

**Legal Alert: New York State Required to Accept ERAP Applications
Immediately**

January 6, 2022

Earlier today, the Supreme Court of the State of New York, New York County, issued an important decision affecting the immediate future of New York State's Covid-19 Emergency Rental Assistance Program ("ERAP"), in the matter of Hidalgo, et. al. v. The NY State Office of Temporary and Disability Assistance, Index no. 453931/21. The NY State Office of Temporary and Disability Assistance ("OTDA") is the state agency responsible for processing tenant ERAP applications and distributing rental assistance funds to approved applications. It had previously stopped accepting new applications as of November 15, 2021 due to a shortfall of funds from the Federal Government and currently owes \$850 million in provisionally-approved applications.

In its decision today, the Supreme Court issued a preliminary injunction requiring the OTDA to begin accepting new ERAP applications from tenants as soon as possible, but no later than three business days, finding OTDA's decision to stop accepting applications in November "arbitrary" and that it had "thwarted the legislature's intent". To review the decision by the Supreme Court, please click [here](#).

This means that within the next three days, tenants can begin applying for ERAP once the OTDA re-opens the portal. Please urge your tenants to do so if they currently owe arrears by clicking [here](#).