

NEW YORK CITY CIVIL COURT

Community Seminar Series

Need Help Paying Back Rent

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MS. JUDY MILONE: Good afternoon, everybody. Hello and thank you coming. My name is Judy Milone and I'm a social worker at an agency with a long name, Federation of Protestant Welfare Agencies. One of the things we do is, we do make grants for people who are in rent arrears and there are about 30 similar organizations, private agencies, in the City that basically do the same thing.

My goal today in this presentation I'm making is to describe to you, and I know some of you are tenants and some of you work with tenants, so bear with me. I'll sort of be flip flopping with my language, but what I'm saying pertains to tenants and advocates too. My goal today is to give you information to get you in the best possible position to gain rent arrears, to be able to get rent arrears for yourself or your clients.

As you can imagine, there are parameters. There are criteria, and I'll do my best to tell you what those are. The main point I want to make in general, however, is the more work you do up front getting your case, so to speak, your act, getting your materials together, the better your chances will be to get rent help. Lots of times, we get calls from tenants and from advocates and they really don't know the basic information about the situation that they want to present, that they're asking money for, and that's okay. We'll guide them through it on the phone. But if you can do this work up front before you call that organization or keep an appointment, this would really be best because your request will just be processed and go much more smoothly.

I don't know if this piece of paper has been able to be Xeroxed. Perhaps some of you have it. It's called,

A One Page Guide to Rental Assistance. If you have it, if you could look on--because basically everything I am going to say is here in bullet form. The first thing to ask is, where do I find rental assistance.

The beauty of living in a huge City is that there are tons of organizations and programs. The deficit is that it really can be hard to find them, but we really have been lucky. In the last few years City-Wide Task Force, and their number is up here in bold, has operated an information line just for this purpose. So that's the 962 number. The pages are being disseminated now, and this is City-Wide's number--and Gina, who's going to speak after me, will talk to you more about it--but they are there to tell you which organizations are taking new cases, are taking new referrals, have rent money, who to call, when to call, that kind of thing.

So I would strongly, strongly urge you to use City-Wide. I believe in the afternoon they have more people on the phone lines. I'll leave those details to Gina, but this is a wonderful centralization of this important information. If in your work or in your journey through housing court or other agencies you're given other lists of agencies or a neighbor gives you a phone number because somebody helped her last month or whatever, please discard them. This will frustrate you tremendously. You can imagine in New York City this day and age how quickly phone numbers get out of use, change, my agency's intake open today, closed tomorrow, that kind of thing.

And so people are very well meaning if they give another kind of list, but they get outdated very, very quickly. So politely decline them and use City-

Wide. All the organizations that have rent money report into City-Wide on a weekly basis. We tell City-Wide, yes, the Federation's intake is this Thursday. We can take the first 30 calls. Here's the number to call to give out to clients and advocates. And that's the kind of information you want.

And I know it's hard, but do your best to keep you notes to call only those agencies that City-Wide says to call and call them when City-Wide says to call. Calling around the agency to other numbers will not get you any place, frankly. It just frustrates us. It'll just frustrate you as well. There's a limited amount of help. Unfortunately, you're all sort of competing for it, but those are the realities that you'll have to really operate with. So again, your first goal is to find agencies, and I would say keep in touch with City-Wide on a regular

basis--Gina will tell you more about that--but just call those organizations because that's going to maximize your chances of getting money.

Now, I say here the more work you do up front, the better your chances of getting a grant. There are three main questions we ask when we do a new case, when we do an assessment, and some of this is personal stuff. Obviously, it's financial stuff. Just bear with it and cooperate. Obviously, everything is totally confidential. But the three main questions will be (i) how much rent do you owe, (ii) why do you owe it, and (iii) how can you pay that same rent going forward.

Okay. So let's take them one at a time. How much rent do you owe? That means the total amount of rent. Sometimes people say quickly, "Oh, I just need one month." Well, just answer the questions. What I and other intake workers are trying

to do is get a picture of what your situation is, what the situation is, and it's really important. And again, if you don't know this before you make that call for yourself or your client, go through your court papers and get that information and write it down in a very clear space and be prepared to answer that question. How much rent do you owe and what months does it cover because that's very helpful to us in figuring out what the situation is.

And then, the most thorny question is, why do you owe it. So let me spend some time on this. That question is best answered in a calm, logic, almost like a timeline kind of way. Most people come to my agency because they've lost income, they've lost salary. So it would be good for you, again, if you can sort of write this down, chart it out, however it's helpful to you. "No, well, let's

see. I owe November's rent and that's because I was sick and I lost two weeks of salary," and you have seen your pay stubs, you've looked at them again, and you know that that's the case. Because everything you say, everything you verbally put out as your situation is going to be asked to be documented in paperwork later on. So again, this is why it's good for you to get a clear picture of your own situation up front.

So you might say, "Well, I owe November's rent because I did miss two weeks of work and, yes, I do have pay stubs that reflects that and I have a doctor's note that reflects that too." That's perfect. That's wonderful documentation of a legitimate, concrete, clear, reason why you didn't pay your rent that month. There certainly might be other reasons. And here's where agencies, although we all ask the same questions and

basically have the same criteria, we do differ in some ways and that is a variable you'll just have to bear with because the case worker does have some judgment.

So if a person has lost one week of salary but didn't pay the full rent, did work the other three weeks, some agencies might be a little harder about, well, you still had earned enough to pay the rent. Some agencies will allow that. There will be these differences in the responses you'll get so be prepared for that. If you haven't paid your rent because you were totally out of work, that too, fine, needs to be documented. It can be documented in all sorts of ways, letters from a former employer, unemployment application for unemployment benefits.

Do think of ways that you can document what you're presenting as your reasons for not paying your rent. This,

obviously, has to be done because this is money that's going out. Funders need to see that the money was correctly spent. I have to say, 99 percent of the callers I get understand this and are cooperative. Some people feel it's a little too personal or we're questioning them or what have you. This is the reality of the way programs work. So really try to understand that and accept that.

If you didn't pay your rent because you had a one time expense, that's a reasonable expense, that needs to be documented too. Sometimes parents are behind because of a big dental bill. Obviously, that should be very easy to document. A receipt from the dentist, to pay bill from the dentist or another medical bill. Let's see. What are some of the other reasons. Sometimes there's a funeral. People putting money towards a funeral. There needs to be, for my agency

at least, there needs to be a receipt with your name on it and the deceased name, obviously, and you also have to show the relationship.

But again, please bear with us and understand that these are hard decisions to make. There's a limited amount of money. So as well documented as your case could be, the more you'll get money. Sometimes families, people, pool money for a funeral and they don't have a receipt themselves in their name. This is problematic. Did you make a check out to your sister. Is there a paper trail we can put together. If you made out a check to your sister and the receipt's in your sister's name and your dad's name is on the death certificate, I'll accept that. Do you see what I'm getting at? To sort of connect the documentation, again, of why you're behind in your rent. What we're looking for are clear cut one time

reasons, and that's the nature of these programs. The rent arrears money is for people who are in one time arrears.

For those tenants who just really struggle month to month, their income is just not high enough for them to pay the rent, those are very difficult situations for us to accept. It's a kind of a gray area because one of the other key, key questions that must be answered satisfactorily is, well, how are you going to pay your rent going forward. There is not an agency in this City private or public that is going to pay rent arrears for somebody who doesn't have enough income to pay their April rent, May, June, etc. That might be unfortunate or fortunate but that's really the way things are at. So the only people really who should be calling agencies are with situations where whatever put you behind has been resolved. It's over. Going

forward on your own, you're going to be able to pay your rent.

Now here's where, again, some gray areas exist and some agencies take certain plans and other agencies don't. Many of you might be familiar with the term, third party donor. That's somebody who lives outside your household who has agreed to give amount of dollars every month towards your rent. Many agencies accept that. A notarized letter, for example, and they probably want to see proof of that person's income as well.

My own agency, we don't accept that. We have seen--as a plan--we have seen too many third party donors not be able to. They certainly mean well when they write the letter for their cousin or their sister or whatever, but they're really not able to sustain a financial commitment contribution month after month after month. And actually we get a fair

amount of calls from people who are in rent arrears because the third party donor didn't work out. People have their own expenses. They have their own emergencies and the like. So my agency does not accept that as a plan.

When we say future ability to pay, we mean that you, on your own, your household also has to be able to handle that rent in the future and obviously have something to live on that's reasonable too. We try to be as flexible as possible, but if the family's income is 1,000 and the rents 1,000, that's not a plan, okay, because even if there are food stamps or whatever, everybody needs something else, to buy a metro card and to live on. We try to be, again, as flexible as possible but you'll have different reactions from different organizations.

But this is the material that you, again, both in your mind, in your

thoughts, in your presentation, and in your documentation, you should have at your finger tips before you call an agency because this is what's going to be asked and the smoother you can answer these questions, the smoother the case will go.

The entire household is the applicant, at least in my agency. If there are any adults in the family, unless somebody's undocumented, which is not an issue for most private agency's I should add, or unless they are real reasons why a person cannot have income, every adult should. And sometimes we help families identify benefits and income that they hadn't thought of before, but they should have SSI if they're not able to work or Social Security disability if they have a work history but now are not able to work.

Food stamps is totally under utilized in this City and we'll tell you what the income guidelines for food stamps

are. Often that's just enough to make a family manage and just enough to put them in the "can pay their own rent" category and that seals it for us. Other income that's often not used is child support. I know this is a very sensitive and personal issue. Many parents are not willing to go to family court to get a child support order. They sometimes work out an informal agreement with the dad. We've seen dad's then not fulfill their obligation and we very much encourage formal court ordered child support because we know it's going to be fair. It's going to be based on the dad's income and if the dad doesn't pay then, there's a way--and can--then there's a way to follow up and to reinforce that.

So child support is another source of income that's sometimes not identified and sometimes, again, it's just that couple of hundred dollars a month

perhaps that the family now will have that will put them in the "can pay their rent" category and it's a win/win situation. So let's see. Again, the why are you behind in your rent. Again, I think what I'm trying to emphasize is that the reasons have to be, to you and to us, clear, consistent, and documented.

And sometimes you can be behind because of a couple of different reasons and that's fine. But, again, I lost some salary in this month and then another month I had a major bill, that's fine but as long as it's laid out clearly. What you don't want, this is like worst possible scenario, is to give one reason and then it sort of doesn't fly, either you can't get the documentation or the intake worker challenges it a little and then you come up with another reason and, frankly, it feels a little like flailing around to us and you don't want to lose

credibility in your initial call. You want to, again, you want to be credible. So, for example, I've had cases where someone said, "Well, I was out of work. I was sick and that's why I didn't pay two months rent," and then they send the documents and I see that two weeks, yes, they were out, but they only lost two weeks of salary. So maybe I can allow one month of not rent being paid, but how does that explain the second month. They were out of work but they were getting full benefits. So it's those kinds of things you don't want to get into because you lose a little bit of trust from the worker. Are you following this? You lose a little credibility and you don't want to sort of start picking around. Well, she also had a family emergency. Grandma down south died and she spent money on that. You don't want to keep jumping around like that. You want to have your presentation

clear from the beginning. If you do, just sort of regroup. We'll talk to people again. We can start over again but you want to be clear from the beginning.

What's very important to keep in mind too is in the bottom half of the sheet that I've given you, you don't have to be an expert in this, but just know that there are three kinds of rental assistance money in the City. One is from HRA, sometimes called, public assistance, sometimes called, DSS, and sometimes it's called the, One Shot Deal. And you do need an eviction notice for that. You do need housing court papers. Some are grants. Some are loans. Be careful of that. If it's a loan, you are committed to paying that back. There could be consequences if you don't. And, unfortunately, it's a bit of a onerous bureaucratic process, but if you or your tenant owes a lot of money, you probably

need to go to public assistance at some point for that One Shot Deal.

Then private agencies, like my own, have two kinds of money. One is called, EFSP, emergency food and shelter program. Sometimes it's called, FEMA, but it's really known as EFSP. That's limited to one month's rent and that's it. That's by federal law and agencies usually have FEMA, here it says from February to September--have EFSP money from February to September. Unfortunately, the EFSP money hasn't even been released, this year's money, yet and this is March 26, so it's delayed. Again, those are grants and limited to one month. And then private funds. Lots of corporations, individual donors, contribute a lot of money to the City to tenants and private agencies have some private funds. Some are loans. And, again, take your payback commitment seriously. But most are grants. And if

you owe a significant amount of months, you probably are going to need a combination of all of this. In terms of the One Shot Deal, I don't know if it's law but it's certainly practice, they limit people to four months of rent.

So, I hope this is helpful to you. I will be staying behind for questions later because I know there are a lot of specific questions. But, again, my main point is that you're best advocacy is doing this work up front and getting your case material as tied together as can be so that when you pick up the phone either for yourself or for your tenant you're really in a strong position.

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