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## ***Court Ruling Secured by Legal Aid Protected 136,607 Households from Eviction, Helped Tens of Thousands of Families Qualify for Millions in Emergency Rental Assistance Program Funding***

(NEW YORK, NY) - The Legal Aid Society announced today that litigation brought earlier this year, [\*Hidalgo v. New York State Office of Temporary and Disability Assistance \(OTDA\)\*](#), to force the New York State Office of Temporary and Disability Assistance (OTDA) to reopen the Emergency Rental Assistance Program (ERAP) portal protected 136,607 households who applied for ERAP from eviction and helped qualify tens of thousands of families for millions in funding through the program to address rental arrears, as of October 31, 2022.

Today's announcement comes in response to news that [OTDA will close the ERAP portal next month.](#)

“Last year, we [filed](#) a lawsuit and subsequently secured an [outcome](#) against the State which reopened the ERAP portal for tenants in need to apply for rent relief. This result protected over 136,000 households from eviction and helped tens of thousands of families qualify for millions in funds to address arrears,” said **Edward Josephson, supervising attorney with the Civil Law Reform Unit at The Legal Aid Society.** “At this juncture, with the unlikely possibility of New York securing additional funding from Washington, we lack sufficient legal basis to challenge ERAP’s closing scheduled for next month. However, should Albany secure any future allocation to replenish ERAP, we will immediately petition the court to order the reopening of the program’s portal.”

### **Background**

Last December, The Legal Aid Society filed [\*Hidalgo v. New York State Office of Temporary and Disability Assistance \(OTDA\)\*](#), a class action lawsuit in New York State Supreme Court seeking a preliminary injunction to force the New York State Office of Temporary and Disability Assistance (OTDA) to reopen the ERAP web portal to resume accepting applications, and contact potential applicants whose attempts to apply were rejected due to OTDA’s unlawful policy.

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, and beyond the scope of their authority under the ERAP statute.

The lawsuit was filed against OTDA on behalf of four individual plaintiffs, Housing Court Answers, Coalition for the Homeless, and all tenants in New York State who owed rent to their landlords, were eligible for ERAP, but who were barred from applying for relief due to OTDA's premature closure of the program.

Under the state's ERAP statute, tenants who 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 were vulnerable to eviction when the state's eviction moratorium was set to expire on January 15, 2022, even though federal funds had not yet have been fully allocated, much less distributed.

On January 6, 2022, a judge ordered OTDA to reopen the ERAP web portal within three business days or by Tuesday, January 11, 2022 at the latest, and ordered OTDA to resume accepting applications which afforded new applicants a stay of any eviction proceedings against them.

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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 over 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](http://www.legalaidnyc.org)*