

Advantage Tenants: **The City Will No Longer Pay Advantage Rent**

Why are Advantage rent payments ending?

In March 2011, New York City told 16,000 Advantage households that it would stop paying Advantage rent subsidies. Legal Aid and Weil won court orders requiring the City to pay the Advantage rent temporarily. After a trial, the court ruled in September that the City can end Advantage payments.

Because of a court order, the City had to keep paying Advantage rent through January 2012. The court then decided that the City could stop paying Advantage rent for months after January 2012. On March 20, 2012, the court said the City can end Advantage payments. The State's highest court will now decide whether the City has to restore the payments, but it will not decide for many weeks, and for now the City does not have to pay.

We think that about 8,000 households will be affected by the early end of Advantage payments.

What happens now?

In general, Advantage Tenants are now responsible for the full amount of their rents for any months left in their leases going forward.

If possible, have a housing lawyer or advocate review your Advantage documents for example, the Advantage certification letter, Advantage lease rider, Advantage participant statement of understanding, Advantage landlord statement of understanding, Advantage renewal statement, and any other papers you have about your Advantage rent.

Some Advantage tenants have leases or riders which limit the amount of rent they owe, and some Advantage tenants never got these documents.

What if my landlord offers a new lease? Should I sign it?

If your landlord sends you a new lease, ask a lawyer or advocate to help you think about whether you can afford to pay the new rent before signing it. If you receive cash public assistance benefits and have minor children in your home, you may be eligible for a program called FEPS to help you pay rent. You should ask a lawyer or advocate to help you figure out if you are eligible for FEPS. See page 2 for more information about FEPS.

What if I can't afford to pay my rent? Should I go back to Path to apply for shelter?

- No, don't leave your apartment just because Advantage is ending. **Remember, your landlord cannot evict you without taking you to Housing Court.** See below to see what you should do if you are sued in Housing Court.

- Visit the DHS website www.nyc.gov/dhs for more information about Homebase sessions being hosted by DHS to provide "eviction prevention counseling, free legal assistance, short term emergency funding and assistance in obtaining employment and public benefits".

What if my landlord says s/he did not receive Advantage payments the City should have been paid for months before February 2012?

- Request a payment history printout from your HRA job center for the period you lived in the apartment. Also, call 311 to ask for an investigation.
- Call the HRA Prevention Hotline during business hours at 212.607.6200.

What if I get sued in Housing Court?

- Go to Housing Court, and answer the petition. If you have bad conditions in your apartment, make a list of them, bring it with you every time you go to court, and show it to the clerk and the judge. Take photos if you can. You can also call 311 to request HPD to inspect for violations.
- Call the Legal Aid Office in your borough.

Bronx	718-991-4600	Queens	718-286-2450
Brooklyn	718-722-3100	Staten Island	347-422-5333
Manhattan	212-426-300		

- Or walk in to the Crisis Intervention Program of the Coalition for the Homeless located at
129 Fulton Street in Lower Manhattan
Take the 2/3/4/5 train to Fulton Street in Manhattan OR the A/C/J/Z train to the Fulton/Broadway/Nassau station.

This walk-in clinic can see a limited number of clients on a first come, first served basis each day. Please arrive no later than 8 am, Monday – Friday, to ensure you will be seen the day you come in.

What if I have been paying a side deal?

It was illegal for the landlord to charge you a side deal. If you have proof that you paid money to your landlord in addition to the amount specified in the Advantage lease rider, bring the proof to Housing Court. You should get a rent credit for any side deal amounts you paid.

Or you can sue your landlord in Small Claims Court (www.nycourts.gov/courts/nyc/smallclaims) to get the side deal payments back.

Am I eligible for the rent program called FEPS?

You may be eligible for FEPS if:

- Someone in your household gets public assistance cash benefits, and
- You have a child in your household who is *under* 18 OR *under* 19 and still in high school, and

- You have been sued in Housing Court

OR you were evicted within the past year for non-payment of rent or holdover

OR you had to leave your apartment because of a government vacate order or a foreclosure proceeding,

AND

- You have an agreement with your landlord in writing to stay for at least one year and a monthly rent amount that is less than or equal to the amounts below (based on the number of people in your household). It is best to get the landlord to write a letter that he agrees to give you a one year lease at \$ (rent maximum) per month when the FEPS is approved.

Household Size	1	2	3	4	5	6	7	8
Rent Maximum	\$800	\$900	\$1050	\$1100	\$1250	\$1350	\$1400	\$1500

(Ask your landlord if s/he will accept this amount of rent in the future.)

If you think you qualify for FEPS, call one of the FEPS providers in your borough on the attached list. A FEPS provider must fill out the application for you.

How much does FEPS pay each month?

- It depends on who is in your home and what income you and they have. Everyone in your home who is eligible for PA must receive PA or have a verified income. Persons not in receipt of PA must pay at least 30% of their income or at least their share of the ongoing rent and often the arrears.

People on PA	1	2	3	4	5	6	7	8
FEPS and PA Shelter Allowance	\$650	\$750	\$850	\$900	\$1000	\$1050	\$1100	\$1200
Tenant Share**	\$150	\$150	\$200	\$200	\$250	\$300	\$300	\$300

**** The FEPS subsidy does not cover the whole rent. Families must pay the difference between the FEPS amount and the rent. See tenant share above.**

What if I have arrears?

If you have no other funds to pay your back rent, FEPS will pay rent arrears owed to your landlord AT THE ADVANTAGE LEVELS up to \$7,000. If your landlord sues you in housing court to make you leave and you owe any rent above the regular shelter allowance, you are still eligible for FEPS if the landlord will let you stay for one year. It is best to get the landlord to write a letter that he agrees to give you a one year lease at \$ (rent maximum) per month when the FEPS is approved.

If your landlord sues you and you are eligible for FEPS, you may be eligible to move to a new apartment if your landlord refuses to give you a lease within the FEPS levels or refuses to waive all arrears. Remember, you must be approved for FEPS **before** moving to a new apartment. Contact a FEPS provider as soon as you are sued to discuss your options.

You may also call 311 and ask for HomeBase to discuss your options.

NYC FEPS Providers

The government contracts with a few agencies to complete FEPS applications. You should contact the FEPS provider in your borough as soon as possible after you are sued, since the application process takes many weeks and it make take weeks to get a first appointment. **For Staten Island residents, you must go to Manhattan. Please call ahead to schedule an appointment, most offices do not take walk-ins.**

Bronx			
Organization	Address	Phone #	Fax#
BronxWorks-Hunts Point Multi Service Center **	630 Jackson Avenue Bronx, NY 10455	718-637-2630	
Brooklyn			
Organization	Address	Phone #	Fax#
CAMBA ** Center #67 Linden	45 Hoyt St, Fl. 1 Brooklyn, NY 11201	718-237-6329	718-694-2025
Manhattan			
Organization	Address	Phone #	Fax#
Catholic Charities Community Services** Center #26 St. Nicolas	132 West 125th St. Rm 301, NY, NY 10027	212-666-8401	212-666-8406
Catholic Charities Community Services** Center #13 Waverly	12 West 14 St. 4th Fl. NY, NY 10011	212-337-0213	212-337-0211
Catholic Charities Community Services** Center #23 East End	2322 Third Avenue, 4th Fl. NY, NY 10035	212-860-891	212-860-4219
Queens			
Organization	Address	Phone #	Fax#
Queens Community House – Eviction Prevention Unit **	Please call for appointment	718-883-7701 718-883-7702 718-883-7703 718-883-7704 718-883-7705	
Staten Island			
Organization	Address	Phone #	Fax#
Catholic Charities –Center #13 Waverly ** (Note: must go to Manhattan)	12 West 14th Street 4th Floor NY, NY	212-337-0213	212-337-0211

** These providers will process a move to a new apartment if you were sued and were evicted or sued and left your home and qualified for FEPS at the time and qualify for FEPS now. If you are in shelter you

Continued on next page

must find a new apartment and have the FEPS processed within 6 months from becoming homeless or within 12 months if you are doubled up.

**These providers will also see you if your FEPS needs to be modified or restored due to a change in household income, a change in people living in your home, your FEPS dropped off in the last year, you need to move due to a health and safety reason or need to move to a less expensive apartment.

All changes must be reported immediately to these providers. Moves must be approved prior to moving.

In addition to these agencies, some legal services providers, such as The Legal Aid Society, will complete your FEPS application if you are being represented by them in a related court case. These agencies are not listed here.