



THE LEGAL AID SOCIETY

CIVIL DIVISION • HARLEM NEIGHBORHOOD OFFICE

2090 Adam Clayton Powell, Jr. Blvd., New York, N.Y. 10027 (212) 663-3293 Fax (212) 749-7038

*Executive Director and
Attorney-in-Chief*
Daniel L. Greenberg

Attorney-in-Charge
Collin D. Bull

*Attorney-in-Charge of
The Civil Division*
Helaine Barnett

RENT ARREARS GRANTS (OUTSIDE JIGGETTS)

Revised edition -- May 1996

TABLE OF CONTENTS

I	RENT ARREARS GRANTS FOR PERSONS ELIGIBLE FOR RECURRING PUBLIC ASSISTANCE	1
	(i) <u>Unissued shelter allowance; "stale" rent checks</u>	1
	(ii) <u>Duplication of rent that HRA has issued</u>	2
	(iii) <u>Excess rent arrears (outside Jiggetts)</u>	4
</		

INTRODUCTION

Most of the clients that we represent in Housing Court will need a rent arrears grant from the New York City Human Resources Administration (HRA) to avoid being evicted. Therefore, it is crucial for housing attorneys and paralegals to have a thorough understanding of the circumstances under which our clients can obtain rent arrears grants.

I RENT ARREARS GRANTS FOR PERSONS ELIGIBLE FOR RECURRING PUBLIC ASSISTANCE¹

(i

checks are good for only 30 days; if they are not cashed before then, they will usually be uncashable. Recipients have a right to have stale checks reissued to the same extent as they have the right to have unissued shelter allowance issued, i.e. whether or not the recipient has the future ability to pay the entire rent in the future or whether reissuance of the stale rent checks will pay all the past rent that is owed.

(ii) Duplication of rent that HRA has issued (18 N.Y.C.C.R. 352.7(g)(4))

A recipient may be able to get a recoupable duplication of rent that has already been issued by HRA but not paid to

pay the portion of the rent above \$286 per month). Jiggetts relief is not available, since this is a HR household. The grant covered in the next section may help pay the excess arrears, if Ms. Smith finds a way to pay the future rent.

(iii) Excess rent arrears (outside Jiggetts)

Under 18 NYCRR § 352.7(g)(4), public assistance recipients (both AFDC and HR) can get a recoupable rent arrears grant above the shelter allowance if the recipient 1) agrees to use

arrears as an exception to policy, requiring consideration by the Rental Assistance Unit.

While four months is no longer a bright line test, since all applications for this kind of grant are supposed to go to the Rental Assistance Unit for consideration, HRA's announced criteria for authorizing a grant of over four months continues to be a relevant guide as to the situations in which HRA is most likely to approve the excess rent arrears grant: 1) there is a child in the household six months or younger, 2) someone in the household has AIDS, 3) someone in the household is terminally ill, or 4) someone in the household is mentally or physically disabled, or 5) there are other exigent circumstances. In addition, HRA is more likely to approve rent arrears grants when the monthly rent is low.

month rule. If the future ability is provided by a Section 8 subsidy, HRA is likely to approve duplication and issuance of excess rent. If the future ability is to be a third party paying excess rent, HRA's decision will depend partly on how likely it seems the third party will really pay, the rent level (the lower the rent the better), and how compelling the individual facts are. If you are unable to obtain an excess rent arrears grant for your client through advocacy with HRA, please discuss the case with a benefits specialist.

(iv). Rent arrears grants for months prior to the opening of the public assistance case ("applicant rent arrears") (18 NYCRR 352.7(g)(3))

excess rent arrears grant, if the client requesting the applicant rent arrears grant has a viable plan for payment of future rent, the Income Support Center is supposed to contact HRA's Rental Assistance Unit. A copy of Center Director Memos #s 96-28 and 96-39, which describe the new policy, is attached⁴.

Previously, HRA had decided to limit applicant arrears grants to four months of rent accruing prior to the date of application for public assistance (down from a prior limit of six months), and to treat any request for more than four months of arrears as an exception to policy, requiring consideration by the Rental Assistance Unit.

