

housing answers

what to do if
you fall behind
in the rent

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Tenant Advocacy Project (TAP)

**Community
Service
Society** | Fighting Poverty
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New York

This is a guide for public housing residents who owe back rent. It will tell you how to apply for money to help you pay your back rent. It will also tell you how to get your rent lowered when your household income goes down.

The New York City Housing Authority runs public housing developments here in the City. The management office at each development handles recertifications, rent changes, repairs and other day-to-day issues. There are also Borough offices, listed later in this guide. Complain to the Borough offices if your management office doesn't do what you ask them to. There is also a central office at 250 Broadway. This is where hearings are held. This guide will refer to the management office at your development as "NYCHA" or "Housing."

What can I do if I can't pay my rent?

There is help. You may be able to get a one-shot deal from public assistance, or money from a charity, or a loan for working people. You may need to get help from several different places if you owe a lot of back rent.

For some kinds of help, you need to have a good reason why you fell behind. Good reasons are usually things you couldn't plan for. Having trouble paying bills that you have every month (like telephone, cable, and food) is not a good reason. Here are some examples of good reasons: paying for medical or dental expenses that aren't covered by insurance; losing your job; having your hours cut; serious illness; unemployment insurance ending; not getting child support payments; a death in the family. You may have a different reason. Just be ready to explain it when you ask for help.

You can still apply for a one-shot deal even if you don't have a good reason for falling behind in the rent. You just need to have an emergency. If you have gotten housing court papers, then this is an emergency.

You also need to show that you will be able to pay your rent in the future. Explain that you live in public housing, so you have affordable rent. Remember that your rent can be lowered if your income goes down.

Save as much money as you can to pay your rent. The groups that can help you will want to see that you are doing your best to help yourself. You should be able to pay at least one month's rent. It's not too late to start saving!

If your household income went down, the first thing you have to do is to have your rent lowered so that you can show that you can pay the rent in the future. See the next section, called "**Getting my rent lowered.**"

If you fell behind on your rent for any other reason, skip down to the section called "**Help with paying back rent.**"

Getting my rent lowered

Can I get my rent lowered if my household income went down?

Probably. And you don't have to wait until recertification to ask to get your rent lowered.

Housing's rules say they have to lower the rent if:

- you have a "rent hardship." If you were fired from your job, had your hours cut, or you quit your job, you will probably have a "rent hardship. A rent hardship means your income went down by at least 10% and your rent is now more than 30% of your adjusted income.
- Let's say you earn \$1000 each month. Your hours get cut, so now you only earn \$890 each month. This is \$110 less than you earned before. Did your income go down by at least 10%? Yes. 10 % of \$1000 is \$100. Usually when your income goes down more than 10%, your rent will be more than 30% of your adjusted income* and you can get your rent lowered.

* **Adjusted income means your total household income after subtracting the deductions that Housing gives you. The Rent Change Notice you get each year after annual recertification shows the deductions you get.**

- a family member starts or stops getting public assistance (as long as the new income is less than the old income)
- an employed household member dies or permanently moves out
a household member who was getting Social Security, Supplemental Security Income, and/or a pension dies or permanently moves out
- an employed household member retires or permanently leaves the job market
- a full-time employed household member becomes unemployed because of a strike, layoff, or work-related injury or illness
- a household member enlists in the U.S. Armed Services, or is called up for full-time active duty.

See NYCHA Management Manual, Chapter VI, Section XIV.A.

But note: you can't get your rent lowered if your income went down because you or someone in your household were sanctioned by public assistance.

How do I get Housing to lower my rent?

Bring proof of your new income to the management office as soon as you can. You should bring in all evidence in writing. Don't just tell your housing assistant. Give Housing a copy of your proof, and keep a copy. Get your copy stamped "received." This way you can prove that you told Housing about the decrease in income.

What is proof?

Proof can be anything in writing that shows your new income. Some examples are pay stubs, a letter about your new benefit payments, or a termination letter. The proof you bring will depend on your situation.

When will Housing lower my rent?

It depends. First you have to tell them about your change in income. Then Housing might wait three months before they lower your rent. This is called the "waiting period." You should get a credit on your rent bill at the end of the three months for the difference between your old rent and your lower rent. This is called a retroactive credit.

You are supposed to pay the full amount of your current rent during the waiting period. If you can't pay, Housing will probably sue you in housing court for nonpayment. They are not supposed to bring you to housing court in this situation, but they often do. Answer the papers in housing court right away. For help finding a lawyer, or for advice, call the City-Wide Task Force on Housing Court's Hotline at 212.962.4795. **DO NOT MISS ANY COURT DATES.**

Tell Housing about losing income right away. They lower the rent starting the first of the month after you lost the income, if you tell them about the loss within 30 days. They will apply the change the first of the month after you told them, if you tell them more than 30 days *after* you lost income.

For example: Tenant A loses her job on March 20, 2006. Tenant A gives the proof of her loss of income to NYCHA on April 10, 2006. Tenant A's rent will be reduced retroactively to April 1, 2006. Tenant B also loses her job on March 20, 2006. Tenant B gives proof of her loss of income on May 10, 2006. Tenant B's rent will be reduced as of June 1, 2006 and she will not get a retroactive credit.

Will I have a three month "waiting period?"

Maybe. You will NOT have a waiting period if your household income went down because:

- a family member started or stopped getting public assistance (as long as the new income would make the rent lower)
- an employed household member died or permanently moved out
- a household member who was getting Social Security, Supplemental Security Income, and/or a pension died or permanently moved out
- an employed household member retired or permanently left the job market
- a household member enlisted in the U.S. Armed Services, or was called up for full-time active duty.

Everyone else will have a waiting period. But remember there will be a retroactive credit.

What if housing doesn't lower my rent, even though I showed proof of my new income?

Ask for a grievance hearing. Just write a short letter to Housing saying what you asked them to do, that they didn't do it, and that you want a grievance hearing. Give the letter to the Management Office. Be sure to keep a copy. Get your copy stamped "received."

You should get an answer from the Management Office in 30 days or less. Write a letter to the Borough Management Office if you don't get an answer, or if you disagree with the Management Office's answer. In your letter give the date you asked housing to lower your rent, the reason

you need your rent lowered, and include a copy of your proof. Say that you are writing because Housing did not lower your rent and you think this was wrong.

Here are the Borough Management Offices for each borough. Write to the office for the borough you live in. For example, if you live in the Bronx, write to the office at Water Place.

Brooklyn

816 Ashford Street
Brooklyn, NY 11207
718.649.6400

Bronx

1200 Water Place,
2nd FL., S. Lobby
Bronx, NY 10461
718.409.8626

Manhattan

1980 Lexington Avenue
New York, NY 10035
212.427.8542

Queens

90-20 170th Street
Jamaica, NY 11433
718.657.8300

Staten Island

140 Richmond Terrace
Staten Island, NY 10301
718.447.1179

IMPORTANT NOTE: Housing can deny grievances if you aren't up to date in rent. If you are in housing court, the judge may force NYCHA to hear your grievance about changing your rent. Otherwise the housing court judge should decide if the rent is correct.

Call TAP for more information on grievances, or see our *Housing Answers* guide "Solving a Dispute with NYCHA: The Grievance Process" for details.

Once Housing has lowered your rent, you will be eligible for help from public assistance. See the next section for how to apply.

Help with paying back rent

How do I apply for a one-shot deal, or other help, from public assistance?

You apply at the local office of the New York City Human Resources Administration (HRA), called a Job Center. You can find your local Job Center by calling the HRA Infoline at (877) HRA-8411. Go early in the morning, because there is usually a line. If you go late in the day you may not get seen.

Make sure you apply for full public assistance (cash assistance, food stamps, and Medicaid) if you have no income. Tell the worker that you owe rent and that you need help with that too.

If you just need help with back rent, tell the person at the information desk that you are applying for “emergency assistance” to pay rent arrears. This is also called a one-shot deal.

Either way, you will meet with a case worker who will review your documents, tell you if there are any other documents you need to bring, and make a follow up appointment with you. The worker will also make an appointment for you to meet with “BEV,” the Bureau of Eligibility Review. If you fail to go to this appointment, your application will be denied.

What do I need to bring to the Job Center?

Here is a list of things you will need. Bringing all of these will help get your application approved more quickly. Go to the Center with what you have, even if you do not have everything on this list:

- picture identification
- your lease or rent bill
- housing court papers
- proof of income
- social security cards for everyone in the household.

Will I have to pay back the emergency rent money I get from public assistance?

Maybe. People who get SSI usually do not have to pay back the money. So, if someone in your household gets SSI, that person should apply for rent help. This type of help is called Emergency Assistance for Adults, even if the person on SSI is a child. You will not have to pay anything back if you get four months of rent or less. If you need more than four months of rent, you may have to pay back some of the money.

People with children in the household who show a good reason for falling behind in the rent don’t have to sign an agreement to pay back the money they get. This kind of grant is called Emergency Assistance for Families. But if you are on public assistance, or if you go on public assistance later,

some of the money you got as an emergency grant will be recouped. This means your checks will be for a little less money until you have paid back the loan.

Some people have to sign an agreement to pay back some of the money within 12 months. People who don’t have children in the household, or who didn’t have a good reason for falling behind in the rent will have to sign a repayment agreement.

What if my application for emergency rent money, or other public assistance, gets denied?

Ask for a Fair Hearing right away. For advice and information, or for help finding a lawyer, go to Project FAIR at:

Office of Temporary and Disability Assistance
Office of Administrative Hearings
14 Boerum Place, 1st Floor
Brooklyn, New York.

The Project FAIR table is open every week day, from 11:30 a.m. to 2:30 p.m.

How do I apply for help from a charity?

Call the City-Wide Task Force on Housing Court’s Hotline at 212.962.4795. They can refer you to a charity that has money to help you pay your back rent. Note: the City-Wide Task Force on Housing Court does not give financial help. They can only give you a referral.

Call your referrals right away to make an appointment. These agencies run out of money each month. Call early in the month so you have a better chance of getting help.

What do I need to bring to the charitable organization?

Here is a list of things you will need. Bringing all of these will help get your application approved more quickly. Go to the agency with what you have, even if you do not have everything on this list.:

Photo ID: (for example: NY State Drivers License, NYS Motor Vehicles Photo ID, Public Assistance Photo ID, US Passport, Military ID)

Child's ID: (birth certificate)

Proof of threatened eviction: (for example: Dispossess Notice (with Landlord & Tenant Number), Marshal's Notice, Final Judgment, Order to Show Cause, Court Stipulation, Foreclosure Notice)

Name/address of landlord: (for example: NYCHA rent letter)

Proof of residence: (for example: recent rent bill, lease, recent telephone bill in applicant's name,. Doubled-up tenants must provide notarized letter from the primary tenant plus the primary tenant's current rent bill.

Proof of income: (for example: last four pay stubs, Public Assistance Budget Printout, most recent award letter from public assistance, photocopy of last two received checks from Unemployment Benefits or other benefits.

Future Income: Letter of Hire from the prospective employer stating position, salary, and start date.

Is there help for working people?

Yes. Working people can apply **for** emergency assistance from the New York City Human Resources Administration and from charities

There are also organizations that give loans to working people who have fallen behind in the rent. You will need to sign an agreement to re-pay the loan. Call the City-Wide Task Force on Housing Court's Hotline at 212.962.4795 to get a referral.

I tried to pay some of my back rent, but housing won't accept it. Can they do that?

Yes. They don't have to accept anything less than the full rent that you owe.

What if I get housing court papers?

Answer them in court right away. For help finding a lawyer, or for advice, call the City-Wide Task Force on Housing Court's Hotline at 212.962.4795. On the web you can get information and help finding a lawyer at www.lawhelp.org/ny. **REMEMBER: DO NOT MISS ANY COURT DATES!**

Sometimes NYCHA tries to make you pay charges other than rent in housing court. These charges might be for legal fees, air conditioning, parking, or anything other than your monthly rent. Housing is not allowed to do this. Do not agree to pay these extra charges in housing court. Only agree to pay the amount you owe for rent.

Ask for a rent breakdown that goes back to the day you had a \$0 balance. Check your rent receipts, bank statements, or money order receipts carefully. This will help you figure out how much you really owe.

Can I get evicted even if I pay my rent?

Yes, it's possible. Make sure you read and respond to *all* papers you get about eviction or termination of tenancy.

Even if you pay all of your rent, you could get a letter telling you that you have to appear at a hearing at 250 Broadway, 25th floor, or your tenancy will be terminated. Housing has a rule that if you pay late three times in 12 months, they can charge you with chronic rent delinquency. They can do this even if they have never taken you to Housing Court. You must go to the hearing. Call the Tenant Advocacy Project for advice at 212.614.5533.

Protect yourself by applying for help right away. Be sure to go to all appointments and court dates, even if you need to ask for more time to pay or to find a lawyer. Don't risk losing your affordable apartment!

For more information, contact
Tenant Advocacy Project,
Community Service Society
105 East 22nd Street
New York, New York 10010
212.614.5311 or 212.614.5533
visit our website at www.cssny.org

Other titles in this series: [forthcoming]

Solving a Dispute with the New York City Housing Authority

Getting Your Rent Lowered if Your Income Goes Down

Understanding the Community Service Requirement

Avoiding Eviction: Termination Proceedings

Moving to an Accessible Apartment

Getting Needed Repairs

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