



# The Interfaith Center of New York

August 4, 2020

The Honorable Andrew M. Cuomo  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

## **Re: Extending the eviction moratorium and removing unnecessary barriers for public assistance**

Dear Governor:

We are faith and community leaders from different religious institutions representing the diverse set of New Yorkers who belong to them. We write to implore New York to show the leadership needed to assure that New Yorkers – especially those hardest hit by the public health and economic crises prompted by the COVID-19 pandemic and disproportionately people of color – have **access to the government assistance needed to avoid housing instability, homelessness, hunger, and continued vulnerability to COVID-19 infection.** We do much to take care of our parishioners and members and the communities in which we serve, but we need the State’s help. We ask that you exercise your authority to act in the interests of all New Yorkers to ensure that everyone who needs assistance can obtain it to get through the worst of these times without experiencing homelessness and hunger.

To date, too many New Yorkers face statutory and administrative barriers to accessing key pillars of the safety net – Cash Assistance and SNAP – that make no sense in today’s troubled times. The result is unmet need that puts New Yorkers at risk. In New York City for example, conservative estimates show double the demand for Cash Assistance and triple the demand for SNAP. This is no doubt an undercount of the demand, as many of our members report not being able to get through to local agencies by phone, and fear the public health risks required to travel to government offices to seek assistance. Even as the state begins to reopen, the demand is nevertheless rising as unemployment continues at record levels, and if the eviction moratorium is allowed to end on August 5, tenants behind on their rent will turn to local districts for assistance with rent arrears in ever increasing numbers.

State action is needed now to fulfill the State’s promise to aid needy New Yorkers, a promise that has been part of the fabric of our State Constitution since the Great Depression. Compassion--a value shared amongst our faith traditions and the civic virtues underpinning “New York Tough”--demands that we prioritize the needs of low-income New Yorkers during this crisis. While we will need to see a massive Federal stimulus package combined with finding new revenues to prevent state budget cuts, there are some important executive actions you can take now which will at least alleviate some of the burdens on our most vulnerable citizens.

Accordingly, we ask you to remove barriers to accessing the safety net by taking the following specific steps: (1) prevent homelessness by extending the eviction moratorium from August 5 until the economic and public health crisis are over and remove barriers that make it difficult to access existing forms of assistance; (2) suspend statutory rules that impose “waiting periods” on assistance that unnecessarily exacerbate hardship during this economic crisis; and (3) suspend statutory income and resource counting rules that serve to exclude New Yorkers in poverty. Each is described in more detail below:

**1. Prevent evictions and homelessness**

First, we join the calls from around the State for the Governor to extend the moratorium on evictions, which is due to expire on Wednesday, August 5 until the economic and public health crisis is over. Other states have recognized the need for a continuing moratorium, including neighboring states like Connecticut, Massachusetts, New Jersey, Pennsylvania and Vermont. Unless the moratorium is extended, there will be more than 200,000 households in New York City alone facing eviction, before adequate federal assistance is available to provide tenants with the relief they need. Second, we ask the State to take steps to remove barriers to rental assistance – just as the State has done during other times of crisis. In particular, instead of making tenants wait until they get sued to seek help, they should be able to seek help now. This makes more sense than sending landlords and tenants into Housing Court at a time when we are all seeking to minimize in-person traffic in our institutions whether they be our houses of worship or government offices and courts.

**2. Eliminate the 45-day “waiting period” on the receipt of State-funded cash assistance.**

During this crisis, New Yorkers in need should not face a “waiting period” to access the cash assistance they need to pay for basic expenses. Section 153(8) of the New York Social Services Law provides that applicants for Safety Net Assistance must wait 45-days before they can obtain assistance, “unless the district determines . . . that such assistance is required to meet emergency circumstances.” Given the public health emergency and the urgent need for products such as soap, detergent, hand sanitizer and other cleaning supplies during this COVID-19 epidemic, many cannot afford to wait 45 days. Nor can local districts be expected to process multiple individual immediate needs grants to fill the gap when they are already overwhelmed processing applications for ongoing assistance. The waiting period is especially harmful during these troubled times. The office of the Governor should declare that for purposes of section 158(8) of the Social Services Law, emergency circumstances exist, authorize local districts to automatically issue benefits during the application waiting period, and provide reimbursement to the districts for grants issued.

**3. Maximize short-term access to aid and prevent evictions and homelessness by eliminating income and resource rule barriers during the crisis.**

Finally, to maximize short-term access to aid and prevent evictions and homelessness, including for the newly unemployed, New York State should modify income and resource eligibility criteria for Cash Assistance so that New Yorkers with no-income or the lowest income can obtain assistance until the crisis abates. This includes:

- ***Revising resource limits so families do not have to choose between losing even meager retirement savings and short-term assistance.*** New Yorkers with no income or the lowest of incomes who have managed to accumulate savings and retirement savings during better economic times should not be forced to face long-term economic and housing instability before

they can access short-term help in New York State. But this is exactly the choice current New York law forces by allowing merely \$2,000 in savings (\$3,000 for households containing someone over 60) as a condition of cash assistance eligibility and requiring applicants to spend even meager retirement savings. *See* Soc. Serv. L. § 131-n; 18 N.Y.C.R.R. § 352.23(b); *see also* Soc. Serv. L. § 131(n)(3) (providing that OTDA is authorized to establish regulations defining income and resources). A tax refund even counts as income and a resource for applicants for emergency assistance like rent arrears. We ask the Governor to raise or eliminate the statutory resource cap and exclude retirement savings and other exclusions from counting as resources for ongoing and emergency assistance during the pendency of the pandemic.

- ***Enabling families who have lost hours of work or have had household wages reduced to access assistance by eliminating income rules that would exclude them from program participation.*** Stringent income limits should also be dispensed with during the pendency of the economic crisis to increase access to assistance, especially for households who have lost work but may continue to have some earned income. To accomplish this, we ask you to:

**-Suspend current income cut offs, which are far below the poverty line** (“185 percent rule”)–The 185 percent of the standard of need rule which denies eligibility to any household with income exceeding 185 percent of the cash assistance grant (referred to as the “standard of need”) *See* Soc. Serv. L. § 131-a (10). This will allow households with reduced income to combine their income with benefits to reach an income level at the poverty level. For example, a family of three in Albany County, in which a mother’s hours were reduced to 21 per week at the minimum wage, would not be eligible for any cash assistance, even though her monthly wages of \$1,363 put the family at well below the poverty level for a household of three (\$1,810). Because of the 185 percent rule, only families of three with income less than \$1,291.90 per month (185 percent of the Albany County full grant of \$718 per month) are eligible for any benefits. Suspending the 185 percent rule is merely a short-term fix for extremely inadequate levels of cash assistance to New Yorkers, but it is essential to help New York families to get through the economic crisis.

**-Change the rules for disregarding earned income** – These rules enable New York families to maintain eligibility while earning income. But they are too narrow. These rules should benefit all households New Yorkers, not just those that include children, and the amount of income disregarded should be increased from the current level of 54 percent. The disregard should also apply to all new applicants, not only those who have received cash assistance within the past four months.

**-Treating as “invisible” all forms of COVID-19 related federal assistance.** including “Pandemic Unemployment Compensation” (PUC) and any extender or replacement program. Federal assistance should be used to supplement the economic stability of New Yorkers during the pandemic. It should not be counted as a reason to deny support from New York State. But New York’s policy is to do exactly that. *See* <https://otda.ny.gov/policy/gis/2020/20DC035.pdf> (directing local districts to count PUC

dollar or dollar). Instead, the State should follow the approach taken by the U.S. Housing and Urban Development Agency, which is not to count PUC as income.

[https://www.hud.gov/sites/dfiles/Housing/documents/HUD\\_Multifamily\\_Corona\\_QA\\_FINAL.pdf](https://www.hud.gov/sites/dfiles/Housing/documents/HUD_Multifamily_Corona_QA_FINAL.pdf) at 10.

As New York starts to re-open, little is changing for low-income New Yorkers, whose needs remain urgent in the wake of devastating loss, lingering medical problems, and extremely high rates of unemployment, especially among low-income people of color. The State of New York must live up to its fundamental promise to aid those in need and in so doing likewise help promote the public's health. We see the fulfillment of this promise as a moral imperative.

We are available to meet to discuss these requests at your convenience.

Very truly yours,

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