



General Information System (GIS) Message

Section 1

Transmittal:	22 TA/DC011 Upstate and New York City
Date:	January 28, 2022
To:	Subscribers
Suggested Distribution:	<i>Commissioners, TA Directors, SNAP Coordinators, HEAP Directors, Staff Development Coordinators</i>
From:	Valerie Figueroa, Deputy Commissioner Employment and Income Support Programs
Subject:	New York State Rental Supplement Program Questions and Answers
Effective Date:	Immediately
Contact Information:	Temporary Assistance Bureau at 518-474-9344 or otda.sm.cees.tabureau@otda.ny.gov

Section 2

This General Information System (GIS) message provides guidance to social services districts (districts) for the Rental Supplement Program (RSP). The Office of Temporary and Disability Assistance (OTDA) is providing the following answers to frequently asked questions raised by districts in response to guidance provided in [21-LCM-24](#).

New York State Rental Supplement Program (RSP) Frequently Asked Questions

1. How does this differ from the Rental Supplement already available for districts to request?

This is a separate state-funded district allocation with distinct eligibility criteria, and there is no requirement that applicants apply for or be in receipt of Temporary Assistance (TA).

2. Is the intent to use RSP to pay the entire rent amount for a certain period of time? Or is this a local district decision re: criteria for the program?

The intent is to supplement the rental amount owed by the applicant so that a household's financial contribution is no more than 30% of their household's total earned and/or unearned income. Rental supplements must be set at no lower than 85% of Fair Market Rent (FMR), with the district option to pay up to 100% of FMR. Supplements are provided until a household's earned and unearned income increases to a level where their monthly rent is at or below 30% of their total income, at which point the housing will be considered affordable.

3. The LCM states, “Rental supplement amounts shall be set at 85% of local Fair Market Rent (FMR) values with a district option to pay up to 100% of FMR using local funds”. Can the district choose to pay more than 100% FMR values with local funds?

Yes. Rental supplements will be reimbursed at 85% of local FMR through the Rental Supplement Program, but districts may elect to set local supplement amounts above 85% of FMR entirely at local cost. We ask that districts please include a justification in their RSP Plans for paying above 100% of the local FMR.

4. Will this be an annual grant?

Yes, it is anticipated that funding will be continued on an annual basis.

5. Where can districts find the Area Median Income (AMI) levels for their local areas?

The Department of Housing and Urban Development sets these levels and publishes the AMI levels on their website on an annual basis. These can be found [here](#).

6. Under Program Eligibility and Program Requirements, the 6th bullet reads: Supplements are to be provided until the household’s income reaches 30% or more of their monthly rent, at which point the housing will be considered affordable for the individual/family and the supplement will end.

Is this really what you intend – that the household’s income would be 30% of their rent? Or that the rent should be less than 30% of their income?

The intent is that supplements are to be provided until the household’s income increases to a level where their monthly rent is at or below 30% of their total income, at which point the housing will be considered affordable for the individual/family and the supplement will end.

7. What is the definition of ‘facing imminent loss of housing’ for the RSP program? Will this be defined the same as Housing and Urban Development’s standards with requiring a formal eviction or will we be following TA standards of demands for payment in order to fall under this?

The legislation does not define “facing imminent loss of housing”. Districts have flexibility to define in their plans what criteria will be used to ascertain whether households meet this eligibility requirement.

8. Can the funds be used to pay security deposits?

Yes, this is a permissible expense. However, alternate funding sources should first be pursued for this purpose, and districts are encouraged to utilize security agreements with landlords in lieu of cash payments when possible.

9. Could you specify which funds we would need to use if we paid a security deposit – the 15% administrative or the 85% designated for rental supplements?

The payment for security deposits can be supported with the RSP funding that is for rental supplements (set at 85% of the district’s allocation), or, at district discretion, the 15% reserved for administrative and other program-related costs may also be used for this purpose.

10. Can the funds be used in succession with other rental assistance programs? For example, can someone receive rental assistance from this program after receiving rental assistance from STEHP or ESG?

Yes, this is a separate district allocation with distinct eligibility criteria. As long as rental assistance costs are not duplicated, a household can transition from one program to this RSP to support the household's rental supplement. For example, if a household has been provided a 4-month subsidy through ESG the household could transition to the RSP program at the end of the ESG program period.

11. An individual is eligible for the program if they are homeless or "facing an imminent loss of housing". Can the supplement be used to pay rental arrears for an applicant who is at risk of losing housing due to nonpayment?

The RSP is a program established to provide vital rental supplement assistance. Arrears may be paid for those households approved to receive an ongoing supplement. However, districts must first pursue other available sources to assist with arrears, such as TA-funded emergency assistance, if households are otherwise eligible.

12. Is the funding retroactive?

Use of the funding for rental supplements is contingent upon approval of a plan submitted to the Office of Temporary & Disability Assistance. Each plan should indicate an effective date and the funds designated for supplements can only be spent after such effective date.

13. What happens when a participant does not pay their portion of the rent (30% of their income)? Are they discharged from the program?

Districts have discretion with how to treat these situations and should document their process within their individual plans for handling situations where participants do not pay their portion of their rent.

14. What is the process for submitting claims through the Rental Supplement Program? Will there be special codes needed to issue payments?

OTDA is developing claiming instructions for these funds and will distribute to all districts who opt in to the RSP. Claims will be made through the Automated Claiming System using Special Project Claiming, which would be similar to how districts are reimbursed for services offered through the FFFS or Code Blue. Submission of supporting financial documentation will not be required in order to submit RSP claims, but this is something districts or their vendor/contractor designated to administer the program would need to retain for purposes of review in the future.

15. Will OTDA allow for portability of the supplement from one district to another if an individual chooses to move to another district after being approved for a supplement?

Yes. Districts are asked to include the standards that will be followed in determining whether supplementation will continue following a move in their RSP Plans and should be limited to essential moves out of county that would ensure the safety of clients. Districts may continue to provide rental supplements to clients who move to an address located in a different county, as long as the client continues to reside in NYS, and all other program eligibility requirements set by the originating county are maintained. The originating district would be expected to maintain fiscal responsibility for providing the supplement for the entire length of the supplement. Districts are asked to communicate with the county in which the household will be relocating regarding portability of the supplement to the new county as a courtesy.

16. If housing in one district is in short supply, can a household locate housing in another district and have the original district pay for the rent through the RSP?

Rental Supplement Program applicants should be placed in the county within which they apply for services to the fullest extent possible. Placements within a different county should be considered on a case-by-case basis and should be limited to essential moves out of county that would ensure the safety of clients.

17. Is there a plan to cover anticipated increases in the FMR over time so that the same number of households can be served in future years through the RSP?

The State budget currently only assumes \$100 million each year for RSP.

18. What is the claiming deadline for these funds?

OTDA is developing claiming instructions for these funds and will distribute to all districts who opt in to the RSP.

19. Can the RSP pay for housing authority rentals?

Occupants of federal or state funded subsidized public housing authorities or other federal or state funded subsidized housing that limits the household's share of the rent to no more than 30% of household income are not eligible for RSP.

20. Are we able to use these funds to assist those who are ineligible for traditional HUD Voucher programs, sex offenders, manufacturing convictions, etc.?

As long as an individual meets the program eligibility requirements for the RSP, districts may choose to offer these supplements to whatever populations they choose.

21. Has NYS created any documents to assist with operating this program?

OTDA has created a plan template for district use in submitting their proposed plans. Each district's RSP plan may differ slightly, therefore the development and use of other forms are left to the discretion of each district.

22. Can districts use the Independent Living Plan (ILP) as a tool to help people maintain their permanent housing?

While there is no language specifically prohibiting the use of the ILP as a tool to track participant progress, it is important to distinguish the RSP from those which fall under the Temporary Assistance (TA) umbrella. There is no requirement that districts ensure compliance with the ILP in the same way as would be required for a TA placement. However, if a district wants to use an ILP as a tool to help those receiving a supplement to remove barriers to finding permanent housing and work towards financial security, that is certainly allowable.

23. What about denials if we exhaust all of our funding? Do we have to give notice if we run out of money and have to deny? Is there a fair hearing process or what recourse do applicants have if they are denied due to lack of funding and want to dispute the decision?

A notice should be provided to each applicant to advise them of their status, including if they are denied due to funding being exhausted. However, districts are not required to provide households with a review of their application if the only issue present is that funding is exhausted.