

****Indicates a newly added or revised question and answer**

ERAP Frequently Asked Questions

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Benefits Available and Who is Eligible

1. What is the Emergency Rental Assistance Program and what help does it provide?

The Emergency Rental Assistance Program (ERAP) is an economic relief program developed to help eligible households residing in at their primary residence in New York State request assistance for rental and utility arrears accumulated during the COVID-19 crisis. The program will provide significant economic relief to low- and moderate-income tenants and will help landlords obtain rents due. Approved applicants may receive:

- Up to 12 months of **rental arrears payments** for rents accrued on or after March 13, 2020.
- Up to 3 months of **additional rental assistance** for future rent if the household spends 30 percent or more of its gross monthly income to pay for rent and if the household also applies for rental arrears payments.
- Up to 12 months of **electric or gas utility arrears payments** for arrears that have accrued on or after March 13, 2020 if the household also applies for rental arrears payments.

Payments will be made directly to the landlord/property owner and utility company on behalf of the tenant. Tenants, landlords/property managers and utility companies will be notified of the amounts paid on their behalf. If a landlord is difficult to locate or does not otherwise provide information needed to complete the application after initial outreach efforts, funds will be held for 180 days to allow enough time to locate the landlord and collect required information, as well as to provide tenant protections and maximize landlord participation.

2. Am I eligible for the Emergency Rental Assistance Program (ERAP)?

Tenants in New York State may be eligible for ERAP if all the following apply:

- For the federally-funded ERAP program, household gross income is at or below [80 percent of the Area Median Income \(AMI\)](#). These income limits differ by county and

household size. A household may qualify based on either current monthly income or calendar year 2020 income that is at or below 80 percent AMI.

- Starting September 15, 2021, household gross income is at or below [120 percent of the Area Median Income \(AMI\)](#). These income limits differ by county and household size. A household may qualify based on current income or calendar year 2020 income that is at or below 120 percent AMI. Households with income above 80% AMI are eligible for a State-funded ERAP payment so long as funds remain available.
- On or after March 13, 2020, a member of the household received unemployment benefits **or** experienced a reduction in household income, incurred significant costs or experienced other financial hardship, directly or indirectly, due to the COVID-19 pandemic.
- The applicant is obligated to pay rent and has rental arrears (rent overdue) at their current residence for rent owed on or after March 13, 2020.
- The household is at risk of experiencing homelessness or housing instability, which can be demonstrated by having rental arrears owed on or after March 13, 2020.

There are no immigration status requirements to qualify for the program.

Important Note Regarding Priority Application Processing

For the federally-funded ERAP program, for applications received during the first 30 days of the program, from 6/1/21-6/30/21, priority was given to households in the following order:

1. Households with income at or below [50 percent of the Area Median Income \(AMI\)](#) that also include a household member who:
 - Is currently unemployed for at least 90 days; or
 - Is a veteran; or
 - Is experiencing domestic violence or is a survivor of human trafficking; or
 - Has an eviction case related to their current residence pending in court; or
 - Resides in a mobile home; or
 - Lives in a community that was disproportionately impacted by COVID-19; or
 - Lives in a dwelling of 20 or fewer units.
2. Households with income at or below [50 percent AMI](#).
3. Households with income at or below [80 percent AMI](#) that also include a household member who:
 - Is currently unemployed for at least 90 days; or
 - Is a veteran; or
 - Is experiencing domestic violence or is a survivor of human trafficking; or
 - Has an eviction case related to their current residence pending in court; or

- Resides in a mobile home; or
- Lives in a community that was disproportionately impacted by COVID-19; or
- Lives in a dwelling of 20 or fewer units.

4. Households with income at or below [80 percent AMI](#).

After 6/30/21 (the first 30 days), applications for all eligible households are processed on a first-come, first-served basis, as long as funds remain available.

Starting September 15, 2021, households with income up to [120% of the AMI](#) may apply for the program so long as State funds remain available

- Applications for households with income up to [100% of the AMI](#) will be processed on a first-come, first-served basis through October 29, 2021. Applications for households with income up to [120% of the AMI](#) will be processed on a first-come, first-served basis starting October 30, 2021.

3. I am a landlord and my tenant left the rental property or isn't willing to apply for ERAP. Am I eligible for assistance?*

Yes. State law was recently passed that creates another new program to provide rental assistance for landlords whose tenants have left their rental property or who are unwilling to apply for ERAP. Additional details regarding this program, including an opening date and documentation requirements will be posted on the OTDA website soon.

4. What are examples of financial hardship experienced due to the COVID-19 pandemic?

Direct or indirect financial hardship experienced as a result of COVID-19 may include (but is not limited to):

- **Reduction in household income, such as:**
 - Reduced wages/earnings
 - Reduced hours
 - Employment termination
 - Furlough
 - Sickness and inability to work
 - Business closed
 - Receiving unemployment
- **Increased household expenses, such as:**
 - New or increased healthcare costs
 - Remote work expenses due to COVID-19
 - Food, medicine, childcare, transportation expenses due to COVID-19
 - Penalties, fees and/or legal costs associated with rental or utility arrears

- At-home care for someone with COVID-19
- Remote learning expenses due to COVID-19
- Purchase of Protective Personal Equipment (PPE)
- Payments made by credit card or loans to avoid homelessness
- Alternative Transportation arrangements due to COVID imposed transportation limitations
- Funeral expenses

5. Do I need to have lawful immigration status to be eligible to receive rental assistance?

No. Individuals do not need to have a lawful immigration status to qualify for the program.

6. How will eligible ERAP households receive utility arrears relief?

For households determined eligible for ERAP who also have gas and/or electric utility arrears, there are a few ways households may receive assistance in paying these utility arrears:

- First, a utility arrears payment made directly to the utility company funded through by Home Energy Assistance Program (HEAP), for those eligible for HEAP ([view HEAP eligibility information](#));
- If households are not eligible for HEAP, eligibility for one of the following two options will be evaluated based on the type of utility company that the household uses:
 - Forgiveness of utility arrears by the utility company; or
 - A utility arrears payment made directly to the utility company funded through ERAP.

7. Can I apply for utility arrears assistance only?

No. An individual must apply for and be determined eligible for ERAP rental arrears assistance in order to receive utility arrears assistance through the ERAP. New York State residents outside of New York City who do not need help paying for rental arrears and only need help paying for utility costs should apply for the Home Energy Assistance Program (HEAP) at www.myBenefits.ny.gov. Individuals residing in New York City can download an application from the [NYC Human Resources Administration HEAP webpage](#).

8. Are water bills or internet bills eligible as part of ERAP?

No, only gas and/or electric utility arrears may be paid for households determined eligible for rental arrears assistance under ERAP.

9. What happens to utility costs that are included in the rent?

If utility expenses are part of a household’s monthly rental costs and a household does not receive a separate gas or electric utility bill, the utility expenses would be included as part of the rental arrears or future rent payment.

10. If my gas and/or electricity utility is sub-metered and billed on my rental statement from my landlord, building management company or from a third-party contracted billing company, how do I include unpaid utility charges on my ERAP application? **

Sub-metered gas and/or electricity unpaid charges should be included as rental arrearages and will be paid directly to your landlord, building management company or from a third-party contracted billing company.

11. Are electrical utility arrears for tenants who live in sub-metered apartments eligible for ERAP?

Yes, with acceptable documentation.

12. For what time period is my household income counted to determine if I am eligible for ERAP assistance? **

Tenant applicants may choose to submit documentation indicating current monthly income or calendar year 2020 income.

- **Current Monthly Income** by providing documentation of prior month income through documents such as pay stubs, bank account deposit verification, unemployment insurance benefits letter, Social Security award letter, other.

OR

- **Annual 2020 Income** by documentation of 2020 income through documents such as a copy of a completed income tax return such as a 1040, 1040EZ, 1099 tax form, or other evidence of 2020 annual income.

Self-attestation of income, through a written and signed statement, is permitted in certain circumstances where no documentation is available, such as certain types of self-employment.

13. What income is included when determining my household income for ERAP?

Income of all adults in the household 18 years of age or older is counted except earned income of full-time students who are eligible to be claimed as a dependent pursuant to IRS regulations.

Gross income is counted, rather than take-home pay. Gross income includes income before any deductions are made, including taxes.

Counted income includes wages, salaries, tips, unemployment insurance benefits, Social Security benefits, retirement benefits, child support, recurring gifts and other income.

The following are **not** counted as income: foster care payments, Public Assistance, Supplemental Nutrition Assistance Program (SNAP) benefits, Home Energy Assistance Program (HEAP) benefits, sporadic gifts, groceries provided by persons not living in the household, earned income tax credits and Federal stimulus payments.

Income must be documented through pay stubs, employer letters, or other documentation.

14. If I don't have any income at the time of applying for ERAP, am I eligible for the program?

Yes, you may be eligible as long as you also meet the other program eligibility requirements.

15. How do I document not having any income?

Self-attestation is acceptable in circumstances where no other forms of documentation are available.

16. Do I need to repay assistance provided through ERAP?

No, eligible households are not required to repay rental payments, rental arrears or utility arrears assistance provided through ERAP. The only instance that would require repayment would be if there is a determination that the application submitted was fraudulent and the application should not have been approved.

17. Can I apply for other rental assistance while being assisted with ERAP?

Yes, you can apply for other rental assistance, but if awarded assistance through ERAP, you must report information about any other assistance you applied for, or received, to ERAP so that you do not receive duplicate payments. Households who receive a payment from other rental assistance programs will not be eligible to receive ERAP assistance to pay for the same rental arrears owed.

18. How does ERAP differ from the COVID Rent Relief Program administered by the New York State Division of Homes and Community Renewal (NYS HCR)?

The COVID Rent Relief Program provided a one-time rent subsidy to reduce a household's rent burden for up to four months in 2020. The program did not necessarily pay for all rent arrears owed but provided rent relief to tenants and landlords.

The ERAP will, for most eligible households, cover the full amount of rent due for up to 12 months from March 13, 2020. Households that participated in the COVID Rent Relief Program may be eligible for additional help through ERAP.

19. If I received help through the previous COVID Rent Relief Program, but still need help, am I eligible for help through ERAP?

Yes. Households that participated in the COVID Rent Relief Program but who still have past due rent that is unpaid may be eligible for additional help through ERAP and are encouraged to apply.

20. Am I eligible to receive ERAP rental assistance if I currently have a Section 8 Housing Choice voucher or reside in public housing?

Any household whose rent is limited to a percentage of household income may apply for assistance, **but their application will not be assessed for eligibility until all other applications have been considered.** The impacted types of housing include tenants receiving a Section 8 Housing Choice voucher, a project based Section 8 voucher or those who reside in public housing or other housing situations where rent cannot be more than 30 percent of their income.

If such a tenant has lost income, the household should request an adjustment to their rental payment requirement. Households can contact their public housing agency to request an interim recertification.

21. What types of rental properties are eligible for assistance?

The following types of residential rental properties are available for ERAP assistance:

- Apartment;
- Duplex;
- Single Family Detached/House;
- Semi Detached / Row House;
- Single Room Occupancy; or
- Manufactured home or manufactured home lot rental.

22. Will ERAP help me pay overdue mortgage payments?

No. ERAP is only available to pay rental arrears.

23. Are college students eligible for rental assistance through ERAP?

An individual, full-time college student is eligible for this program **only if** the individual in the household is not claimed as a dependent by their parents or legal guardians pursuant to IRS rules.

A college student may be included as part of their parent or legal guardian's household if they are away at school.

24. Can my landlord apply for ERAP for me?

Your landlord may start the ERAP application, but both the landlord and tenant must complete certain parts of the application. If your landlord starts the application, you will receive an email, phone call or text to complete the required tenant part.

Your landlord may help you complete parts of the application, such as how much rent arrears you owe.

Tenants must provide certain tenant-specific information, such as income information, and must sign the application indicating agreement with certain information included in the application.

25. What documents will I need to submit to prove that I am eligible for ERAP?*

- **Personal identification** for primary applicant (individual signing the application). Acceptable forms of identification include, but are not limited to: a photo ID, driver license, consular ID, passport, EBT/Benefits Issuance Card, birth or baptismal certificate, school registration, or other government-issued ID.
- **Proof of rental amount** – Signed lease, even if expired. If no lease is available then acceptable documentation includes a rent receipt, canceled check or money order. If no documentation is available, landlord attestation will be accepted.
- **Proof of residency and occupancy** – Signed lease, rent receipt, utility bill, school records, bank statement, postal mail with name of applicant, insurance bill, driver license. Proof should be current.
- **Proof of income to document income eligibility:**

- **Documents demonstrating current monthly income** for the prior month, such as pay stubs, bank account deposit verification, unemployment benefits letter, or other proof;

OR

- **Documents demonstrating annual income for 2020**, such as a copy of completed income tax return, such as 1040, 1040EZ, 1099 tax form, an annual statement of earnings, or other evidence of 2020 annual income.
- Self-attestation of income through a written and signed statement of income is permitted in certain circumstances where no documentation is available, such as certain types of self-employment.
- **Copy of gas or electric utility bill or other evidence of customer debt to utility provider**, if also applying for help paying for utility arrears at the same rental unit.

Applicants will be asked to attest that on or after March 13, 2020, a member of the household received unemployment benefits **or** experienced a reduction in household income, incurred significant costs or experienced other financial hardship, directly or indirectly, due to the COVID-19 pandemic. The applicant will need to sign the application form and associated certifications agreeing that the information provided in the application is accurate.

Landlords must provide information on the amount of rent due and amount that remains unpaid by the tenant. Landlords also must provide banking information to receive payment.

26. If I do not have a lease, but I am a month-to-month tenant, am I still eligible to receive ERAP assistance?

Households that do not have a lease will be required to provide other proof of a rental obligation, such as a landlord statement, canceled check or proof of electronic payment. Landlords will also be asked to provide the most recent lease and provide other proof that the individual is a tenant.

27. Are all locations throughout NY State eligible for ERAP assistance?

Seven communities that received funding for emergency rental assistance directly from the federal government opted to administer their own programs. Residents with income up to 80% AMI who live in any of the following communities should apply for assistance directly in your community:

- [City of Rochester and Monroe County](#)
- [Town of Hempstead](#)
- [Town of Oyster Bay](#)
- [Town of Islip](#)
- [Onondaga County](#)
- [City of Yonkers](#)

Residents of these communities may be eligible for assistance from the state-administered Emergency Rental Assistance Program if their local community spends all of their money.

Residents of these communities **may apply** for the State-funded program serving households with income between 80 and 120% of AMI.

28. If I live in one of the 7 communities that is operating its own program, but that community has run out of funds, will I be eligible for ERAP through the New York State program?

Yes, residents of these communities may be eligible for the state-administered ERAP if their community spends all of their money. Therefore, individuals from those communities are encouraged to apply for emergency rental assistance programs run by their community.

29. Do households have to have someone who had a case of COVID-19 in order to be eligible for ERAP?

No. The impact can be either directly or indirectly related to the COVID-19 pandemic. Households may have experienced a reduction in income, incurred significant costs, or experienced other financial hardships as a result of the pandemic.

30. Are tenants who reside in buildings with more than 20 units eligible for ERAP?

Yes. A tenant who resides in a building with more than 20 units is eligible for ERAP. See [Question #2 under 'Benefits Available and Who is Eligible'](#) for more information regarding prioritization.

31. Can subletters be eligible to apply for ERAP?

Yes. Subletters are eligible to apply for ERAP assuming they meet other eligibility requirements outlined in [Question #2](#) above. However, arrears must be owed to the landlord to qualify for ERAP.

32. I share an apartment with a roommate. My roommate has been able to pay their portion of the rent since March 13, 2020, but I have not been able to pay all my rent. Am I eligible for ERAP? **

Yes, if your portion of the rent has not been paid and you meet the ERAP eligibility requirements. You must be able to document your rental obligation. Documentation of rental obligation may include a demonstrated history of rental payments in the form of canceled checks or bank statements, or other documentation. Payment of any rental arrears you owe will be paid directly to the landlord or property owner.

33. If I share an apartment with a roommate and am not a signed party on the lease, and I pay my share of the rent to my roommate, am I eligible for ERAP? **

If you can document a history of rental amounts paid, you may be eligible for ERAP. In this instance, the ERAP assistance will be provided to your landlord. ERAP assistance may only be provided if your landlord is owed money. If your roommate paid your landlord and no rent payment is due, you are not eligible for ERAP assistance.

34. I share an apartment with three roommates, but I am the only one who has been unable to pay my share of the rent. Will my three roommates' income be counted towards my eligibility when determining if I am eligible for ERAP? **

If you are able to document the amount of rent you must pay monthly, then only your income will be counted when determining your ERAP eligibility. You do not need to include your roommates' income in your application. Payment of any rental arrears you owe will be paid directly to the landlord or property owner.

35. I share an apartment with my friend. I was not able to pay my monthly rent, so my friend paid the landlord on my behalf. Am I eligible for ERAP assistance to repay my friend? **

No, since your friend paid the rent, there are no longer any rental arrears owed to the landlord.

36. I sublease my apartment and my sublessee has not paid me for rent due. Is my sublessee eligible for ERAP help to pay me for rent due? **

If the apartment owner/landlord has not been paid, the current resident may apply for ERAP assistance. The applicant will be required to show evidence of a rental obligation which may include a previously signed sublease or demonstrated history of rental payments in the form of cancelled checks or bank statements. If eligible, the ERAP payment will be made to the property owner.

If you have paid the property owner, the current tenant is not eligible for ERAP.

37. If I share an apartment with a roommate and receive help through ERAP, can the landlord or property owner evict me? **

If you share an apartment with a roommate and pay your share of the rent directly to the landlord or property owner, the landlord or property owner must agree to the following terms as a condition of accepting a rental arrears payment:

- The ERAP payment satisfies your share of the rental obligation for the time period covered by the payment.
- To waive any late fees due on any rental arrears covered by the ERAP payment.
- To not increase the monthly rental amount above the monthly amount due at the time of application for ERAP assistance for months for which rental assistance is received and for one year from receipt of the ERAP payment.
- To not evict the person for whom the ERAP payment is made for reason of expired lease or holdover tenancy for one year from receipt of the ERAP payment. An exception to this requirement shall be made if the dwelling unit contains four or fewer units and the property owner or owner's immediate family members intend to immediately occupy the unit for use as a primary residence.

38. Will tenants who rent a single room be eligible for ERAP?

Yes. They may be eligible as long as they meet all of the other program eligibility requirements.

39. Can a homeless family living in a shelter access ERAP funds for a new apartment?

No. To be eligible, a household must demonstrate that they have an existing rental obligation for their current primary residence in New York State for which rental arrears are owed.

40. How do survivors of domestic violence meet the burden of proof for priority application processing?

Self-attestation is acceptable proof.

41. Will tenants who are employed “off the books” be eligible to apply for ERAP?*

Yes. In circumstances where income documentation is unavailable, self-attestation through a written and signed statement of income will be accepted as proof of income/loss of income.

42. If I also have pre-pandemic rent arrears, can I still get ERAP assistance for March 2020 - onward?

Yes. You may still apply for arrears that have accrued after March 13, 2020.

43. Once I have applied for a full 12 months of rental arrears payments plus an additional 3 months of future rental assistance, will I be eligible to apply again?

No. Assistance is limited to a maximum of 15 months – 12 months of arrears and 3 months of future rent.

44. Are mobile homeowners with lot rental arrears eligible for ERAP?

Yes. Lot rental arrears can be paid through ERAP.

45. Are shareholders in low income co-ops eligible for ERAP? **

No. Co-op shareholders are not eligible for ERAP to cover monthly co-op/maintenance fees.

Application Processing

1. Will help through ERAP be provided on a first-come, first-served basis?

For the first 30 days of the program, from 6/1/21-6/30/21, priority will be given to households in the following order:

1. Households with income at or below [50 percent of the Area Median Income \(AMI\)](#) that also include a household member who:
 - Is currently unemployed for at least 90 days; or
 - Is a veteran; or
 - Is experiencing domestic violence or is a survivor of human trafficking; or
 - Has an eviction case related to their current residence pending in court; or
 - Resides in a mobile home; or
 - Lives in a community that was disproportionately impacted by COVID-19; or
 - Lives in a dwelling of 20 or fewer units.

2. Households with income at or below [50 percent AMI](#).
3. Households with income at or below [80 percent AMI](#) that also include a household member who:
 - Is currently unemployed for at least 90 days; or
 - Is a veteran; or
 - Is experiencing domestic violence or is a survivor of human trafficking; or
 - Has an eviction case related to their current residence pending in court; or
 - Resides in a mobile home; or
 - Lives in a community that was disproportionately impacted by COVID-19; or
 - Lives in a dwelling of 20 or fewer units.
4. Households with income at or below [80 percent AMI](#).

After 6/30/21 (the first 30 days), applications for all eligible households will be processed on a first-come, first-served basis, as long as funds remain available.

2. How are “areas disproportionately impacted by COVID-19” determined?

Areas disproportionately impacted by COVID-19 are determined based on a community’s rate of COVID-19 infection or rate of Unemployment Insurance Benefit claims.

3. Can non-priority tenants apply during the first 30 days, or do they need to wait?

Any household with income below 80% of the Area Median Income that owes rental arrears is eligible to apply within the first 30 days.

4. If a tenant lives in a building with 20 or fewer units, but the owner of the property owns multiple buildings with more than 20 units, does that applicant qualify for priority?

Yes. The 20 unit prioritization category is based on the building where the household lives.

5. How can I help ensure the efficient processing of my application?

Providing a complete application with all required documentation from the tenant and landlord will speed the processing of the application. View the [tenant’s checklist](#) and [landlord’s checklist](#).

In order for your application to be considered complete, all required fields on the application must be completed.

6. If a landlord does not respond, can the rental payments be made to tenants?

No. Payments provided through ERAP must be used to pay landlords for rent owed from eligible tenants.

Program administrators will contact landlords to inform them that additional information is needed based on the email or other contact information provided by the tenant.

If the tenant is determined eligible for ERAP assistance and the landlord cannot be contacted to provide necessary information so the rental payment may be issued, the State will hold such

funds on behalf of the tenant for at least 180 days. Tenants will receive written notification of the available rental assistance. Tenants should share this notification with the landlord and, if needed, may provide it to a court as a defense in any proceeding seeking a monetary judgement or eviction brought by a landlord for the non-payment of rent accrued during the time period covered by the available ERAP payment.

7. Are tenants supposed to gather documents from landlords?

No. The landlord will receive an invitation by email or text to complete their portion of the application. If we are unable to reach your landlord, we may reach back out to the tenant to get updated contact information.

8. If I am a tenant, can my landlord see my personal information on my application for ERAP, such as my income, without my consent?

No. Personal information contained in the online ERAP application regarding a tenant's income is not able to be viewed online by the landlord.

Tenants and landlords may work jointly to complete an application and tenants may choose to provide personal information to landlords to help them submit a completed application.

9. If I am a landlord, can my tenant see my personal information on my application for ERAP, such as my bank account or tax information?

No. Personal information contained in the online ERAP application including a landlord's bank account, tax information or other personal information, is not able to be viewed online by the tenant.

10. Do tenants and landlords submit one application or separate applications?

Tenants and landlords will submit one application; however, there are separate sections for the tenant and the landlord to complete.

11. Will a handwritten signature or an e-signature be required for the application?

The ERAP application will be available online only, so e-signatures will be required.

12. Will there be a review process for denied applications?

Yes. Information regarding the process for reviews will be included as part of the eligibility determination notice that a household receives.

13. After applying for ERAP, will I receive updates regarding my application status?

The applicant(s) will receive notifications through their preferred contact method.

14. If a submitted application is deemed incomplete or includes insufficient documentation, will OTDA provide the applicant(s) an opportunity to supplement the application for reconsideration?

Yes. The applicant(s) and/or designated proxy will be alerted via their preferred contact method to provide missing documentation.

15. If a subletter is applying for ERAP, who will be responsible for completing the landlord portion of the application? The sublessor or the property owner/manager?

The property owner/property manager will be responsible for completing the landlord portion of the application.

Assistance for Tenants not Eligible for ERAP

1. What if I am denied help through ERAP? How can I get help?

Households who are ineligible for ERAP may seek assistance through:

- Their [local department of social services office](#).
- The United Way Helpline, which has access to various local services throughout the state. They can be reached by phone by dialing 211.
- New York City residents can obtain information on various local services by calling 311.

Landlord / Property Owner Considerations

1. As a landlord, can I apply on behalf of my tenant?

Landlords may start the application process and may provide required landlord information online. If the landlord starts the application, a notification will go to the tenant that the application has been started and ask that they complete any required tenant information. A landlord may not complete an entire application on behalf of a tenant; at a minimum, the tenant must sign and attest that the information contained in the application is accurate.

2. What documentation is a landlord expected to provide?

- Completed **W-9 tax form**. Such information must be typed into the application portal. A scanned copy will not be accepted.
- Executed **lease** with tenant applicant, or if no written lease, a cancelled check, evidence of funds transfer or other documentation of last full monthly rent payment.
- **Documentation of rent due** from tenant (e.g. ledger, etc.) or attestation on application.
- **Banking information** to receive direct deposit payment.

The property owner or authorized property management company will be required to sign the application form and associated certifications agreeing that the information provided, including the amount of rental arrears owed, is accurate and does not duplicate a payment received from another program.

Landlords will be notified if any additional information is required in order to complete one of their tenant's applications.

3. What happens if a landlord fails or refuses to provide the necessary information or documentation?*

Where a landlord in a community participating in the State's ERAP program fails or refuses to provide information needed to make a rental arrears payment to the landlord on behalf of a tenant after reasonable efforts (including outreach) as provided for under State law, the amount of rental assistance that the landlord would have been paid is set aside for 180 days (or longer if good cause exists) so that the landlord may submit the required information. If the landlord has not provided the needed information after 180 days from the tenant's determination of provisional eligibility, OTDA may reallocate the set-aside funds to serve other ERAP applicants, and the tenant may use the provisional determination of ERAP eligibility as an affirmative defense in any proceeding brought by the landlord during the subsequent year for a monetary judgment or an order of eviction based on the nonpayment of rent that would have been covered by the payment. After 12 months, the landlord is deemed to have waived the amount of rent that would have been covered by the payment.

4. Are there any terms and conditions a landlord must accept if they choose to receive help with overdue rental costs through ERAP?

Yes. The primary goal of ERAP is to prevent residents from being evicted and to support housing stability for tenants adversely impacted by the negative economic consequences of COVID-19. The program is also a vital form of necessary relief for landlords adversely impacted by tenants who have been unable to meet rent obligations due to the negative economic consequences of COVID-19.

The property owner or authorized property management company must agree to the following terms as a condition of accepting rental arrears payments:

- The ERAP payment satisfies the tenant's full rental obligations for the time period covered by the payment.
- Waive any late fees due on any rental arrears covered by the ERAP payment.
- Not increase the monthly rental amount above the monthly amount due at the time of application for ERAP assistance for months for which rental assistance is received and for one year from receipt of the ERAP payment.
- Not evict the household on behalf of whom the ERAP payment is made for reason of expired lease or holdover tenancy for one year from receipt of the ERAP payment. An exception to this requirement shall be made if the dwelling unit contains four or fewer units and the property owner or owner's immediate family members intend to immediately occupy the unit for use as a primary residence.

5. What happens if a landlord refuses to accept ERAP assistance for rental arrears owed by a tenant?*

If a landlord refuses to accept an ERAP payment for rental arrears owed by a tenant, the tenant may use the provisional determination of ERAP eligibility as an affirmative defense in any proceeding brought by the landlord during the subsequent year for a monetary judgment or an order of eviction based on the nonpayment of rent that would have been covered by the payment. After 12 months from the tenant's determination of provisional eligibility, the landlord is deemed to have waived the amount of rent that would have been covered by the payment.

6. If my tenant owes me rent from before March 13, 2020, or does not pay rent after the time covered by the ERAP payment passes, would I be prohibited from evicting my tenant for nonpayment of rent in the year following my receipt of the ERAP payment?*

No. As a condition of receiving an ERAP payment, a landlord must agree that the ERAP payment satisfies the tenant's full rental obligation for the period covered by the ERAP payment. If a tenant owes rental arrears that predated the COVID-19 pandemic, or does not pay rent in the future, a landlord would not be prohibited from beginning an eviction once any applicable eviction moratorium has expired.

7. May a landlord evict a tenant who has been adversely impacted by the negative economic consequences of COVID-19 if the landlord refuses to accept help through ERAP with the overdue rent the tenant owes?*

A landlord may not evict a tenant for nonpayment of rent during the period that would be covered by the ERAP payment the landlord refuses to accept. As noted above, the tenant may use their provisional determination of ERAP eligibility as an affirmative defense in any proceeding brought by the landlord during the subsequent year for a monetary judgment or an order of eviction based on the nonpayment of rent that would have been covered by the payment. After 12 months, the landlord is deemed to have waived the amount of rent that would have been covered by that payment.

8. Is there a unit inspection required for ERAP?

No.

9. Why are landlords required to provide a W-9 tax form?

The W-9 tax form is required in order to receive ERAP payments.

Tenant Protections

1. If I apply for ERAP, can my landlord evict me because my lease has expired, or because I have been unable to pay my rent during the COVID-19 Pandemic?*
2. Do the same restrictions against eviction apply if I live in one of the seven communities that is operating its own emergency rental assistance program? **
3. [I have applied for ERAP but my landlord refuses to accept it. Can I be evicted while my application remains pending? **](#)
4. [If my landlord refuses to provide information needed to complete the application or refuses to accept ERAP funds, am I still entitled to protections? **](#)
5. [Will my information be shared with ICE or immigration authorities?](#)

1. If I apply for ERAP, can my landlord evict me because my lease has expired, or because I have been unable to pay my rent during the COVID-19 Pandemic?*

Even if you have not applied for ERAP, your landlord can be prohibited from evicting you under the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 (the "CEEFFPA"). CEEFFPA prohibits landlords from starting new eviction proceedings based on the nonpayment

of rent when tenants have endured COVID-related financial hardship and have been unable to pay their rent as a result. Governor Kathy Hochul extended CEEFPA through January 15, 2022. This means that if you were unable to pay because you suffered financial hardship as a result of COVID-19, you can be protected against being evicted until at least January 15, 2022. To receive protection under CEEFPA, you must complete and sign a hardship declaration, which is a document explaining how you experienced financial hardship. After you complete the hardship declaration, you should give it to your landlord. Your hardship declaration can be challenged in court by your landlord if your landlord believes that you have not experienced hardship and your claim of hardship is invalid. More information about the EEFPA, as well as a hardship declaration for that you can fill out, is available on the Office of Court Administration's internet website at <https://www.nycourts.gov/eefpa/>.

~~In addition, the Centers for Disease Control and Prevention ("CDC") issued a new order temporarily halting evictions in counties nationwide experiencing substantial or high levels of community transmission of COVID-19. The new CDC eviction moratorium is effective August 3, 2021 and will remain in effect through October 3, 2021. To be protected, tenants must also prepare a hardship declaration. More information about this new eviction moratorium and what information is needed to complete the declaration, please see <https://www.cdc.gov/coronavirus/2019-ncov/covid-eviction-declaration->~~

Once you apply for ERAP, you cannot be evicted because your lease has expired, or because you did not pay rent during the COVID-19 Pandemic. When you submit your ERAP application you will be provided with a notice with an application number. You can show the notice to your landlord, and to the Court if your landlord starts a proceeding in Court to evict you because your lease expired, you are a holdover tenant, or because you were unable to pay rent that would be eligible for coverage under ERAP.

If you are determined to be eligible to receive emergency rental assistance under ERAP, you will receive a notice indicating that you are provisionally approved to receive ERAP. This means that you have completed your portion of the application, but your Landlord has not yet submitted documents or information necessary for your landlord to complete your application and receive payment. Once you have been provisionally approved to receive help under ERAP, you cannot be evicted because your lease has expired, or because you did not pay rent during the COVID-19 Pandemic. If your landlord starts a proceeding in Court to evict you because your lease expired, you are a holdover tenant, or because you were unable to pay rent that would be eligible for coverage under ERAP, you should show the provisional approval notice to the Court. Even if your landlord does not submit documents or information necessary to complete your application, you cannot be evicted during the year following the date of your provisional approval because your lease has expired, or because you did not pay rent during the COVID-19 Pandemic.

Once your landlord has completed its portion of your ERAP application and your application is fully approved, your landlord may not evict you because your lease is expired, or because you did not pay rent during the COVID-19 Pandemic. Your landlord must agree to the following terms as a condition of accepting rental arrears payments:

- The ERAP payment satisfies the tenant's full rental obligations for the time period covered by the payment.

- To waive any late fees due on any rental arrears covered by the ERAP payment.
- To not increase the monthly rental amount above the monthly amount due at the time of application for ERAP assistance for months for which rental assistance is received and for one year from receipt of the ERAP payment.
- To not evict the household on behalf of whom the ERAP payment is made for reason of expired lease or holdover tenancy for one year from receipt of the ERAP payment. An exception to this requirement shall be made if the dwelling unit contains four or fewer units and the property owner or owner's immediate family members intend to immediately occupy the unit for use as a primary residence.

2. Do the same restrictions against eviction apply if I live in one of the seven communities that is operating its own emergency rental assistance program? **

Yes. As of September 2, 2021, the restrictions on eviction provided under the State ERAP law also apply in the communities that have elected to operate their own emergency rental assistance programs. However, if you applied for an emergency rental assistance program in your community before September 2, 2021, and your landlord has already accepted the emergency rental assistance payment, you may not get the same eviction protections.

3. I have applied for ERAP but my landlord refuses to accept it. Can I be evicted while my application remains pending? **

Once you have applied for ERAP, your landlord cannot evict you for not paying rent during the covered period unless you are determined to be ineligible to receive ERAP assistance.

4. If my landlord refuses to provide information needed to complete the application or refuses to accept ERAP funds, am I still entitled to protections? **

If you are otherwise eligible to receive help under ERAP and your landlord refuses to provide information needed to complete your application, or refuses to accept funds, you will be provided with a letter that you may show to the court if your landlord does attempt to evict you.

You may not be evicted because you failed to pay rent during the time period covered by the ERAP payment that the landlord refused to accept, which includes the period for which rental arrears would be paid, as well as the period for which any prospective (future) rental assistance would be paid.

Additionally, the landlord cannot get a monetary judgment against you in housing court, civil court, or supreme court for the time period covered by the ERAP payment that the landlord refused to accept. *This will provide a defense to you in any proceeding.*

Finally, if your landlord refuses to accept ERAP payments, or if your landlord accepts ERAP payments but changes the terms or conditions of your residency, or neglects to make necessary repairs, they may be liable against you for discrimination because of your lawful source of income. You may contact the New York State Division of Human Rights, or, if you are a New York City resident, the New York City Commission on Human Rights, if you believe you are being discriminated against because of your eligibility or use of ERAP.

5. Will my information be shared with ICE or immigration authorities?

No, unless required by State or federal law.

Other

1. Will rental or utility assistance received through ERAP count as income for purposes of determining my eligibility for Public Assistance or Supplemental Nutrition Assistance Program (SNAP) benefits?

No. Funds paid on behalf of a household will not count as income for purposes of Public Assistance or SNAP. For Public Assistance recipients, when the ERAP funds are covering future rents, the payment will cover the difference between the Public Assistance grant and the monthly rent cost.

2. Will rental or utility assistance received through ERAP count as income for taxation purposes for tenants?

No. Assistance provided to tenants under ERAP will not be considered taxable income.

3. Do I need to continue to pay my rent?

Yes. You remain responsible for paying your rent. The rental arrears payment for any prior months of rent due will be paid to your landlord. Any future rental payments that you may be eligible for will also be made to your landlord and will be applied towards your rent for months you have not yet paid or fully paid.

4. Is there a cap on the amount paid to cover monthly rental arrears?

No.

5. What if I move from my apartment after I apply for ERAP assistance?

Once you move from the apartment listed on your application, you cannot transfer the ERAP rental assistance to pay your new landlord.

~~You can only receive assistance for the address where you are currently living.~~

6. Can ERAP be used for future/prospective rents only?

No. To be eligible for ERAP, a household must be at risk of experiencing homelessness or housing instability, which can be demonstrated by having rental arrears owed on or after March 13, 2020.

7. Can I get an ERAP application in a language other than English?

Yes, the application will be available in multiple languages.

8. Should I stop paying my rent as soon as I submit my application for ERAP?

No, your rent is still due. If you can pay all or part of your rent, you should continue paying it until you are notified that you have been fully accepted into the program and that a rental payment has been issued to your property owner. If you pay rent for a month that will be covered by this program, your property owner will be required to provide a credit for future rent due for that payment.

9. How will the tenant know what will be paid on their behalf?

An award letter will be provided to both the tenant and landlord detailing the amounts paid either via email or postal mail.

10. What if a tenant and/or landlord does not have internet access?

All the participating communities are making efforts to mitigate internet access barriers, either directly or through partnerships with community-based organizations. In addition, the ERAP call center will be available to assist applicants over the phone.

11. Will you accept mail-in applications?

No. If households need assistance, please either reach out to a community-based organization or contact the ERAP call center in order to apply for ERAP.

12. Will ERAP marketing materials be available to help inform my community about the program?

Yes. Continue to check the [OTDA website \(www.otda.ny.gov\)](http://www.otda.ny.gov) for information.

13. Have community-based organizations been identified to assist with outreach efforts and to help tenants and landlords apply for ERAP?

Yes. All participating communities have undertaken application assistance or partnered with community-based organizations to assist with outreach and application assistance. [View the list of community based organizations available to help tenants and landlords.](#)

14. Can entities charge landlords and/or tenants for assistance with the ERAP application? **

Community-based organizations should not charge for helping someone apply to the NYS Emergency Rental Assistance Program (ERAP). Organizations that provide such assistance can be found by visiting our [Help Applying for ERAP](#) webpage. Also, OTDA provides free application assistance to all New York State residents eligible for ERAP. These services are available to landlords, tenants, and their assigned designees. Applicants can contact the Call Center at 844-NY1-RENT (844-691-7368). For the hearing impaired, the TTY phone number is available at 1-833-843-8829. [You may also chat with a representative.](#)

15. Will community-based organizations that provide ERAP application assistance be able to check the status of their clients' applications?

Community-based organizations who submit an ERAP application on behalf of a household should call the ERAP Hotline at 844-NY1-RENT (844-691-7368) to check the household's status of their application.

16. I do not owe rental arrears, but borrowed money from family and friends to pay my rent during the pandemic. Will ERAP cover these expenses?

No. In order to be eligible for ERAP, a household must have unpaid rent owed to the landlord or property management company.

17. Will ERAP cover attorney fees incurred by tenants and/or landlords?

No.

18. What if there is a dispute between the tenant and landlord over the amount of rental arrears owed?

During the review process, applications and eligible payment amounts will be determined by the accompanying documentation.

19. Do I have to create an account in order to apply for ERAP?

No, creating an account is not a requirement to apply for ERAP. However, creating an account allows you to access details about your application.

20. When can I submit an application for ERAP?

Applications can be submitted starting on June 1, 2021 at 9am.

The application period will remain open to the extent funds remain available.

21. What are the hours that the website will accept ERAP applications?

The website will accept applications 24 hours a day beginning on June 1, 2021 at 9am.

22. I do not have an email address. How do I submit my ERAP applications?

You do not have to create an email address to apply for ERAP. You can apply directly on the [ERAP website](#).

If you require a reasonable accommodation or other help applying, you can call the ERAP Hotline at 1-844-NY1-RENT (1-844-691-7368).

23. What if I don't have access to a computer to apply for ERAP on-line? Can I apply over the phone for ERAP?

Applications for ERAP may be submitted electronically using a computer, tablet, or smartphone. Individuals without access to a computer, tablet or smartphone may submit an application:

- By calling the ERAP Hotline at 1-844-NY1-RENT (1-844-691-7368) to get help filling out an application over the phone.
- By contacting a local organization designated to provide ERAP application assistance. [View the list of community based organizations available to help tenants and landlords.](#)

24. What if a tenant has completed the application as needed, but the landlord has not provided their information? What if a landlord has completed the application, but the tenant has not provided their information?

Both the tenant and landlord must complete certain parts of the ERAP application for eligibility to be determined and rental payments to be issued to landlords.

If a tenant has been unable to get their landlord to provide needed information to complete an ERAP application, they should contact the designated local organization for application assistance. [View the list of community based organizations available to help tenants and landlords.](#)

Tenants can also call the ERAP Helpline to obtain contact information for their local organization. Additionally, any landlords will be contacted at least three (3) times to let them know that additional information is needed based on the email/contact information provided by the tenant.

If a landlord is unable to get the tenant to provide needed information to complete an ERAP application, they should contact the designated local organization for application assistance. [View the list of community based organizations available to help tenants and landlords.](#) Landlords can also call the ERAP Hotline to obtain contact information for their local organization.

25. How can I get information on the status of my application?

Once an application for ERAP has been submitted, applicants can track their application status by either logging into their tenant account or clicking onto the “Check Application Status” [link](#) on the ERAP website.

26. What if I am having trouble logging into my ERAP account to complete my application or to check its status?

If you are having difficulty logging into your ERAP account, please call the ERAP Hotline at 1-844-NY1-RENT (1-844-691-7368) for assistance.

27. How long will it take before a landlord receives payment after being notified that a tenant is eligible for help through ERAP?

It is expected that cases will be processed in 4-6 weeks from the date of submission of a completed application. This timeframe may vary based upon the completeness of the application, by both the tenant and landlord, and all the correct documentation being submitted.

28. Can I make corrections to my application during the application period?

Once your application is submitted, you cannot make changes to it without calling the ERAP Hotline at 1-844-NY1-RENT (1-844-691-7368).

29. I don't have internet access at home, where can I go to complete my ERAP application?

Community-based organizations are available to help individuals complete ERAP applications. [View the list of community based organizations available to help tenants and landlords.](#) You may also call 1-844-NY1-RENT (1-844-691-7368) for assistance.

30. If I have questions, who should I contact?

Please call 1-844-NY1-RENT (1-844-691-7368) for assistance or reach out to a community-based organization in your area. [View the list of community based organizations available to help tenants and landlords.](#)

31. I was on the website and started to complete my ERAP application. I lost the internet connection in the middle. How do I get back?

If you did not receive a confirmation email or postal mail notification, you will need to start your application again, enter any information that was not saved, complete and submit the application.

32. The website is unavailable and I cannot enter my ERAP application, what should I do?

Please re-try after a few minutes or contact the ERAP Hotline at 1-844-NY1-RENT (1-844-691-7368) to fill out an application.

33. Can someone else sign up for me?

Yes, you can have a friend, family member or CBO assist you in completing the application, but you must certify that all the information being provided (dates of birth, income, etc.) is true and you must sign the application.

You will need to include the name, phone number and email address of the person who assisted you on the application.

34. If my children live with me and they are 18 years old or older do I have to enter their income on the application?

Yes, income of all adults in the household over 18 years of age is counted except earned income of full-time students who are eligible to be claimed as a dependent pursuant to IRS regulations.

35. How do I request a reasonable accommodation due to a disability?

Please tell us if you require a reasonable accommodation to apply for ERAP. Examples of available reasonable accommodations include: assistance applying for ERAP, providing documents in an alternative format including: braille, audio file (CD), data format (screen-reader accessible file on CD) and large print (18 point font) as requested, or TTY relay communications.

Please contact the ERAP Hotline at 1-844-NY1-RENT (1-844-691-7368), for reasonable accommodations. If you are hearing impaired, a TTY phone number is available by calling 1-833-843-8829.

36. I don't speak English or don't speak English well enough to complete the ERAP application. Can I get an application in another language?

Yes, the ERAP application is available in multiple languages through the online portal.

- Applications are available on-line in: Arabic, Bengali, Chinese (traditional), Haitian-Creole, Korean, Russian, Spanish, and Yiddish.
- Application assistance is also available in multiple languages at 1-844-NY1-RENT (1-844-691-7368).

37. Is there rental assistance available for Tribal members and those non-Tribal members who live on Tribal lands?

Yes. Some Tribal nations received their own ERAP funding. A listing of Tribal nations that received their own ERAP funding, is available at the following link: <https://home.treasury.gov/system/files/136/Payments-to-Tribes-and-TDHEs.pdf>. Such

assistance is available for Tribal members living both within and outside Tribal lands. Additionally, non-Tribal members living on Tribal lands may receive assistance. Individuals residing within and outside Tribal lands may also apply for the ERAP program where they live.

Systems Access

1. I don't have a computer. Is there another way to apply?

Please contact the call center at 844-NY1-RENT to submit an application by phone or to request a list of community-based organizations who can assist with the submission of an application.

2. Where do I go to get more information?

Please visit <https://otda.ny.gov/programs/Emergency-Rental-Assistance/> for more information.

3. Can either a tenant or landlord start or submit application?

Yes – Either a tenant or an owner/landlord can start an application, but only the tenant can sign and submit the application.

4. Will the payment come to me or go to my landlord?

Payments will be made directly to landlords.