

# NEW YORK CITY CIVIL COURT

Need Help Paying Rent

Bruce Jordan

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MR. BRUCE JORDAN: Good

afternoon. My name is Bruce Jordan from the Human Resource Administration's Rental Assistance Program. I'm pleased to be here today. I would like to thank Judge Fisher and the Civil Housing Courts for inviting us, Commissioner Robert Door [phonetic], Executive Deputy Commissioner, Seth Diamond, and Mark Glitzen [phonetic], Regional Manager of the Housing and Homeless Services Region.

Today I'm here to talk about HRA's Rental Assistance Program, which is basically a rental assistance program for rent arrears to prevent homelessness and also for new apartment expenses to bring people out of homelessness. We do not provide rental assistance in the sense of an ongoing subsidy, such as Section Eight or NYCHA or FEPPS or HSP or Jiggits, things that I also will elaborate on

later. So we do not provide an ongoing rental supplement. We provide rent arrears to prevent evictions and we provide new apartment expenses such as rent, security, broker fee, moving expenses, storage fees for persons coming out of homelessness.

Basically, the Rental Assistance Unit decides cases on a case-by-case basis. There is precedent in state regulations that allows us to have this type of program. Basically, what the program is looking for on every case is a future ability to pay the rent going forward if we were to assist with the rent arrears or we were to assist with the new apartment expenses. We don't want to throw good money after bad money, so we don't want to pay someone's rent, let's say through June of this month and they don't have any way to pay it next month, and then they'd be right back in rent

arrears and right back facing the possibility of homelessness or an eviction. So you must establish a future ability to pay your rent that's reasonable.

Also, we're looking to see, not just why a person didn't pay their rent as far as a verbal story, but we need some form of reasonable documentation of why they didn't pay their rent. So for example, if someone was to state that they became in rent arrears for a certain period of time because they lost their income or their income decreased, we would need proof of that from their employer or from Unemployment or so on and so forth that would correlate with the period of arrears that they actually owe the rent for.

A third thing that we're looking for in line with personal responsibility and welfare reform is self-sufficiency.

We're also looking to see once a person no longer has that emergency as far as decreased income or whatever caused the nonpayment, what did they do to assist themselves? Do they have any contribution towards the rent arrears? Did they make any double-up payments to the landlord? Things of that nature we'll try to scrutinize and see whether or not we want to assist with the balance of the arrears or all of the arrears that are still due.

And lastly, what we take into consideration are what we like to call risk factors or special considerations. Risk factors would be, are there someone disabled in the home, whether it be an adult or a child? Is someone aged in the home, whether, you know, it be the actual person or a relative in the home? Are they aged? We also take into consideration whether or not it's subsidized housing. Is it low rent? How

long a person's lived there, the number of bedrooms versus the amount of rent. Are there any special devices in the person's house such as a ramp or something that they need in order to assist them that maybe if we didn't pay it they might not be able to get the same type of device in the new apartment or shelter or wherever they might have to go if we didn't assist? So we try to keep all these things into consideration.

We also try to take into consideration whether or not someone has special community ties. Does a kid have to go to a special school? Are they involved with any type of social organization or special doctor appointments or things like that that would really, really be an inconvenience if they were to be evicted? So we try to take all those criterias I mentioned and we try to weigh them all in when we make

our decision, okay?

Also, when you apply for these grants there's certain criteria and certain type of situations that may put you in a situation where you may have to repay us, okay? And basically how that works is, if you are applying for what's called a One Shot Deal, which means you just need the agency to address your emergency and you don't need any other services from us. You don't need food stamps or Medicaid or ongoing public assistance. You need what's called a pure One Shot Deal.

If you are a working person and you do not have any SSI, or you're getting unemployment, or if you're getting worker's comp, or if you're getting some type of a pension, anything minus SSI, if you do not have children under 18 years old of age, by law you must repay that. HRA and the Rental Assistance Program does

not have the discretion to give exception to policy to waive that because your case may have had good merit for the reason why you didn't pay the rent. By law if we pay that grant you must repay that.

If you're in a household where you're either a single adult, an adult couple, or adult couple with children over 18 years old of age, no matter what was the reason for nonpayment, you must repay whatever we give you.

If you are a working person who have children under the age of 18 years old, then as long as you didn't mismanage, you won't have to repay that grant.

If you're on public assistance and we assist you with rent arrears because, let's say you have excess rent or let's say you owe rent prior to coming onto public assistance, any grant that we give you above the P.A. shelter allowance. That considered excess rent. The actual



amount of P.A. that we give you each month towards your shelter versus what your actual rent is, the difference is considered excess. If we pay any of that, that's automatically recouped. And how that works, it comes out of your grant at a percentage. So that's another consideration to take into account.

Also, as I was stating, we pay rent arrears. It's not just on apartments. We pay rent arrears on co-ops. We can pay rent arrears on condos. We can also pay mortgages, and the same criteria that I said earlier still applies. Future plan, why didn't you pay the rent? Do you have any money towards the rent arrears? What did you do after you got out of the problem? Are there any risk factors? The only thing in addition with the co-ops, condos or home with the mortgages, we will send you to our resource part of our agency, which

will have you file a lien and if you ever sell your home or whatever, we get our money back through that process. So that's the only difference with that, but I want to make it clear it's not just residential apartments. You are eligible to apply if you have a condo, a co-op, or a mortgage in a home.

Another thing that I think is important to establish, within reason there are no limits with the Rental Assistance Program as far as what monthly rent we'll pay. There are no limits as far as what rent arrears we'll pay. But at a certain point we like to say that the program is really not designed to maintain a lifestyle. There is a point where we would like to see everyone remain housed, but sometimes the level of housing, depending on what you're asking from the agency, from our standpoint may not be feasible and we may recommend relocation.

It might be cheaper for us sometimes to assist you with that.

So we just wanted to make that clear that, you know, all cases - even though everything is a case-by-case basis, all cases cannot be paid. That's not what this program is designed for. We're really here to do homelessness prevention and whenever possible, to prevent people from losing affordable housing, not just for themselves, but for the market. We consider the market because we realize, too, if someone loses an \$800.00 apartment, the next person that moves in that will be a \$2,000.00 or \$3,000.00 apartment. So it's not just about the individual. We're looking at the housing market in itself.

Another thing to realize, too, before you apply for a rental assistance grant at an HRA office is, just like when you apply for ongoing public assistance,

we expect you to exhaust all resources, okay? So if you have, you know, bank accounts or, you know, a luxury car past a certain amount, and I don't have that figure on me now, but that's all taken into account. Two days after a person puts in an application with the Human Resource Administration we get reports from all major banks. We also get a report from the Department of Labor, all types of pension funds, all types of things.

So we have a way to find out what a person can kind of do in tandem with us. I mean, what we're really looking for, the bigger the arrears get and especially the less viable the person's excuse is for what happened, we're really looking for a package at that point. Everything just can't be on HRA's onus. We're looking for a person to, you know, go to family, community. There's charities which I'll

also further explore later on, and you know, we're looking for even the courts sometimes to do, to waive things or sever things. We're looking for the landlord to give certain abatements. We're looking for everybody to pitch in. The bigger the case is, the more the arrears are, we're looking for everyone to help out HRA in trying to solve the situation.

Basically, there's two ways that you can apply for a rental assistance grant at the Human Resource Administration. The main way to do it is through one of our job centers, and I'll give out a number later how you can find out which job center based on your zip code. But also in emergency situations we have rental assistance/the HRA room, which also has adult protective services, and HASA [phonetic] in each civil housing court. So we're in the five boroughs, plus the two community justice centers,

Harlem and Redhook. We have a room in each building where staff onsite in emergency situations can give a rental assistance decision right then and there on the spot.

Sometimes the limitations are of that staff. They're not as many as a center, obviously. Also, we're guests here in the housing court so, you know, space and certain equipment is limited. And also by law in order to receive a grant you must have an application on file with the State through one of our job centers. And then a lot of times some of the documents that you might know to bring to the job center or on a return appointment, a lot of times people do not have those documents available at the housing court.

I would like to also stress that the housing court units here onsite the HRA room, their primary responsibility is

to be available to the court because we don't just do rental assistance in those rooms. We basically give information out about all of HRA. So if the Judge calls and needs a phone number or needs to know about a policy, procedure, or state reg, they'll call our staff to come upstairs. Sometimes they'll call our staff also to come upstairs on behalf of a client for a rental assistance matter.

So if, you know, feel free if you're in the housing court and you have a case where the Judge has adjourned it and you don't think you can pay the case, I mean the rent arrears all on your own, you can see - you can start the rental assistance process down in the actual housing court, HRA room. But most cases are processed through our job center because most cases do have time granted in court, or they don't have court at all.

That's another point I need to

stress. You do not have to have court action to apply for a rental assistance grant from the Human Resource Administration. All you have to have is proof that you are in arrearage from your landlord. A simple letter or billing statement or breakdown from your landlord showing you're behind will suffice. We would prefer, at the earliest intervention possible that a person gets in trouble and they know they can't dig themselves out, that they go to our offices, if that's where they're going to come, so we can try to work something out.

Now, the flip side of that is, depending on what your income is, once you've climbed out of whatever problem got you in arrearage, we may say because you don't have a legal action and maybe because you do only owe a month or two here or there and maybe the case is not that strong, to maybe make a payment plan



with the landlord. But like I said, the initial point was, feel free to come into any HRA job center at the moment that you know you're behind with your landlord, you have proof that you're behind with your landlord, and you have no way to pay it on your own.

Basically, when you go into one of our job centers to apply for a grant, regardless of the rental assistance process, there is also a state mandated eligibility process for everyone, whether you're applying for ongoing or whether you're applying for the One Shot Deal. There are certain appointments, irrespective of the rental assistance, that you're going to have to keep as far as investigative appointments, as far as if you're applying for ongoing assistance you have to go to child support appointments, and so on and so forth. So I'd like to remind you that whatever the

regular eligibility mechanism in the centers are telling you to do, you need to try to keep those, too, so it doesn't hold up your rental assistance process, but at the same time they will be forwarding your rental assistance part of whatever your request is to the appropriate mechanism, which is my shop, where we'll try to make a decision based on the criteria that we were already talking about.

If there are any advocates in the office, I mean in the audience, excuse me, feel also free to advocate on your client's behalf, even when they go into the job center. You can provide a letter of support on your agency's letterhead, along with supporting documentation. If you feel that the process is not being expedited timely enough to abate the emergency, you can also, as an advocate, community-based organizations, write directly to the Rental Assistance Unit,

once again with an advocacy, a letter of support along with supporting documentation, and then we'll take a look at what's bottlenecking it in the job center and we'll add what you have to say along with what the client has to say, and hopefully it will make sense so we can resolve the situation.

Also, advocates in the office, if you find out that your client has been denied a One Shot Deal for whatever reason, you can also appeal on your client's behalf, once again through the same process. Either have the client go back in and reapply, along with your letter of support stating what you think the facts are and why it should be approved, with supporting documentation, or you can address it directly to the Rental Assistance Unit.

Also, what I would like to state to both the advocates and the audience is

that if you feel that you've been unfairly denied a One Shot Deal, you can contact the Office of Constituent and Community Affairs through the HRA info line and that phone number is 1-877-472-8411, or you can ask for a fair hearing. And the fair hearing number is 1-800-342-3334.

Now the thing I would like to say about the fair hearing is, basically the fair hearing process was designed - once again the number for the Office of Community and Constituent Affairs through the HRA info line is 1-877-472-8411, and the fair hearing number is 1-800-342-3334. What I would like to remind everyone about the fair hearing process, that was really designed to make sure that a client on ongoing public assistance or applying for ongoing public assistance gets the things that they are entitled to that are written in stone in the regulations. That's not up for debate. If you come onto public

assistance, as an example, someone who's single on public assistance is entitled to \$215.00 a month shelter allowance from the point that they were found eligible for public assistance. If they are not to get that for any reason that we can't justify as an agency, that's what fair hearings are meant for. A fair hearing judge steps and says you're wrong or you're right, and then they write back to you and tell you why. If they order us to issue the money, we issue the money.

As far as the rental assistance One Shot Deal process, technically the regs allow us to have the program and then they give us the word discretion to do what we need to do in order to assist people, but technically you really can't win a fair hearing on a One Shot Deal because what we do is really not mandated. Nobody is entitled to have a One Shot Deal, so a lot of times what will happen

is people will apply for a One Shot Deal - I mean for a fair hearing on a One Shot Deal and they'll say they won because the Judge will say agency is to re-evaluate. Well, it comes right back to my shop and we re-evaluate. I've never seen yet to this day anyone win a hearing on a One Shot Deal, and I've been doing this for seven years now.

Okay, so my suggestion is, both client and advocate, if you're denied a One Shot Deal by the Rental Assistance Unit at HRA, you should work with following up on the conditions that we denied it for rather than, really, wasting your time on a fair hearing because you may not have that time legally. That's just my personal advice to you as far as fair hearings go.

Just in general, just to give you a scope of what the Rental Assistance Unit and HRA in the City of New York is trying

to do to combat homelessness as far as homelessness prevention, we do 35,000 cases a year, which is over \$100,000,000.00 in requests a year, okay? And we also, each case, the average case that we approve is about \$3,000.00, and we do get from the taxpayers, between the money we approve and what we could have given out, along with people coming up with money and charities assisting and the court abating and waiving and the landlord working with us, too, we get almost a \$15,000,000.00 negotiated savings a year, okay? And we do keep in mind also that the Department of Homeless Services has informed us that it cost \$3,000.00 a month for a family of three to four to be in a shelter.

So we always have that in the back of our mind when we make a decision, but that can't be the end all of why we make a decision. Like I said, we have

criteria that I discussed earlier.

And also, we're also very proud to say that our program at HRA, when matched historically, any of our decisions nine months out - excuse me - three months out after a decision, less than 1% of any of our denials have ever shown up in the shelter system. So we feel that, you know, most people will work with us when we say why we're denying it, and they'll come back and they'll reapply, which is their right, and they'll ask for a reconsideration and as long as the person works with us or advocate works with us, really, there's no case that can't be solved.

So once again, I would just like to reiterate that everything is on a case-by-case basis. Anyone can apply. It's best to go through one of our job centers. It's best not to wait until you get legal action. The minute you know you



cannot pay the rent arrears you should go into our job center with a plan. And if you're denied, you know, you should reapply as many times as it takes in order to get the outcome that you need, and you should also avail yourself of all the charitable organizations that are available.

I don't know if everyone's aware, but Citywide Task Force on Housing, they're the clearing house that will let you know what charities are available, and that phone number is 212-962-4795, and I appreciate everyone for coming out today, and if I can be of any assistance, please give me a call. Thank you.

[END OF TAPE]