August 9, 2021

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

Dear Governor Cuomo,

On behalf of a coalition of housing stakeholders, we remain deeply concerned about the rollout of New York State's Emergency Rental Assistance Program (ERAP). While we welcomed your announcement of a more streamlined application process, there are still significant barriers to the application process, fund distribution remains intolerably slow, and significant spending progress has not yet been achieved. As of early August, only $20 million has been released to tenants and landlords – less than one percent of the $2.7 billion total allocation. With the State's eviction moratorium set to expire at the end of this month, it is a moral and public health imperative that the State make additional improvements to the application portal, its data sharing practices, and its outreach efforts to ensure that vulnerable communities across New York State have the opportunity to apply for assistance. Additionally, the State must clear its application backlog by getting funds out immediately for applications that have already been submitted.

We are concerned regarding the slow pace of spending not only because renters and landlords are in desperate need of these funds but also because a portion of New York's funds will be in danger of federal recapture on September 30th, 2021. The federal funding formula was designed to allow states with greatest need, like New York, to apply for additional funding recaptured from other state's where minimum allocations were greater than the state's total need. Not only is slow spending potentially preventing New York from accessing additional funds by reaching a 65% obligation threshold, but it is also putting New York at risk of recapture of unspent funding. Returning urgently needed emergency rent relief funding to the federal government due to mismanagement by state government would be nothing short of a travesty.

While we acknowledge that some improvements have been made to the application process, there continue to be significant technical problems with the application portal that hinder new applications. Most notably, there is is no viable option for applicants with computer literacy issues and without email addresses. There is also no way to change languages midway through the application, which makes it more difficult for community-based organizations (CBOs) to translate dense legal disclaimers over the phone in real time. Moreover, technical glitches and outages have stymied both tenants and landlords. In particular, the document upload function is frequently down – so documents needed to complete the application cannot be submitted. These technical challenges must be addressed in order to meet the tremendous need we're currently facing.

Furthermore, CBOs are still not receiving adequate support to assist applicants – this is critical since CBOs are tasked with serving those who are unable to access the portal – either because they lack the technical capacity or because they lack email addresses. We ask that the State

follow through with a CBO-specific portal that providers can use to monitor and troubleshoot applications. A portal will allow CBOs to confirm that their clients have actually successfully applied, and allow them to check on application status without going through the unspecialized hotline that tenants and landlords are also using.

We once again ask that OTDA shares data on applications received so far with advocates and the general public. The agency is required by law to share the number of applications, recipients and average rent payment amount, but we request that OTDA also share demographics of applicants broken down by zip code and updated each week. This real-time data sharing will allow both community-based organizations and government agencies to refine their education and outreach efforts, helping to ensure that tenants in vulnerable communities apply for and receive the assistance they need. The failure to share data is obstructing other organizations from conducting needed analysis to determine outreach needs. We anticipate that renters in neighborhoods hardest hit by COVID, undocumented households, and small landlords all require additional support to apply. Nationally, 21 states have public-facing dashboards already – and New York should follow suit.

Lastly, we implore the State to ramp up its outreach and education efforts. Too many renters who are eligible for assistance remain unaware or skeptical of the program. Less than 200,000 applications have been received, even though over 800,000 households throughout the state are behind on rent. There needs to be extensive advertising of ERAP in public places, including in bus shelters, subways, in newspapers, on billboards, in fliers delivered to homes, and on social media. The State already has the infrastructure in place to support these efforts through its massive vaccine outreach campaign, and there is no reason why ERAP should not be advertised in the same way. In addition, federal funds can be utilized for outreach and advertising. Robust data sharing practices, as requested above, could also assist in effective outreach. Thank you for your consideration.

Signed,

ANHD

Community Legal Services NYC

Enterprise Community Partners

Homeless Services United

The Legal Aid Society

LISC NYC

LISC Western New York

New Destiny Housing

The New York Housing Conference

The Real Estate Board of New York (REBNY)

Supportive Housing Network of New York

Upstate Downstate Housing Alliance