

Congress of the United States
Washington, DC 20515

August 5, 2021

The Honorable Michael P. Hein
Commissioner
NYS Office of Temporary and Disability Assistance
40 North Pearl Street
Albany, New York 12243

Dear Commissioner Hein:

The New York Congressional delegation writes to express our dire concern over OTDA's (Office of Temporary and Disability Assistance) continued lack of significant disbursements from New York's federally-funded Emergency Rental Assistance Program (ERAP) to needy New York, many of whom are on the brink of eviction.

This program was funded primarily through over \$46 billion in rental assistance provisions Congress passed in the omnibus spending bill from December of 2020 and the American Rescue Plan from April 2021, of which over \$2.4 billion went to New York State.^[1] In passing those pieces of legislation, and in Treasury's subsequent rules and guidelines, it was Congress's and the Biden administration's clear intention that tenants have access to this assistance as quickly as possible. During Covid, families have lost income through no fault of their own and are in desperate need of those funds to remain in their homes and avoid huge debt accumulation.

On June 1st, OTDA set up the ERAP online portal for renters and landlords to apply for funds. However, by July 21, according to a recent Treasury report, New York was the only state that had not distributed any funds to households.^[2] Since then, there is reporting that less than 0.05% of New York's allocation has been received by tenants or landlords.^[3] And while more funds have trickled out, it is not nearly enough or at the pace needed. Additionally, AP News has reported that thousands of New Yorkers are experiencing glitches, confusing information, and website crashes when trying to apply online.^[4] To ensure clarity and effectiveness for all New Yorkers, please answer the questions below regarding the website:

- Many users have found the lack of a "save and resume" function prohibits them from returning to complete an outstanding application, forcing many to complete the

^[1] "Emergency Rental Assistance Program." *U.S. Department of the Treasury*, 15 July 2021, home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/emergency-rental-assistance-program.

^[2] "Emergency Rental Assistance Program." *U.S. Department of the Treasury*, 15 July 2021, home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/emergency-rental-assistance-program.

^[3] Brand, D. (2021, July 28). *New York's \$2.7 Billion Rent Relief program Cuts first CHECKS, Amid Scrutiny*. City Limits. <https://citylimits.org/2021/07/28/new-yorks-2-7-billion-rent-relief-program-cuts-first-checks-amid-scrutiny/>.

^[4] Villeneuve, Marina. "New NY Rent Fund Sees Website Glitches, but Tenants Hopeful." *AP NEWS*, Associated Press, 30 June 2021, apnews.com/article/nyc-state-wire-ny-state-wire-business-health-coronavirus-pandemic-8e59caa61058394780169de9ce08aafb.

application process multiple times. Has OTDA created a save and resume option for applicants?

- Many users have faced difficulty or inability to upload supporting documents. What steps have been taken to ensure all documents and attachments can be easily uploaded?
- Users have reported that the website has routinely crashed at the end of an hours-long application process. What technological changes have been made to ensure the system is safeguarded from crashing?
- The website was clearly insufficient in providing accurate translations of FAQ sections for applicants with limited English proficiency. When and how will OTDA take the proper steps and ensure all New Yorkers have access to the pertinent and vital information needed to apply for their funds?

The need to fix these errors and streamline the application process is even more dire as New York state's eviction moratorium is scheduled to expire August 31st and recently extended national protections will also soon expire. We, therefore, urge the OTDA to work swiftly to disburse these critical funds with all due speed. Delaying these funds any longer could result in a massive wave of preventable evictions.

Delivering these funds to delay eviction is even more important given the impact of the Delta variant and the rise in COVID-19 transmission and infection rates. As a result of this impact, the Centers for Disease Control and Prevention (CDC), issued an eviction moratorium extension until October 3rd for areas with substantial or high spread of the virus.^[5] However, this extension is not universal, so it is as urgent as ever to deliver these funds to renters to ensure all New Yorkers are protected from eviction.

On June 24rd, the United States Department of Treasury published a set of best practices to ensure that state rental assistance programs are as effective and efficient as possible in getting funds to eligible individuals and families.^[6]

These include:

- Providing equal access by removing language and cultural barriers in securing emergency rental assistance.
- Partnering with housing courts to actively prevent evictions and develop eviction diversion programs.
- Providing a streamlined payment option for utility providers and large landlords to make accessing emergency rental assistance on behalf of multiple tenants easier and more attractive.

[5] "Temporary Protection from Eviction." Centers for Disease Control and Prevention, August 3, 2021, <https://www.cdc.gov/coronavirus/2019-ncov/covid-eviction-declaration.html>.

[6] "Promising Practices for ERA Programs." *U.S. Department of the Treasury*, 24 June 2021, [home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/emergency-rental-assistance-program/promising-practices](https://www.home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/emergency-rental-assistance-program/promising-practices).

- Reaching out to landlord associations to build relationships and identify barriers to landlords' participation in the ERA program, and possibly creating separate applications for landlords for a more efficient process for grantees.
- Data-driven strategies that support ongoing reporting to key stakeholders within the community, including local government representatives, the media, local citizens, and non-profit providers.

We request answers to the above questions by Monday, August 9th, and strongly urge OTDA and any vendors administering ERAP again review these best practices to ensure that the New Yorkers receive these funds as quickly as possible and stay safely in their homes.

Thank you for your time and attention to this matter, if you have questions please do not hesitate to contact our offices.

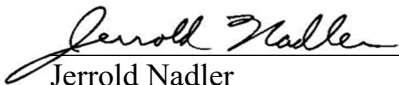
Sincerely,



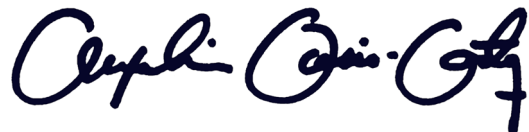
Charles E. Schumer
United States Senator



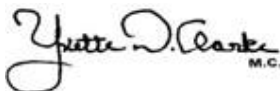
Kirsten Gillibrand
United States Senator



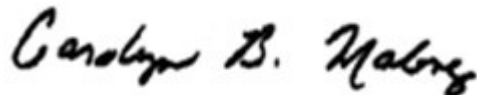
Jerrold Nadler
Member of Congress



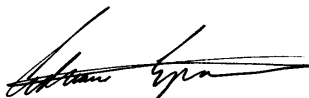
Alexandria Ocasio-Cortez
Member of Congress



Yvette D. Clarke
Member of Congress



Carolyn B. Maloney
Member of Congress



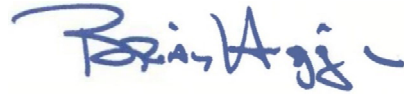
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Brian Higgins
Member of Congress



Jamaal Bowman, Ed.D.
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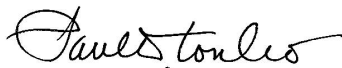
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