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June 17, 2021

The Honorable Andrew M. Cuomo
Governor of New York State
State Capitol Building
Albany, NY 12224

RE: Urgent need to rectify serious programmatic deficiencies of the State's Emergency Rental Assistance Program (ERAP)

Dear Governor Cuomo:

I write advocating on a matter of the utmost and urgent importance to countless landlords across New York State, and especially my 43rd Senate District, many of whom are struggling financially because of the unintended consequences of a state policy.

Specifically, I request that your administration take immediate action to address the serious, significant, and systematic shortcomings that have been identified within the State's Emergency Rental Assistance Program (ERAP).

While this measure was initially well-intentioned – and supposed to provide economic relief to help low and moderate-income households at risk of experiencing homelessness or housing instability by providing rental arrears, temporary rental assistance, and utility arrears assistance – the initiative's real-world deficiencies have severely financially hurt small landlords. Over a dozen small landlords indicated to me that they have gone 17 months without rental payments and the results have been devastating to them and their families.

As currently constituted, ERAP requires active tenant cooperation for a landlord to secure the money they are rightfully owed. The practical reality of this provision, as shared with me by many landlords, is that some rent scoundrels have absconded from rental premises without working with their landlord in sharing necessary information. Their failure to do so effectively prevents the processing of rightful claims by landlords to recoup their losses via ERAP. The result is that landlords are effectively denied the financial relief they were promised by New York State and thus face long-term fiscal damage.

Without question, this serious programmatic deficiency must be rectified immediately. At a minimum, in the absence of rightful, active, and wholly appropriate cooperation by their tenant, landlords that are unable to secure necessary documentation from a renter should be granted a good-faith exception to ERAP's provision requiring this information so they can receive their necessary financial relief.

Throughout the COVID-19 pandemic, landlords have faced countless challenges. Along with the previously identified deficiencies regarding ERAP, until recently, \$1.3 billion in federal COVID-19 assistance was withheld by the state. This funding was to be specifically distributed to tenants and landlords and, inexplicably, had been delayed since December 31, 2020.

Landlords are business owners, many are small businesses, and most have been struggling, desperately trying to keep their heads and finances above water during the economic downturn. Small landlords have neither the cash nor the credit to cover their costs when the rents are not paid. In fact, most small landlords do not make a great deal of money from the rent payments that they use to cover their costs. Small landlords annually incur significant operating, maintenance, and repair expenses and carry large loans and mortgages that must be paid back under the threat of default. Countless landlords from across my 43rd Senate District, and throughout our state, have taken a massive financial hit due to COVID-19.

Regrettably, when landlords have turned to the State Attorney General's Office seeking assistance in recouping financial losses, they are informed that they need to hire an attorney. The reality is that the vast majority cannot afford to do so. Frankly, landlords should not have to acquire legal representation in an attempt to recoup their losses. The state program put in place to help them should work and deliver the promised assistance.

Accordingly, I urge your Administration to undertake all necessary actions to address the identified problems with ERAP so a state program that ostensibly was supposed to help landlords does not further penalize them and add to their considerable financial burdens.

Sincerely,

A handwritten signature in black ink that reads "Daphne V. Jordan". The signature is written in a cursive, flowing style.

Daphne Jordan
State Senator, 43rd District