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Contact:

Alejandra Lopez
The Legal Aid Society
917-294-9348
ailopez@legal-aid.org

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With New York’s Rental Relief Portal Now Reopen, Legal Aid Urges Tenants to Apply

New Yorkers with Pending Applications will be Protected from Eviction Proceedings

(NEW YORK, NY) – **The Legal Aid Society** today urged New Yorkers in need of rental assistance to apply for the state’s Emergency Rent Relief Program (ERAP), which reopened on Tuesday, January 11, after a [court ruling](#) in *Hidalgo v. New York State Office of Temporary and Disability Assistance* (OTDA) — class action litigation brought by Legal Aid—which ordered OTDA to resume accepting applications.

ERAP portal: <https://otda.ny.gov/programs/emergency-rental-assistance/>

“New York’s ERAP portal has reopened, resuming access to rental assistance for our clients and countless other families at risk of eviction,” said **Ed Josephson, Supervising Attorney in the Civil Law Reform Unit at The Legal Aid Society**. “We urge all New Yorkers in need of rent relief to immediately apply for funds through the OTDA [web portal](#), as a pending application will provide temporary protection from eviction, regardless of whether the state receives

additional funding. We are proud of our advocacy on behalf of our clients and all low-income New Yorkers, and will continue to monitor the implementation of statewide rent relief funds.”

Background

OTDA is responsible for the administration of funds under ERAP, which was established via legislation in 2021. Since its creation, ERAP has paid \$1.25 billion in rent arrears for 100,000 families and approved an additional \$770 million to pay the arrears of an additional 62,000 families whose landlords have not yet completed paperwork needed for release of the payments. However, over 400,000 New York families remain behind on their rent, but did not apply for ERAP before the portal closed, and without today’s ruling, those families would have been vulnerable to eviction when New York’s statewide moratorium expires on January 15, 2022.

Although New York State has spent or committed all its current ERAP funds, it will be eligible to apply for additional funding this Spring from an \$18 billion national pool of unspent ERAP funds.

On December 13, 2021, The Legal Aid Society sued OTDA, arguing that closing ERAP to new applicants before all funds are exhausted violated OTDA’s duties under the ERAP statute and exceeded its lawful authority. Their actions, moreover, violated the Legislature’s clearly expressed intent of protecting eligible families from being evicted while they are waiting for federal funds to be fully distributed.

This lawsuit was filed on behalf of four individual tenants, on behalf of all tenants who are eligible for ERAP but who were barred from applying for relief due to OTDA’s premature closure of the program to new applicants. Housing Court Answers and Coalition for the Homeless were organizational plaintiffs.

Under the state’s ERAP statute, tenants who have submitted ERAP applications are protected against eviction proceedings pending a decision on their application. However, due to the closure of the ERAP portal, families who otherwise could have applied for ERAP would have been vulnerable to eviction when the state’s eviction moratorium expires on January 15, 2022, even though federal funds may not yet have been fully allocated, much less distributed.

The lawsuit argued that OTDA’s refusal as of November 15, 2021 to accept further ERAP applications despite a pending request to the federal government for additional funds, was arbitrary, capricious, beyond the scope of their authority under the ERAP statute.

On January 6, the court [ordered](#) a preliminary injunction directing OTDA to begin accepting new ERAP applications within three days or by Tuesday, January 11, 2022 at the latest.

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For 145 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. www.legalaidnyc.org