

# housing answers

for residents of  
public housing

SUMMER 2006

what to do if you fall  
behind in your rent

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Tenant Advocacy Project (TAP)

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

## There is help.

If you fell behind in the rent because your household income went down, then the first thing you should do is get your rent lowered. The amount of rent you pay in Public Housing is based on your income. So if your income goes down, your rent should go down, too. To find out how to get your rent lowered, turn to page 2, "Getting my rent lowered."

The second thing you should do is pay the back rent that you owe. If you need financial help to pay your back rent, turn to page 5, "Help with paying back rent."

If you fell behind in your rent for some reason other than loss of income, turn to the section on "Help with paying back rent," starting on page 5.

## The New York City Housing Authority (NYCHA) Made Simple

NYCHA runs public housing developments in New York City. At each housing project, the management office, referred to as "Housing" in this guide, handles recertifications, rent changes, repairs and other day-to-day issues.

If you are not satisfied with the response you get at your management office, you can complain to the Borough Office. There is one for each of New York City's five boroughs: the Bronx, Brooklyn, Manhattan, Queens and Staten Island. The borough offices are listed on page 5 in this guide.

NYCHA's main office is at 250 Broadway in lower Manhattan, near City Hall. If you have to go to a hearing, this is where they are held.

## Who should use this guide?

Public Housing residents who are behind on their rent.

This guide will tell you how to get help paying your back rent and how to get your rent lowered when your household income goes down.

# 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:

**1.** you have a "rent hardship." If you were fired from your job, had your hours cut, or you quit your job, you 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.

### Example

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.

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**\* 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.**

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or **2.** any of the following situations if they make your income go down:

- 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, 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 will lower the rent starting the first of the month after you lost the income if you tell them about the loss within 30 days. Otherwise, they will lower your rent starting the first of the month after you notify them. Here is an example to make it clearer:

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.

## 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, 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” and dated.

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.

### **Bronx**

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

### **Brooklyn**

816 Ashford Street  
Brooklyn, NY 11207  
718.649.6400

### **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:** NYCHA may deny your grievance if you aren't up to date in rent. If this happens to you, and NYCHA has taken you to Housing Court for nonpayment, explain the situation to the judge, who may be able to intervene.

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 only 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 Verification. 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 don’t 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. You may have to pay back some of the money if you need more than four months of rent.

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 they will take a little money out of each check 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 is a good reason for falling behind in the rent?

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.

## 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 weekday, 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 a 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; welfare budget letter; disability award letter; child support award; or letter of support from a relative

## 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](http://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.

\* except in state and city developments: which are listed on the NYCHA web site at <http://www.nyc.gov/html/nycha/html/home/home.shtml>

## 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!**

The Tenant Advocacy Project (TAP) helps low-income New Yorkers solve problems getting into and remaining in affordable federally subsidized housing. We empower tenants with the information and legal assistance they need to solve problems. In addition, we provide technical assistance to community based organizations to help them better serve their clients throughout the city.

For more information, contact

Tenant Advocacy Project,  
Community Service Society  
105 East 22nd Street

New York, New York 10010

For assistance call the TAP Helpline: 212.614.5347

or visit our website at [www.cssny.org](http://www.cssny.org)

**Other titles in this series:**

*Adding Someone to Your Lease*

[forthcoming]

*Solving a Dispute with the NYCHA Grievance Process*

*Understanding the Community Service Requirement*

*Avoiding Eviction: Termination Proceedings*

*Moving to an Accessible Apartment*

*Getting Needed Repairs*

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Made possible with the help of the  
Wolfensohn Family Foundation,  
New York Community Trust, J.P. Morgan Chase Foundation  
and Washington Mutual

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