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July 8, 2021

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

RE: Urgent need for Office of Temporary and Disability Assistance to fix its online portal so individuals can access the Emergency Rental Assistance Program

Dear Commissioner Hein:

I write requesting that the State Office of Temporary and Disability Assistance (OTDA) take all necessary steps to fix its malfunctioning online portal for the Emergency Rental Assistance Program (ERAP). A constituent from South Glens Falls who shared his frustration – and utter exasperation – with the continued inability of OTDA’s ERAP online portal to work properly recently contacted my office sharing myriad problems with the portal, and the continued inability of OTDA’s website to work properly.

As you may be aware, last week I convened a press conference with my colleague Senator Jim Tedisco and several area landlord small businesses to call attention to the failure of ERAP to provide timely assistance to landlord small businesses, some of whom have been waiting 17 months for relief. During our press conference, I noted that ERAP’s unrealistic, unworkable requirements are making a bad situation even worse for landlord small businesses who are struggling financially because of the unintended consequences of this misfiring state program. On June 17, 2021, I wrote Governor Cuomo urging his Administration to take immediate action to address the serious, significant, and systematic shortcomings identified within ERAP. A copy of my letter to the Governor is included with this correspondence.

While ERAP was 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 program’s real-world deficiencies have severely financially hurt landlord small businesses. ERAP currently requires active tenant cooperation for a landlord to secure the money they are rightfully owed. New York State, as it typically does, far exceeds federal paperwork requirements regarding landlords and their tenants.

There are multiple programmatic and practical impediments with a landlord ever receiving all the money due to them, including the cooperation needed between the tenant and the landlord in the application process. Both have required documents and information to enter into the program portal. In addition, the tenant’s rent will be paid only if the household’s current income or calendar year income is at or below 80 percent of the Area Median Income. Tenants may find out in the application process that they don’t qualify, therefore, leaving the landlord unpaid.

Only up to 12 months of rental arrears payments for rents accrued on or after March 13, 2020, can be paid, and up to an additional three months of rental assistance can be paid if the household is expected to spend 30% or more of its gross monthly income to pay for rent. This is problematic considering that many landlords are owed more than 12-15 months rent and the number of months owed may continue to add up since the Eviction Moratorium was extended until August 31 of this year. Furthermore, no late fees can be charged, which helps to pay late fees owed by the landlord.

The practical reality of these provisions, as shared with me by landlords throughout my district, is that they will not be able to recoup their total losses and that some rent scofflaws have absconded from rental premises without sharing necessary information. Their failure to do so – the lack of active cooperation as required under ERAP – can prevent the processing of rightful claims by landlords to recoup any of their losses via ERAP. The result is that landlords are essentially being denied the financial relief they deserve and were promised by New York State. Without question, this serious deficiency within ERAP must be rectified. Absent rightful, active, and wholly appropriate cooperation by their tenant, landlords unable to secure necessary documentation from their tenants should be granted a good faith exception by the state so they can receive their rightful financial relief.

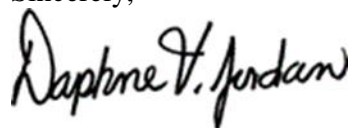
Adding to these serious problems, as reported by my constituent and many others, is OTDA's malfunctioning online portal that is incredibly difficult to navigate, overly complex, lacks technical support and document submission verification, often times out on users, and repeatedly indicates error messages necessitating a restart of the entire time-consuming application process. Commissioner, these concerns are not merely isolated to my constituent's difficult experiences accessing OTDA's ERAP portal; they are endemic.

In fact, *The Real Deal* – the premier real estate news outlet in the country reaching millions of real estate professionals – reported the following on June 1, 2021, as to the depths of chronic problems associated with OTDA's malfunctioning ERAP portal:

“Landlords and tenants awaiting the launch of New York’s rent relief program Tuesday morning were met with error messages and a busy helpline. Lisa Fitzgerald, the owner of a two-family home in Albany who’s seeking \$15,000 in back rent, was ready to submit her application materials at 9 a.m. when the portal, operated by the state’s Office of Temporary and Disability Assistance, opened. She was prompted to set up an account, but got a 403 error message when she tried to do so. “I tried over and over,” Fitzgerald said. “I switched from Safari to Chrome. I cleared my browser. And then I tried the help chat, and nobody ever came on to the chat.” She then tried giving the call center a ring, but was disconnected. She called back and a recording told her it’d be a 62-minute wait. Fitzgerald is one of many who’d hoped to apply for the state’s long-awaited rent relief program, but hit technical issues on the day it launched. Portal users complained of error messages when attempting to verify their email or upload required documents. Some landlords have said they’re unable to verify whether documents are uploaded for the correct apartment. Others can’t make it past the apply now button, receiving a “request is blocked” notification.

All of these identified deficiencies – programmatic, anecdotal, and independently reported – with ERAP and OTDA's online portal to access the initiative should be fully examined and quickly corrected so my constituent and other landlord small businesses may finally access the state program that's supposed to be providing them real relief. Thank you for your attention to my request.

Sincerely,



Daphne Jordan
State Senator, 43rd District

CC: Governor Andrew Cuomo

Enclosure: Correspondence to Governor Cuomo from Senator Jordan re: ERAP, June 17, 2021