

## **Testimony Before the New York State Assembly Committees on Housing, Social Services, and Ways and Means Regarding the New York State COVID-19 Emergency Rental Assistance Program (ERAP)**

August 10, 2021

To Chairs Cymbrowitz, Rosenthal, Winstein, and Members of the Committees on Housing, Social Services, and Ways and Means, thank you for the opportunity to testify today.

My name is Barika Williams, and I am the Executive Director of the Association for Neighborhood & Housing Development. ANHD is a member organization whose mission is to build community power to win affordable housing and thriving, equitable neighborhoods for all New Yorkers. We believe housing justice is economic justice is racial justice. Our members are neighborhood-based affordable housing and equitable economic development organizations across New York City. They are tenant advocates as well as non-profit landlords of affordable housing; we have seen how the dysfunction of ERAP is negatively impacting both tenants and housing providers.

We're testifying on behalf of our member organizations who have been working tirelessly on the ground to apply for rent relief. Our members are the community-based organizations who are tasked with assisting the most marginalized tenants in accessing relief – those who do not have internet access or devices, who are not comfortable or experienced with filling out complex forms and uploading documentation online, who fear applying due to their immigration status, or who need assistance because the application and resources are not available in their primary language. Our members are also non-profit landlords of affordable housing, who are struggling to continue to operate their buildings and provide services in the face of diminished rental income with no relief received as of yet.

Our rent crisis is indisputably one of racial justice. While almost six in ten New York City households—almost two million of them—make less than 80% AMI,<sup>1</sup> Black households in New York City make just 56% of the income of white households and Latinx households make 46% of the income of non-Latinx households.<sup>2</sup>

Because of long-standing inequity and systemic racism in our housing and health systems, Black, indigenous, and people of color communities face an extremely high risk of owing back rent and losing their homes. ANHD's research shows that eight out of the ten zip codes

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<sup>1</sup> ANHD, AMI Cheat Sheet 2019, <https://anhd.org/file/ami-cheat-sheet-2019>. The share of NYC households making under 80% AMI is 58.6%. As of 2019, 1,852,816 New York City households made under 80% AMI.

<sup>2</sup> Census American Community Survey 2019 5-Year Estimates, Table S1903.

in New York City with the highest rates of eviction filings are over 80% people of color, compared to 52.6% citywide. This compounds the impacts of COVID-19: the zip codes in New York City with the highest rates of deaths from COVID-19 were 68.2% people of color, compared to 29.2% in the zip codes with the lowest rates of death. Evictions are being filed 3.6 times as fast in those hardest-hit zip codes as the least hard-hit.<sup>3</sup>

Doing out more than \$2 billion of rent relief statewide is a monumental job, and New York State has monumentally failed to rise to the task. Advocates made it very clear how important it was for the program to be accessible, and not only is it inaccessible, it is dysfunctional. Tenants and the organizations that serve them, like our members, are wasting their time dealing with preventable technical issues, receiving conflicting information, and staying in the dark about the status of applications. This spells disaster for New York's BIPOC communities. We need you to do better.

### ***Impacts on Community Based Organizations & Tenant Advocates***

Our members that are community based organizations (CBOs) have been overwhelmed by the same barriers that individual tenants face: technical issues, inconsistent or lacking support from OTDA, obscure or nonexistent information about the status of applications, and slow responses.

- The lack of a resume button means that many CBOs do double the work – they must collect all necessary information from tenants in paper format or in person first, then complete the digital application separately. If the portal crashes, they must start over. OTDA does not have a separate hotline for CBOs handling a high volume of applications to get support – they must call the general hotline and representatives may know the answer or may not; phone reps often give conflicting information. And the time these organizations lose calling the hotline to maybe get the answer they need is time that could have been used assisting another tenant.
- An email address is required in order to digitally track an application, and many older community members as well as those lacking digital literacy do not have one, meaning a CBO has to not only apply but help an applicant set up an email account and instruct them in how to access it in order to create an account to track an application without having to call the hotline. For an individual that has never used email, this is an immense and potentially insurmountable burden.
- There has been much confusion about exactly what documentation is required; for example, it is unclear what documentation a self attestation should include. Further, when applicants receive notice about missing documentation, it is not clear what documentation is still needed.

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<sup>3</sup> <https://anhd.org/blog/220000-tenants-brink-and-counting>.

- We commend the legislature for ensuring that undocumented New Yorkers would be eligible for ERAP. At the same time, ANHD and other advocates made it clear that accessibility was of utmost importance for this process. Every layer of administrative difficulty decreases the ability of the most marginalized community members to participate in the program. Instead of a simple application, tenants are thrust into a bug-ridden and unnecessarily technical application process.

These technical and accessibility issues were both easily predictable and preventable, and they are unacceptable at a time when rent relief is a matter of life or death.

### ***Impacts on Community Development Corporations, Nonprofit Providers of Affordable Housing, and Low-Income Homeowners***

The bottlenecks and delays in distributing the money allocated for rent relief hurts landlords as well as tenants. We must simplify and streamline the application process to help make community development corporations (CDCs) and other nonprofit providers of affordable housing whole after struggling to stay afloat amidst reduced cash flow for the past 18 months. Specifically:

- Our non-profit landlords want to apply on behalf of their tenants to expedite the process, but they still need tenant certification, and getting a hold of tenants creates more work for staff and delays the process. Non-profit landlords need OTDA to proactively reach out to tenants to obtain this information. The application is unnecessarily long and burdensome for landlords with limited resources as it is for tenants, and must be streamlined in any way that is possible within the law.
- Since ERAP began accepting applications, HRA is not considering any one-shot deals and instead channeling all tenants in arrears through ERAP. But because payments through ERAP have not been made, cash flow to nonprofit landlords has been diminished and this is impacting vital operations like building maintenance.
- Our most impacted communities also include low-income homeowners of color. A relief program for low-income homeowners in limited equity HDFC co-ops was promised but still has not been rolled out; leading many of the many of these homeowners to fall behind in maintenance fees.

ANHD's members who are non-profit housing providers operate on razor thin margins; any reduction in rental income directly hurts their ability to maintain their buildings, pay staff, and provide services and programs to residents and to the community.

It is clear to all of us that this process has been outrageously slow. Two months into the program, OTDA had disbursed less than one percent of 2.7 billion dollars. We are seven weeks away from risking the federal government recapturing these funds, and such an



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outcome would be shameful and immoral. The issues we have outlined in this testimony must be remedied in order to get tenants and landlords relief, and it is a matter of political will and prioritization. Our state government needs to get rent relief funds out the door now. Tenants and landlords cannot wait.

Thank you for the opportunity to testify. If you have any questions or for more information please contact me at [Barika.W@anhd.org](mailto:Barika.W@anhd.org).

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