One-shot deals & emergency assistance grants
CA budgeting, benefits case planning, FA vs. SNA, & emergency assistance grants (EAA, EAF, ESNA, XTP)

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HRA = Human Resources Administration
OTDA = Office of Temporary & Disability Assistance
EA = emergency assistance
BEV = Bureau of Eligibility Verification (f/k/a EVR)
IREA = Investigation, Revenue & Enforcement Administration
HASA = HIV/AIDS Services Administration
OSD = one-shot deal
CA = cash public assistance
RAU = Rental Assistance Unit
HDU = Homelessness Diversion Unit
SON = standard of need
DAB = disabled, aged, or blind
XTP/ETP = exception to policy

DHS = Department of Homeless Services
DSS = NYC Department of Social Services (HRA+DHS)
RGB = NYC Rent Guidelines Board (decides rent increases for rent regulated apartments each year)
FEPS = Family Eviction Prevention Supplement
SEPS = Special Exit and Prevention Supplement
LINC = Living in Communities
FHEPS = Family Homelessness & Eviction Prevention Supplement
FCDU = FHEPS Centralized Determination Unit
PA = public assistance
CA = cash public assistance
NOTE: By cash public assistance, we mean a cash welfare benefit excluding SNAP/Food Stamps or childcare.
OBJECTIVES

- Learn the general framework to create a benefits case plan to pay rental arrears.
- Learn about different types of rent arrears grants, including the general underlying rules and requirements.

Emergency assistance grants

One-shot deals

- What is a one-shot deal (OSD)?
- Why is it called a “one-shot deal”?

OSD is a one-time grant to stop or prevent an emergency.

Today, we are discussing emergency assistance grants to help prevent evictions, but many/most of these grants can also be used for other emergencies as defined in the statutes/regulations (e.g., utility shut-off, foreclosure).
General guidelines for emergency assistance grants & sources of law

Sources of Law

Regulations (Part 15)
1.  10 NYCRR 1501 (applicants/ eligibility—incl. FHEP, HARP, etc.)
2.  10 NYCRR 1507 (SAP, SAA)
3.  10 NYCRR 1506 (SAA)

Agency directives/ Policies/ Interpretations
1.  PERSONAL ASSISTANCE DETERMINATIONS, 1504.1 (SAP, Hedera OSHA)- Operations
2.  PERSONAL ASSISTANCE DETERMINATIONS, 1504.1 (SAA)- Operations
3.  PERSONAL ASSISTANCE DETERMINATIONS, 1505.1 (SAP, SAA)- Operations
4.  PERSONAL ASSISTANCE DETERMINATIONS, 1505.2 (SAP, SAA)- Operations
5.  PERSONAL ASSISTANCE DETERMINATIONS, 1510.1 (SAP, SAA)- Operations
6.  PERSONAL ASSISTANCE DETERMINATIONS, 1510.2 (SAA)- Operations

Guidelines:
1.  SAA (Beauvoir), 505 (SA for OSHA, OSHA-505 (SA to needy families of children))
2.  SAA (Beauvoir), 505 (SA for OSHA, OSHA-505 (SA to needy families of children))

Sources of Law: COVID

Agency directives:

SBA 13 TEDO 019 (Mar. 3, 2020)- SBA Small Business Administration... Help... The agency is the result of the coronavirus due to COVID-19 and the policy for 2023 grant incurrence now would not apply.

SBA 13 TEDO 027 (Apr. 3, 2020)- CARES Act... Services and financial payments made to help in the recovery, and allowable expenses for small businesses and small and large businesses. The agency is now being reduced, and the emergency is now available assistance to help the agency during the current hardship. The policy for emergency aid now available, eligibility for emergency aid now available.

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Different grants, similar rules

- "Future affordability" (almost always)
- Reason(s) for arrears
  - Unforeseeable & uncontrollable (sometimes)
  - HH has no sanctions during arrears period or now
  - HH has exhausted will exhaust all liquid resources before EA grant given
  - Need current month’s share + additional months until approval

Future ability

The principle: HRA doesn’t want to pay rent arrears when the client will eventually just be evicted because the client can’t afford the rent.

- Demonstrate through paychecks or other sources of income
- HRA generally will disregard 1/3rd of the income as unavailable
- Or show that after rent paid, household has same amount of F&O for household size
- May use third-party guarantor(s)
  - Never use the noncustodial parent as a guarantor
  - May obtain roommate(s)

Example – future affordability

James, who is 52, earns $230/week working as a part-time messenger. He receives SNAP and Medicaid. His monthly rent for the room he rents is $800. Can he demonstrate future affordability with his income alone?

\[ \$230/week \times 4.333 = \$996.59 \text{ month}\]

\[ \text{F&O for 1 = } \$163.10 \]

\[ \$996.59 - \$800 = \$196.59 \]

So, James may be able to prove future ability with his income alone.
Reason(s) for arrears

Not every kind of OSD requires a reason, but clients will have to allege and prove a reason for the arrears 99% of the time.

- When possible, frame reason as unforeseeable & uncontrollable
- Unfortunately, cycle of poverty is not unforeseeable
- Classic reasons: unemployment, illness, death, or disaster
- Explain event (or events) that was the proximate cause of arrears
- Avoid disclosing domestic violence unless you speak with supervisor
- Be prepared to prove reason

Example #1 – reasons for arrears

You’re working with Kareema, who is a 25-year-old woman rearing her 6-year-old child. Kareema has sufficient income to cover the monthly rent. Kareema tells you that she fell into arrears because she suddenly had to buy school supplies for her daughter. Is this unforeseeable/uncontrollable?

- No – school supplies happen every year; not unforeseeable
- Could be other reasons for arrears, but we don’t know them

Example #2 – reasons for arrears

You’re working with Ana, who has a nonpayment eviction case against her. Her monthly rent is $1,350. Her arrears are a little over $6,000. She tells you she lost her job 3 months ago, and she’s just now started getting unemployment insurance. Her mother will also contribute $300/m towards her rent. Do we have enough information? What “proof” would we need?

- She owes 4-5 months of rent, but she lost her job 3 months ago.
- Need to identify additional/other reasons for cause of arrears
- Need Unemployment Insurance Benefit (UIB) award letter & may need some evidence of how/why she lost job
99% of the time, HRA will require that the client come up with some rent arrears money from income, friends/relatives, charity, or HomeBase

Usually, one month’s rent plus each month of rent after submission of request for assistance

So time the request for assistance accordingly!

HRA thinks of arrears as months of assistance owed more than just a number.

However, RAU essentially automatically denies arrears over $10K ($15K in Manhattan)

Objects may be closer than they appear

Regulations and statutes are much more restrictive than most advocates realize.

Often what people are requesting is a discretionary “exception to policy” grant.

Applicant/recipient emergency grants
Applicants/recipients

- Emergencies defined at 18 NYCRR § 352.7(g)(3), include: "rent, property taxes or mortgage arrears.
- Restrictions:
  - Payment is "essential to forestall eviction... and no other shelter accommodations are available
  - Health and safety threatened if not paid
  - "reasonably demonstrates an ability to pay shelter expenses...in the future" (a/k/a "future ability")
  - Arrears limited to "total period of six months once every five years"
  - If it is a "duplication," grant is recoupable + lien
  - All amounts over the SON are recoupable/repayable + lien

How could a CA recipient possibly demonstrate future ability?

- Third-party guarantor(s)
- Obtaining roommate(s)
- Lives in Section 8 or New York City Housing Authority (NYCHA) apartment
- HASA recipient
- Client’s rent is at or below shelter allowance levels
- Resides in supportive housing

Applicants/recipients: reissuance

- Replacement of lost/stolen checks
- No “future ability” required
  18 NYCRR § 352.7(g)(1)-(2)
Emergency assistance to families (EAF)

- "crisis situations threatening the family and to meet urgent needs resulting from a sudden occurrence or set of circumstances demanding immediate attention" 18 NYCRR § 372.1
- EA “necessary to avoid destitution of the child...or to provide living arrangements for the child in a home” § 372.2
- Emergency “resulted from a catastrophic occurrence or from a situation which threatens family stability” (SSL § 350-j)
- Emergency was not foreseeable and not under the applicant’s control (SSL § 350-j)
  - Exception: utility grants

EAF – cont’d

- No limit as to # of months in statute/regulations (but usually 3-6 months)
- Must be child in household under 21 years of age
- Usually requires repayment for amounts over the shelter allowance (SA) for household size
- Lien required
- One grant every 5 years (subject to discretion)
- Family income under 200% of Federal Poverty Level (FPL)
Emergency Assistance to Adults

SSL § 303 & 18 NYCRR § 397.5

No repayment & no lien!

- The only grant that does not require repayment or a lien
- Not really exclusively for adults
- Essential requirement across EAA: someone in household receives Supplemental Security Income (SSI)

Non-rent emergencies in NYCRR § 397.5

- Replace/repair clothing, furniture, food, or shelter as result of burglary, vandalism, or catastrophe (§ 397.5(a))
- Moving expenses if move because of health, safety, endangerment, much lower rent (§ 397.5(e))
- Maintenance of home when institutionalized for <180 days after SSI reduced (§ 397.5(g))
- Rent deposits & brokers’ fees, when securing shelter (§ 397.5(i) & (j))
- Storage fees during relocation, eviction, or temporary shelter stay (§ 397.5(k))
- Utilities to restore or continue service for previous 4 months + HRA to guarantee payment (§ 397.5(l)(2))
Rental assistance: NYCRR § 397.5(l)(3)

- Rent arrears to prevent eviction
- Limitations & requirements:
  - Only will pay the 4 months prior to the application – any amount over won’t be EAA
  - Does not require unforeseeable/uncontrollable
  - Does not require future ability
  - Only one EAA grant every 12 months “unless the granting of such assistance is recommended by the social services official”

Emergency Safety Net Assistance

Emergency Safety Net Assistance (ESNA or E-SNA)

SNA is New York’s State- and City-funded welfare program (~21% NYS/ ~79% NYC)

Emergency (NYCRR § 370.3(b)(1)): “there is an identified emergency need. An emergency is a serious occurrence or situation needing prompt action”

- When household income is at or below 125% of FPL: do not have to prove circumstances leading to emergency
- When household income is above 125% of FPL: emergency uncontrollable/unforeseeable of fire, flood, catastrophe
ESNA – cont’d

- Future ability required [§ 370.3(b)(5)]
- 12-month repayment plan [§ 370.3(b)(5)]
- Lien required [§ 370.3(e)]
- 6 months of arrears every 5 years (local department of social services (LDSS) can grant more with discretion)

Exceptions to policy

Everything else that does not fit any category above is an “exception to policy”

Almost every emergency grant requires an exception to policy in whole or in part

Usually need HH to be below 250% of FPL

Usually need some compelling factor (illness, death, disability, senior citizens/infants in HH, 10+year tenancy, reasonable legal regulated rent)

All are repayable/recoupable and require liens
What’s a flexible OSD?

Discretionary rent arrears grant for extremely sympathetic situations where public policy or health reasons make a compelling case to approve an OSD when future ability is just out of reach. You will need to package it and request from RAU, describing how/when there might be future ability in the household at some later date.

Examples

Putting it all together!
Ashanti

Ashanti and her 17-year-old daughter have lived in their Bronx apartment for 9 years. They’ve never been in shelter, and Ashanti isn’t a veteran. The monthly rent is $1,389. Ashanti earns $425/week in retail. She owes $12,000 in arrears. She received an OSD about 18 months ago. She last received CA a little over 6 months ago.

What do we do?

Step 1: Eligible for CA?

Step 2: Eligible for CA subsidy?

Step 3: Future ability?

Step 4: One-shot deal?

Step 5: Move? Shelter? Double-up?

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Step 1: Eligible for CA?

Ashanti is a household of 2, with a dependent minor child. Monthly income is $425 x 4.333 = $1,841.43. 185% of SON for 2 is $1,062.

She’s not eligible for CA.

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Step 2: Eligible for CA subsidy?

Magdalena is not eligible for CA and, thus, is ineligible for FHEPS. She also doesn’t have a minor dependent child in household. No CityFHEPS, because she doesn’t meet prerequisite (veteran, Adult Protective Services (APS), rent-controlled, or prior shelter history).

Step 3: Future ability?

Gross income is $1,841/m, and rent is $1,389. So after paying rent, she has $452/m. F&D grant for 2 people is $291.50, so she can likely demonstrate future ability. Make sure household is receiving Snap and Medical Assistance (MA).

Step 4: One-shot deal?

Not eligible for EAA (no SSI). She may be eligible for EAF if she didn’t receive one in past 5 years and if we can prove emergency happened due to uncontrollable, unforeseeable events. Same with ESNA. Even so, most of this grant, if approved, will be exception to policy.

- Reason for arrears: what was the unforeseen & uncontrollable event(s) that led to arrears?
- Recent OSD: What happened after her last OSD? Might she be willing to agree in financial counseling? Auto-deft/autos-pay landlord rent?
- Sympathetic/good cause reasons: disability, death, illness, catastrophe?

What is it about THIS apt in THIS neighborhood for THIS family?
Magdalena

Magdalena is 41 years old and earns $866/m as a part-time receptionist at a dentist’s office. She can’t work more hours, even if her employer let her, because she has sickle cell. Her 21-year-old daughter lives down the block from her mom, and she helps her when her mother is in severe pain. Her daughter is receiving CA and can’t help with rent. Magdalena has lived in her home for 25 years. Her rent is $903.23. She’s never been in shelter, isn’t a veteran, & doesn’t want APS in her life.

What do we do?

Step 1: Eligible for CA?

Step 2: Eligible for CA subsidy?

Step 3: Future ability?

Step 4: One-shot deal?

Step 5: Move? Shelter? Double-up?

Step 1: Eligible for CA?

Magdalena is a household of 1, and she earns $866/m. That’s far too much for CA eligibility. 185% of SON for 1 is $736.49.

She’s not eligible for CA.
Step 2: Eligible for CA subsidy?

Magdalena is not eligible for CA and, thus, ineligible for CA subsidy like FHEPS. She also doesn’t have a minor dependent child in household.
No CityFHEPS because she doesn’t meet prerequisite (veteran, APS, rent-controlled, or prior shelter history).

Step 3: Future ability?

Gross income is $866, and her rent is $903. It doesn’t seem that a third-party guarantor is available. Her daughter could theoretically move in with her. But, no, there is no future ability here.

Step 4: One-shot deal?

EAA doesn’t require future ability, but she’s not eligible anyway. She’s not eligible for EAF because no one under 21 in household. ESNA not available because no future ability, is a flexible OSD an option?

Public policy: someone with a disability, long-term tenancy, shelter would exacerbate existing health issues, support system near client
Future ability: SSD? DRIE? Daughter CDPAP* aide & contribute to rent?
Temporary subsidy from Homebase?
Still need a reason for arrears!

*Consumer-Directed Personal Assistance Program
Combinations of grants

- Most of the time, final grant is composed of some combo of EAA, ESNA, EAF, & XTP
- Because of this, consider framing all requests for assistance using all restrictions:
  - Unforeseeable/uncontrollable reasons for arrears or some reason for arrears
  - No other housing available
  - Future ability
  - Senior citizen/infant in household
  - The terribles: illness, disability, death, catastrophe, crime
  - Other factors: previously in a NYC shelter, long-term tenancy, relatively low rent, ACS, APS, many young children in household
- Do **NOT** mention domestic/intimate partner/family violence

Why are Fair Hearings usually ineffective for OSDs?

- Takes too long
  - Request fair hearing, attend fair hearing, wait for decision, & then wait for HRA to comply
- Most OSDs are discretionary
  - Can’t get an administrative law judge (ALJ) to overrule discretionary decision
- "No other shelter accommodations available"
  - Can’t really prove that there’s nothing left on the market, right?
- Uncontrollable/unforeseeable
  - Ill-defined & challenging to prove, especially to get ALJ to substitute judgment
How?

Current CA recipients go to their center, referred to Homelessness Diversion Unit (HDU), & apply

Everyone else: go thru entire application process, as if applying for CA. No arrears can issue until AT LEAST after Bureau of Eligibility Verification (BEV) interview.

HDU sends to RAU for approval/denial

"Reconsideration" – not a Fair Hearing

If approved, sends to Central Rent Processing Unit (CRPU)

Note: HASA recipients must go through HASA centers. Arrears grants do NOT go through RAU.

One-shot deals during COVID

Process hasn't changed except clients may now initiate their OSD application via Access HRA – usually no BEV interview

Remember: OSD is an application for CA that is seeking a single issuance emergency payment.

Applying via AHRA – familiarize yourself with AHRA!

You or client will need to create an account/password.

You will go to Access HRA general Website and select “One Shot Deal”

Welcome to ACCESS HRA

People who already have an open & active cash assistance case do not need to submit a full application for one-shot deal

You can apply for one-shot deal through the client’s existing cash assistance case via Access HRA

Once you’re in the AHRA account, go to “Benefits” tab.

Then click on the open case cash assistance case.

Then, on the left-hand side of the screen, you’ll see “Apply for special grants”

Click “apply for special grants”.

Then, you will see an option for “I need help paying rent arrears”

Click “I need help paying rent arrears” and then follow the instructions.
**Advocate tips (from applications training)**

- Remember: at the interview, client will have to explain:
  - why there are arrears and
  - why there is now sufficient income in the home to pay current month + all future rent.
- Practice in a Role Play
  - Applying for a grant to stop an eviction is extremely stressful
- Have your client practice a two sentence explanation + answer questions

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**Application for OSD (CA) submitted**

- Phone interview (within 1 business day of emergency)
- Submission of evidence in support of application for CA (identity, income, immigration status, etc.)
- Application sent from FIA to RAU, then RAU approves/return denials
- CRPU receives approval & issues checks via mail to LL directly

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**Failure to keep interview: case closes, HRA makes a whopping 3 attempts.**

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**Access HRA for OSD: REPAYMENT**

- At end of application process for OSD (which, again, is a CA application that seeks a single issuance payment for an emergency), AHRA generates a repayment agreement
- Repayment agreements are and have been standard with one-shot deals for decades, but the document still freaks out clients (and advocates) when it generates
- The repayment agreement will include a crude calculation of what needs to be paid
  - You can sign "NO" b/c the system only looks for initials, but if HRA catches on then they cannot issue any arrears until repayment agreement is signed

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11/1/20
COVID-19 changes: OSD

Repayments & ESNA
- HRA is generously interpreting GIS 20 TA/DC 013 & almost everyone who applies for OSD during this time will be considered eligible under ESNA, which means that only the amount above the shelter allowance for the HH size would be repayable/recoupable
- CARES Act stimulus payments (GIS 20 TA/DC 027)
  - The $1,200 + $500 stimulus payments
  - Exempt as income & resources in month received and for the next two months – after that, it's an available resource*
  - HRA should not be requiring people to spend this money on arrears and after this time period expires

*Same rule is true for CA/SNAP eligibility

Advocate tip: discuss repayment/recoupment
- Discuss with client the likelihood that HRA will require repayment and/or a lien
- Explain that they can contact IREA when they receive their bill from HRA to lower the monthly payment
- Calculate, discuss, & explain recoupment
- Ask client to bring in/send their recoupment notice if/when they get it!

OSD: TIPS and TRICKS
- Always include the following things in your initial email to RAU/RPU/FCDU/RAP:
  - LL’s name
  - LL’s mailing address
  - Client’s name
  - Client’s PA #
Supportive housing providers are the landlords in these cases. Still, you could provide a “letter in support of client.”

- Write the RAU letter with your client and give copy to client before sending.
- You are unlikely to receive a response from RAU because there's a conflict of interest & privacy/confidentiality rules apply.
- Work with your agency to decide one contact person at RAU to whom you will send/address all advocacy.
- Fax to RAU: 817-839-0342

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Include one-page advocacy letter

- Yes, 1 page; yes, even for that client; yes, even in that case!
- If in email, it should be short enough that you don’t have to scroll to read it.
- Always use subheadings in letter.
- Do not rely on HRA to pick EAA, EAF, or ESNA!
- Specifically request EAA when applicable and include $ amount.
- Identify how client meets EAF & ESNA & should be exempt from repayment.
- Make letter & all attachments happy pdf (Foxit can combine pdf documents into one pdf document).

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**Sample RAU Letter**

Dear RAU:

I am writing in support of an emergency assistance grant of $7,500 for client Name (PA#1234567A). I am including the rent demand/invoice breakdown dated Date, which requires payment of $7,500 by Date.

Name has future ability to cover rent with SSI income for herself. Name receives $789/month in SSI. She resides in supportive housing, and her rent is set to 30% of her income. We have created a case plan with Name to work together to avoid future arrears. Specifically, we have set up a meeting for the end of each month to check in about rent payment. I will help client attend financial management classes with auto draft on the 3rd of each month to help ensure that rent is paid automatically on the date Name receives SSI.

Name fell into arrears after the father of her children died & her daughter was hospitalized. Daughter was hospitalized 9 months ago after a car accident, which took her father’s life. He had previously helped Name and their children with rent.

$3,600 should be an EAA grant because Name receives SSI and has a rent emergency, no repayment EAF/ESNA. We are asking that $3,600 ($900 x 4) of the grant be given as EAA. Additionally, Name is eligible for ESNA (unforeseen event + below 125%) for an additional 6 months.
How long does it take?

- HRA has 30 days (FA) or 45 days (SNA) to open a CA case
- Emergency assistance grants can follow other timelines, depending on circumstances of the case
- Do **not** cry wolf! They will remember!
- Use the regulations and Policy Directives (PDs) to your advantage but only when necessary

HIV/AIDS Services Administration

HASA benefits and enhanced shelter payments follow a different system entirely, though HASA recipients can also qualify for EAA, EAF, and ESN grants

Among many other differences, HASA emergency assistance grants **do not** go through RAU!
It takes time to learn all the rent arrears grants. Just when you master them, HRA changes the rules & names! Don’t be afraid to ask for guidance, help, or support.

My brain hurts.

Questions?

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