



Office of Temporary and Disability Assistance

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General Information System (GIS) Message

Section 1

Transmittal:	20 TA/DC089 Upstate and New York City
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To:	Subscribers
Suggested Distribution:	Commissioners, TA Directors, SNAP Directors, WMS Coordinators, Housing/Homeless Services Directors
From:	Jeffrey Gaskell, Deputy Commissioner Employment and Income Support Programs
Subject:	Eviction Prevention Program Information
Effective Date:	Immediately
Contact Information:	Temporary Assistance Questions – 518-474-9344 or otda.sm.cees.tabureau@otda.ny.gov Bureau of Housing and Support Services Questions – Linda Camoin – 518-473-6661 or linda.camoin@otda.ny.gov

Section 2

During the COVID-19 pandemic, legislation has been enacted and administrative action has been taken at both the federal and state levels to prevent evictions and ensure that housing will be maintained for those experiencing hardships as a result of the public health crisis. Governor Cuomo issued an Executive Order which instituted a moratorium on evictions for nonpayment of rent for those experiencing COVID-19 related financial hardships. Moreover, a directive issued by New York State Chief Administrative Judge Lawrence Marks mandates that no residential eviction warrants can be executed until October 1, 2020 at the earliest, or until a later date set forth in any future state or federal moratorium. A federal moratorium was issued on September 4, 2020, which effectively extended the prohibitions against certain evictions until December 31, 2020. Based upon the issuance of this federal moratorium, the provisions of Judge Marks' Administrative Order have been extended to prevent evictions through December 31, 2020. Several districts have inquired about how best to assist those who will be at risk of eviction once this moratorium is lifted. This GIS serves to provide districts with information about various programs and funding sources that are available to assist those individuals and families who will be at risk of eviction in the coming months.

Temporary Assistance

Districts are reminded that Temporary Assistance (TA) funding can continue to be utilized to pay rent arrears for those determined eligible for emergency assistance. It is not necessary to wait for the moratorium on evictions to be lifted before assessing an applicant's eligibility for a rental arrears payment. A payment can be made to prevent eviction or foreclosure if it is determined that an immediate threat of eviction will be present once the moratorium is lifted. A confirmation with the landlord that eviction will proceed if the rent is not paid by a certain date and case documentation of this is sufficient

for emergency shelter payments to be made. For those districts with approved shelter supplement plans that include special provisions for the payment of arrears and/or an ongoing shelter supplement, additional documentation may still be required to show proof of eviction proceedings in accordance with the district's approved plan. Districts must ensure that any changes experienced by the individual/family as a result of COVID-19 (e.g., income changes, changes in rent amount, etc.), are reported timely and result in a re-budgeting of the TA case, as appropriate. This is not a change in policy, but rather, a reminder of current policy. Additionally, districts with approved shelter supplement plans must ensure that, amid the changes occurring for so many TA recipients, households continue to meet the eligibility requirements outlined in their supplement plans.

When a district determines that a TA arrears payment is appropriate, eligibility must be explored in accordance with 18 NYCRR 352.7(g)(3) and 352.7(g)(4). For all case types except EAA, a total period of six months of arrears can be paid once every five years, unless the district determines, at its discretion, that additional shelter arrears payments are necessary based on the individual case circumstances. Districts may be interested in applying this discretionary policy to pay more than 6 months of arrears or make an arrears payment more than once in a five-year period for cases involving hardship as a result of coronavirus-related issues. Although the use of this discretionary policy does not require OTDA approval, districts should advise their TA liaisons if they plan to provide these additional arrears payments for certain populations. For EAA, a total of four months of rent arrears may be paid. There is no five-year limitation with EAA as there are with the other case types.

As a reminder, prior to making shelter arrears payments, districts must review the case circumstances to ensure that the applicant/recipient can demonstrate an ability to pay the shelter expense in the future, including any amounts in excess of the appropriate monthly maximum shelter standard. Additionally, prior to using TA monies to pay arrears, the district must explore any other available resources that may be used to assist with the arrears payments, including funds from local non-profits. It is often in the client's best interests to utilize other available funding first since districts can pursue recovery of TA monies in many cases, while funding from other agencies is typically not subject to recovery.

For additional information on meeting emergency/immediate needs and the payment of shelter arrears with TA funds, please see [02_ADM-02](#) and [06-INF-25](#).

Emergency Solutions Grant Monies (ESG/ESG CV)

OTDA's Bureau of Housing and Support Services (BHSS) received an allocation of funding that is being made available through the federal Coronavirus Aid, Relief and Economic Security (CARES) Act. The United States Department of Housing and Urban Development (HUD) has allocated COVID-specific Emergency Solutions Grant (ESG CV) funds which can be used for street outreach, shelter, rapid rehousing and eviction prevention activities to help communities prevent, prepare for and respond to COVID-19 among individuals and families who are experiencing homelessness or are in need of assistance to maintain housing. As a reminder, the existing Solutions to End Homelessness Program (STEHP), which is financed, in part, through ESG funds, is also still available to assist in the areas of eviction prevention and rapid rehousing.

It is important to note that ESG CV funds are designed to be the funding of last resort, meaning no alternative resources are available to meet any identified gaps in need, including TA. Therefore, eligibility for TA must be investigated first and ESG CV funds used only when an individual/family is determined ineligible for TA. Further information on this funding and uses can be found at: <https://www.hud.gov/sites/dfiles/OCHCO/documents/20-08cpdn.pdf> and in [20-LCM-06](#). For additional questions not covered in this LCM, districts may reach out to Linda Camoin in BHSS via email at: Linda.Camoin@otda.ny.gov or by phone at: (518) 473-6661.

Community Development Block Grant (CDBG/CDBG CV)

The CARES Act also provided the CDBG program with additional funds to help states and localities respond to the coronavirus and broadened the type of activities that could be funded. COVID specific CDBG (CDBG CV) funds are to be used to help communities respond to and prepare for the impact of COVID-19 and can be used for a variety of activities, one of which is emergency rent payments for up to

three months for eligible households. This emergency assistance can be used for rent arrears to prevent an eviction or to pay three months of rent payments to rapidly rehouse an individual/family. For additional information on CDBG funds, please contact Linda Camoin in BHSS.

Safe Harbor

Recent legislation enacted into law, entitled the "[Tenant Safe Harbor Act](#)", prohibits courts from issuing warrants of eviction or judgements of possession against tenants for unpaid rent that accrued between March 7 and the complete reopening of the tenant's county of residence, so long as the tenant experienced financial hardship during that period. Therefore, while a judge can still issue a money judgment against the tenant for the rent owed, a qualifying renter should not be evicted for the nonpayment of rent accrued during the pandemic. For TA purposes, this legislation does not preclude an individual from being eligible for assistance with rent arrears. Each case must be evaluated individually to ensure that any unique circumstances are considered. An applicant seeking assistance with rental arrears must not be denied solely on the basis of the Safe Harbor Act as a means to meet the emergency. For more information, please visit: <https://www.nysenate.gov/newsroom/press-releases/brad-hoylman/tenant-safe-harbor-act-sponsored-senator-brad-hoylman-signed>.