

# Rental Arrears Assistance Programs

Presented by  
John Batanchiev and  
Jacob Mortenson



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## House Keeping

Please keep your microphone muted.

Please put questions in chat or raise your hand.

There will be polls throughout and survey at end.

Presentation sent this morning.

Thank you!



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## Who We Are And What We Do

- Over 6,000 legal cases each year
- Direct representation, phone consultations
- Brief service or referrals
- Offices in Hempstead, Islandia, Riverhead
- Case handling staff includes attorneys, paralegals, and social workers
- Partnerships with Community Agencies



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## Office Locations

### Hempstead:

1 Helen Keller Way 5th Fl  
Hempstead NY 11550  
(516) 292-8100

### Islandia (Western Suffolk):

1757 Veterans Hwy Ste 50  
Islandia NY 11749  
(631) 232-2400

### Riverhead (Eastern Suffolk):

400 W. Main St Suite 200  
Riverhead, NY 11901  
(631) 369-1112



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# Our Programs

## Family

- Domestic Violence Family Court Project (Suffolk)
- Child Support Defense Project

## Disability & Health-Related Projects

- HIV Unit
- Mental Health
- ICAN - Advocates in Managed Long-Term Care
- Education and Disability Rights (Special Education and Rights of Developmentally Disabled)
- Disability Advocacy Project (SSD/SSI Appeals)



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# Our Programs

## Housing

- Civil Unit (Eviction Prevention)
- Foreclosure Project

## Other

- Consumer Debt
- Education Debt Consumer Advocacy Project
- Veterans Rights
- Human Rights Project
- Public Benefits
- Adult Care Facility Unit
- Senior Citizen Project (Nassau)
- Pro Bono Project (Suffolk)
- Volunteer Lawyers Project (Nassau)
- Community Legal Help Project
- Naturalization and Citizenship



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# Legal Support Center for Advocates:

Advocates call (631) 232-2400 for assistance:  
 Sharon Campo - x3368 Cathy Lucidi - x3324  
 Hannah Fitzpatrick- x3343

- Provide Technical Support to Advocates
- “Advocates” include legislative staff, social workers, outreach workers, medical personnel, and guidance counselors
- Host Community Trainings
- Publish Newsletters



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## POLL



POLL

**What type of advocate are you?**  
**Have you ever called LSCA?**



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## Visit our Website

- All About Our Programs
- Sign up for our “Legal Lessons”
- Trainings
- “Self-Help” Resources
- Other Events



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## Next LSCA Training is Next Week! Latest Student Loan Updates Wednesday January 22nd, 2025 12:00pm to 1:00pm

Join the Legal Support Center for Advocates on January 22nd at 12pm for a presentation by the Education Debt Consumer Assistance Program. The presentation will provide an overview of student loan repayment options, forgiveness and discharge programs and update you on the latest developments affecting the federal student loan system. Don't miss this opportunity to meet the experts and make sure you're on track to eliminate your debt as quickly as possible! [Please register for this Legal Support Center for Advocates training taking place on January 22nd, 2025 from 12:00pm to 1:00pm.](#)



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## Just a Note

Legal Services of Long Island makes every effort to keep legal educational materials up to date. The information contained in this material is not legal advice. Legal Advice depends upon the specific facts of each situation. These materials cannot replace the advice of competent legal counsel.



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## DSS Emergency Applications

Requires same day interview with written response from DSS

LDSS-2921 application form

Application may be made by person or designated representative. Applicant should identify the specific emergency need, preferably in writing.



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## DSS' Charge to Prevent Homelessness

- If an applicant or recipient of PA is facing eviction or foreclosure DSS must intercede as early as is possible and appropriate.
- A district must not wait until a notice of eviction or foreclosure is issued
- If the landlord or mortgage holder expresses, either orally or in writing, the intent to start a legal eviction or foreclosure proceeding if rent arrears, mortgage or taxes are not paid, DSS must initiate action to prevent an eviction if the applicant is eligible.

94-ADM-20



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## DSS Rental Assistance

**Must demonstrate a threatened eviction**

- Letter from landlord or court papers

**Must detail amount owed to the landlord with document (stipulation, letter or rent ledger)**

**Must demonstrate ongoing ability to pay the rent**

**Current month's rent is not included in the calculation, unless it's past due and there is a threat of eviction if it is not paid.**



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## Emergency Grants

- **Emergency Assistance to Adults (EAA)**
- **Emergency Assistance to Families (EAF)**
- **Emergency Safety Net Assistance (ESNA)**

**An open Public Assistance case is not required to obtain an emergency grant.**



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## Emergency SNA (ESNA)

- Single adults and childless couples, households with dependent children or a household with an SSD member when household is ineligible for EAF or EAA grant
- Emergency is defined as a “serious occurrence” or “situation needing prompt action.”
- Income limit is 125% FPL limit
  - Waived if emergency is the result of a fire, flood or other like catastrophe, or for heat or utility related emergencies
- Rent arrears payments limited to a total of six months of rent in a five-year period
- Repayment within 12-month period. Can get future assistance only if repayment agreement current.
- Immigrants who meet the Cash Assistance Safety Net Assistance (SNA) requirements.

N.Y. Social Services Law Section 131-w.



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## Emergency Assistance to Families (EAF)

- Households with children under the age of 18 or under 19 if full-time student
- Facing an emergency from a sudden occurrence or unforeseeable crisis and beyond the applicant's control that demands immediate attention.
- Income limit is 200% of FPL
- Assistance limited to a six months of rent in a five-year period
- Households are responsible for repaying the amount above the Cash Assistance shelter maximum (the excess amount)
- Immigrants who meet Cash Assistance Temporary Assistance for Needy Families (TANF) requirements

N.Y. Social Services Law Section 350-j.



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## Emergency Assistance to Adults (EAA)

- 65 and older, blind or disabled individuals and couples who are eligible for or receive Supplemental Security Income (SSI) benefits
- Emergency would endanger the health, safety or welfare of an aged, blind or disabled individual/couple.
- Must meet financial eligibility criteria of the SSI program
- Up to 4 months of rent arrears can be paid.
- Assistance limited once in a 12-month period unless necessary based on an individual circumstance.
- No need to exhaust allowable resources
- No repayment required.

N.Y. Social Services Law Section 303.



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## PA Recipients vs. PA Applicants

### PA Applicants

- Assistance can exceed maximum shelter allowance, but excess is recoverable as an overpayment.
- Repayment agreements are 2-year plans

### PA Recipients

- must agree to restrict future shelter allowance.
- Assistance limited to 6 months once every five years unless DSS determines individual circumstances warrant an additional payment.
- duplicate payments are recouped from future grants therefore no repayment agreement.



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## Exception to Policy

DSS may issue a grant for an ineligible household when the case is “compelling”

No definition of “exception to policy” criteria. Requires strong advocacy.

- Extraordinary circumstances that led to the emergency
- The monthly rent is low, for example a Section 8 tenant.
- The convenience of the apartment location for work/medical/school activities, childcare,
- The needs of a special needs child

03 ADM-07; 18 NYCRR 352.7(g)(3-4)



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## Advocacy and Appeals

**Advocate with Center Manager or Screening Supervisor**

**Call Commissioner's Response Unit**

- Suffolk – 631-854-9938
- Nassau – 516-227-7474

**If time is an issue, arrange for interim assistance with a charity**



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## Denial of Assistance

**Get written DSS denial notice**

**Request Expedited Fair Hearing if denied on an emergency application**

- Statute of limitations is 60 days from denial to request a fair hearing.



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## How to Request a Fair Hearing

Online Request Form -  
<https://otda.ny.gov/hearings/request/>

Telephone: 1-800-342-3334

Mail (form)

New York State Office of Temporary and Disability Assistance  
 Office of Administrative Hearing  
 P.O. Box 1930  
 Albany, NY 12201-1930

Fax: 518 473-6735 (form)



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## NYS Shelter Arrears Eviction Foreclosure Program (SAEF)

- Up to six months of assistance per household. Does not have to be consecutive or paid all at once.
- Prior DSS assistance in the last five years does not impact SAEF eligibility
- Do not need to be current on one-shot repayment agreement
- Separate denial notice and appeal process than One-Shot Deal denials

24-LCM-12

- Nassau & Suffolk County DSS are running the program.



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## SAEF Eligibility

- Must apply for rental assistance through EAF or ESNA and be ineligible
- Meet the PA citizenship/non-citizenship status eligibility requirements
- Must meet EAF (200% FPL) or ESNA (125% FPL) income requirements
- Assistance will prevent/delay eviction
- Emergency can be one that was foreseen
- No repayment requirement unless fraud or found to be ineligible
- No requirement for ability to pay ongoing rent



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## Emergency Solutions Grant (ESG)

- Nassau County Office of Community Development
  - Intake done over the phone only – 516-571-4281
- Suffolk County – Family Service League
  - Islip - 631-650-0062
  - Brookhaven – 631-591-7580
- May provide up to 6 months of rental arrears as well as other financial assistance, for tenants that meet the “at-risk of homelessness” criteria
- Assistance can be combined with DSS one-shot grant but must bring the tenant current.
- To qualify for the grant all individuals must be a citizen by birth, a naturalized citizen or a national of the United States



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## ESG Eligibility Criteria

**Income limit up to 30% of AMI**

**Does not have sufficient resources or support networks to prevent being homeless.**

**Meet the “at-risk of homelessness” criteria**

- **Must have a 14-day sheriff notice or other at-risk documentation**

**The McKinney-Vento Homeless Assistance Act  
Section 401(l)**



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## Non-Profit Rental Assistance

**Written denial from DSS**

**Private grants requirements vary, and availability of funds may fluctuate throughout the year.**

**Some common agencies with assistance programs**

- **Salvation Army Senior Prevention Program in Nassau – 516-485-4900 ext. 10**
- **Salvation Army – 800-728-7825**
- **St. Vincent De Paul Society – 516-822-3132**
- **Catholic Charities – 516-733-7045**



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# Q&A and Experiences

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# Thank you for attending!

If you have any questions, please contact 631-232-2400

Check out our website at [www.legalservicesli.org](http://www.legalservicesli.org)

Please complete the survey.

