooklyn, N.Y., 11217, 718-310-5600
  - [Catholic Charities of the Archdiocese of New York](#) 1011 First Avenue, New York, N.Y., 10022, 212-371-1000
  - [Catholic Charities Brooklyn and Queens](#) 191 Joralemon Street, Brooklyn, N.Y. 11201, 718-722-6001
  - [The Children's Aid Society](#) 711 Third Avenue, Suite 700, New York, N.Y., 10017, 212-949-4936
  - [Community Service Society of New York](#) 633 Third Avenue, 10th Floor, New York, N.Y., 10017, 212-254-8900
  - [Federation of Protestant Welfare Agencies](#) 40 Broad Street, Fifth Floor, New York, N.Y., 10004, 212-777-4800
  - [UJA-Federation of New York](#) Church Street Station P.O. Box 4100 New York, N.Y., 10261-4100, 212-836-1486
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# Legal & Other Resources

- Legal Representation
  - Legal Aid Society/Housing Help Program/ Assigned Counsel Project – Bronx Housing Court Rm 250 and Rm 540, 1118 Grand Concourse,
  - Legal Services NYC – Bronx - Bronx Housing Court Rm 370, 1118 Grand Concourse
  - BOOM!Health Legal Advocacy 718.295.5605 or [www.boomhealth.org](http://www.boomhealth.org)
  - NAICA – FEPS applications Suite 1B, Bronx, NY, 10452 or Basement of Bronx Housing Court Located at:1118 Grand Concourse
  - POTS – 2759 Webster Ave., Bronx NY, 10458 Ph: 718-220-4892
  - Bronx Defenders – 360 E 161<sup>St</sup> St., Bronx, NY 10451 Ph: 718-838-7878

# Legal & Other Resources

- Legal Information
  - Bronx Housing Court Resource Room - 250
  - Housing Court Answers – Lobby of Housing Court
  - Law Help - <http://www.lawhelpny.org/>
- APS – Elderly tenants facing eviction
- Coalition for the Homeless
  - [www.coalitionforthehomeless.org](http://www.coalitionforthehomeless.org)
  - Rental Assistance/Eviction Prevention Programs