



THE LEGISLATURE  
STATE OF NEW YORK  
ALBANY

July 29, 2021

Dear Governor Cuomo,

We write to you today as representatives of New Yorkers who continue to face serious barriers in accessing the statewide Emergency Rental Assistance Program (ERAP).

On June 1st, the ERAP application was opened through the Office of Temporary and Disability Assistance (OTDA). Since then, our inboxes and phone lines have been flooded with constituents who have had issues applying — tenants who are facing extreme financial hardship, those without access to a computer or internet, non-English speakers, and those with limited technology proficiency — the very populations that ERAP was envisioned to serve. Our constituents need your administration to fix the persistent problems in the program to ensure that the \$2.7 billion in federal rent relief actually reaches tenants and families hit hardest by COVID-19.

The stories we have heard from across our districts align with that which has been covered in the press, such as the [Associated Press' report](#) on the cumbersome online applications prone to technical glitches, lost applications, helplines that offer no real solutions, and a refusal by program administrators to offer paper forms to applicants without access to technology. The AP also reported on a lack of transparency in contracts awarded for roll-out of the program and noted that, while other states have already distributed hundreds of millions of dollars in rent relief, New York remains one of only four states that have yet to distribute a single dollar. The changes your office recently announced are completely insufficient to resolve many of the issues with your administration's rollout of the program.

These issues have had a significant impact on the success of the program. Although an estimated 1.3 million New Yorkers owe back rent, only 119,209 New Yorkers have applied thus far — a rate of less than 10%.<sup>1</sup> Not a single applicant has received a determination regarding their application and the New Yorkers most in need of assistance are not applying. The reasons for this disparity are abundantly clear to us given the work our offices are doing on the ground. Potential applicants face issues with eligibility, accessibility, and poor user experience that create barriers to accessing the much needed money.

**Lack of Accessibility:**

- Although the application is available in a few languages, the OTDA website, where the “Frequently Asked Questions” and other key information is housed, has no official translations and applicants must rely on inaccurate “Google Translate” translations.
- Applications are only available online and documents must be scanned and uploaded; No paper applications are available.
- Although general FAQs are available online, program forms and procedures are not publicly posted, accessible in full, or printable.
- The program has no appeal process.

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<sup>1</sup> New York State Office of Temporary and Disability Assistance, June 2021 New York State Emergency Rental Assistance Program Report, Applications Submitted through June 29, 2021

**Barriers to Eligibility:**

- The definition of “household” is unclear, making eligibility unclear for sub-lessees and those who live with roommates.
- The application process is not clearly explained or written in language that is accessible to a wide audience: financial terms confusing and not well-defined, and it is difficult for applicants to seek explanation of said terms. For communities with low financial literacy, it is difficult to adequately complete the process.
- It is not clear how tenants could utilize “self-attestation” for required documents in the application process.

**Poor User Experience:**

- It takes about two hours to complete an application for the program and users are unable to save the application to return to it later.
- There is no “submit” button, leaving users unsure if they have adequately applied.
- The website is poorly designed and crashes frequently.
- It is difficult to upload documents to the website and users receive no confirmation that documents have been received.

Additionally, we are seeking more information regarding the \$115 million contract awarded outside of normal state approval rules to Illinois company Guidehouse to roll out the program. Contract language for that award is not publicly available and there are no clear standards despite the above issues of performance and transparency. Further, around the time of award a senior advisor of yours left your administration to work for Guidehouse. This lack of transparency comes on top of reports of inconsistency between application requirements outlined by Guidehouse to program applicants and what OTDA claims to have approved as required for the program.

We are relieved that we have a program with the potential to meet the needs that we see everyday in our districts and across our state and look forward to the upcoming Assembly hearing on the program. But, this program can only achieve its purpose if those in need can access it. That’s why we urge you and your agencies to immediately correct the problems outlined above and make the following additional changes to ensure the ERAP program is managed and implemented effectively:

- 1) OTDA should hold **daily briefings** to inform the public about ERAP and answer frequently asked questions;
- 2) OTDA should set up **working groups** to address the question of roommates, sublessors, and cases of disagreements between landlords and tenants regarding the amount of back rent owed.

More than 1 million New Yorkers will not be able to recover from the COVID pandemic unless they can obtain rental assistance from ERAP. If you and your administration do not address these issues, these New Yorkers will be left behind.

Signed,



Senator Jabari Brisport  
Member of the New York State Senate  
District 25



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Member of the New York State Assembly  
District 36



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Member of the New York State Assembly  
District 57



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Member of the New York State Assembly  
District 51



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Member of the New York State Assembly  
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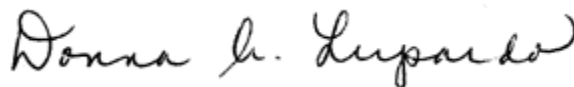
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Member of the New York State Senate  
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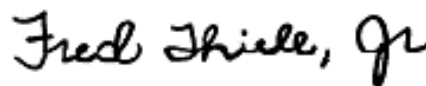
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District 123



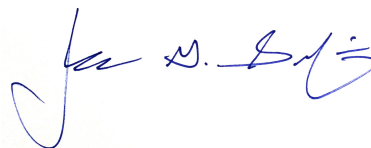
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Member of the State Assembly  
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Member of the New York State Senate  
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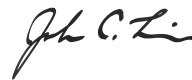
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