



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



Distinguishing Important Housing Papers

- Rent Demand Notice
- Notice of Petition and Petition
- Stipulation or Order
- Marshal's Notice of Eviction
- Marshal's Notice of Possession
- Rent Breakdown



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

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.
- Can 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 3rd 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.
- Submit a new application when circumstances have changed.



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** – 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 6mos. of arrears/ every 5years – except at agency discretion.
- **Excess Rent and Duplication of Rent** – Rent arrears that have accrued during the time tenant was getting PA shelter payments – recoupable 6mos/5years – except at agency discretion.

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.



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

- A true grant, not a loan, not recoupable.
- 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 3rd parties paying their rent (or for food, clothing or utilities) because this can lead to reduction in their SSI. Any 3rd 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).

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



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 Housing Ct. Answers Hotline 212-962-4795)
- Coalition for the Homeless - (212) 776-2047
- Part of the Solution (POTS) (718) 220-4892



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



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
 - 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 161St 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
 - Rental Assistance/Eviction Prevention Programs