

**Legal Alert: Emergency Rental Assistance Program & Documents Needed for Tenants or Landlords to Apply**

**May 13, 2021**

Although the application for the Emergency Rental Assistance Program has not yet been made available, the New York State Office of Temporary and Disability Assistance ("OTDA") has issued a list of the documents that will be required for the application process by either tenant or landlord applicants. We have listed those documents below. Moreover, you can review them in more detail on OTDA's website by accessing the following link: <https://otda.ny.gov/programs/emergency-rental-assistance/Default.asp>.

A landlord may submit an application for funds on behalf of a tenant. In order to do so, the following documents will need to be uploaded to the portal once it becomes available:

- Completed W-9 tax form.
- Tenant's executed lease or, if none, documentation demonstrating the last full monthly rent payment made by tenant.
- Documentation of rent due, i.e. rent ledger or attestation on application.
- Landlord's banking information for direct deposit of funds.

You will also be asked to agree to the following terms as a condition of accepting the payment:

- The payment satisfies the tenant's full rental obligation for the time period covered by the payment.
- Late fees accrued for the period covered by the payment will be waived.
- The monthly rent will not be increased above the monthly amount due at the time the application is made for the months for which rental assistance is received **and for one year from receipt of payment.**
- Not to evict the household on behalf of whom the payment is made for reason of an expired lease or holdover tenancy for one year from the receipt of payment. Exception: a unit in a dwelling consisting of no more than 4 apartments and the landlord or landlord's immediate family member intends to immediately occupy the apartment as their primary residence.

Tenants who wish to submit an application for rental assistance will need to upload the following documents to the portal once it becomes available. **We suggest you disseminate this information to your tenants so that they can start gathering the necessary documents:**

- Personal Identification for all household members, i.e., driver's license, non-driver government issued ID, passport, birth/baptismal certificate, school registration, EBT/Benefits Issuance Card.
- Social Security Number.
- Proof of rental amount, i.e. signed lease (even if expired), rent receipt, canceled check, money order or landlord's attestation.
- Proof of residency/occupancy, i.e. signed lease, rent receipt, utility bill, bank statement, school records, driver's license (documents should be current).

**Income eligibility documents:**

**A. Demonstrating monthly income for the month prior to the submission of the application:**

- Pay stubs
- Bank account deposit verification

- Unemployment benefits letter

**OR**

**B. Demonstrating annual income for 2020:**

- W-2 issued by employer
- Annual statement of earnings
- Completed tax return

Self-attestation of income is permitted in certain circumstances where no documentation is available, such as self-employment.

**Assistance for payment of utilities.**

- Gas or electric bill for utility arrears at same rental unit.

We will continue to keep you apprised of any new developments as well as when the application is available and the portal is set up. Once the application process begins, we will be happy to assist you in applying for the emergency funds and/or tracking the applications.