



DANIEL P. MCCOY  
COUNTY EXECUTIVE

COUNTY OF ALBANY  
DEPARTMENT OF SOCIAL SERVICES  
162 WASHINGTON AVENUE  
ALBANY, NEW YORK 12210-2304  
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MICHELE G. MCCLAVE  
COMMISSIONER

ERIN M. STACHEWICZ  
EXECUTIVE DEPUTY  
COMMISSIONER

VALERIE SACKS  
DEPUTY COMMISSIONER

April 13, 2021

Hon. Andrew Joyce, Chairman  
Legislative Clerk's Office  
112 State St., Room 710  
Albany, NY 12207

Dear Chairman Joyce,

The Department of Social Services respectfully requests legislative approval for the following:

Via Resolution 22 Adopted 2/8/2021 authorization was granted to accept a federal allocation in the amount of \$9,061,753.20 to provide rental and utility assistance including rental and utility arrears to eligible households. This is a federal assistance program to prevent eviction of households with financial hardship due to the Covid pandemic.

Subsequent to this approval it was determined that it is beneficial to Albany County to participate in the ERAP program managed by the NYS Office of Temporary and Disability Assistance (OTDA). OTDA will be responsible for creating an application portal, receiving and managing applications for assistance, verifying certain eligibility criteria, determining eligibility and providing financial assistance directly to landlords for this Program. Therefore, approval is requested to transfer this federal allocation to NYS Office of Temporary and Disability Assistance and contract with a Treasury approved agreement signed by NYS and Albany County. Note that the total allocation minus up to 10% administrative reimbursement, will be set aside exclusively for Albany County tenants meeting ERAP eligibility requirements; the Albany County Department of Social Services will receive an administrative amount, up to 10%, to conduct outreach and engagement activities to enroll eligible Albany County residents in the program. Participation in the program with NYS will allow Albany County to access additional ERAP resources paid by Treasury to NYS once our direct allocation funds are expended.

An eligible household is defined as a renter household in which at least one or more individuals meets the following criteria:

- Qualifies for unemployment or has experienced a reduction in household income, incurred significant costs, or experienced a financial hardship due to COVID-19;
- Demonstrates a risk of experiencing homelessness or housing instability; and
- Has a household income at or below 80 percent of area median income.

Eligible households may receive up to 12 months of rental arrears assistance, plus an additional three months if there is a determination of need to ensure housing stability should sufficient funds remain available. The payment of existing housing related arrears that could result in eviction of an eligible household will be prioritized.

Sincerely,

Michele G. McClave  
Commissioner

cc: Dennis A. Feeney, Majority Leader  
Frank A. Mauriello, Minority Leader  
Rebekah Kennedy, Majority Counsel  
Minority Counsel



# County of Albany

Harold L. Joyce  
Albany County Office  
Building  
112 State Street - Albany,  
NY 12207

## Legislation Text

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**File #:** TMP-2428, **Version:** 1

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### REQUEST FOR LEGISLATIVE ACTION

**Description (e.g., Contract Authorization for Information Services):**

Contract Authorization for Social Services (ERAP)

Date: 4/13/2021  
Submitted By: Joseph DeAngelis  
Department: Social Services  
Title: Contract Administrator  
Phone: 518-447-7583  
Department Rep.  
Attending Meeting: Michele McClave

#### Purpose of Request:

- Adopting of Local Law
- Amendment of Prior Legislation
- Approval/Adoption of Plan/Procedure
- Bond Approval
- Budget Amendment
- Contract Authorization
- Countywide Services
- Environmental Impact/SEQR
- Home Rule Request
- Property Conveyance
- Other: (state if not listed) [Click or tap here to enter text.](#)

#### CONCERNING BUDGET AMENDMENTS

##### Increase/decrease category (choose all that apply):

- Contractual
- Equipment
- Fringe
- Personnel
- Personnel Non-Individual

Revenue

Increase Account/Line No.: Click or tap here to enter text.  
Source of Funds: Click or tap here to enter text.  
Title Change: Click or tap here to enter text.

**CONCERNING CONTRACT AUTHORIZATIONS**

**Type of Contract:**

- Change Order/Contract Amendment
- Purchase (Equipment/Supplies)
- Lease (Equipment/Supplies)
- Requirements
- Professional Services
- Education/Training
- Grant

Choose an item.

Submission Date Deadline Click or tap to enter a date.

- Settlement of a Claim
- Release of Liability
- Other: (state if not listed) Click or tap here to enter text.

**Contract Terms/Conditions:**

Party (Name/address):

Office of Temporary and Disability Assistance  
40 N Pearl St., Albany NY 12207

Additional Parties (Names/addresses):

Click or tap here to enter text.

Amount/Raise Schedule/Fee: \$9,061,753.20

Scope of Services: This grant is made available to assist households that are unable to pay rental and/or utility arrears and up to 12 months of rent due to COVID-19 pandemic.

Bond Res. No.: Click or tap here to enter text.

Date of Adoption: Click or tap here to enter text.

**CONCERNING ALL REQUESTS**

Mandated Program/Service: Yes  No

If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes  No

Anticipated in Current Budget: Yes  No

County Budget Accounts:

Revenue Account and Line: A 6010.4612  
Revenue Amount: \$9,061,753.20

Appropriation Account and Line: A 6010.4086  
Appropriation Amount: \$9,061,753.20

Source of Funding - (Percentages)

Federal: 100%  
State:  
County:  
Local:

Term

Term: (Start and end date) 1/1/2021 -9/30/2022  
Length of Contract: 21 months

Impact on Pending Litigation

Yes  No

If yes, explain:

Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: 22  
Date of Adoption: 2/8/2021

**Justification:** (state briefly why legislative action is requested)

Via Resolution 22 Adopted 2/8/2021 authorization was granted to accept a federal allocation in the amount of \$9,061,553.20 to provide rental and utility assistance including rental and utility arrears to eligible households. This is a federal assistance program to prevent eviction of households with financial hardship due to the Covid pandemic. Subsequent to this approval it was determined that it is beneficial to Albany County to participate in the ERAP program managed by the NYS Office of Temporary and Disability Assistance (OTDA). OTDA will be responsible for creating an application portal, receiving and managing applications for assistance, verifying certain eligibility criteria, determining eligibility and providing financial assistance directly to landlords for this Program. Therefore, approval is requested to transfer this federal allocation to NYS Office of Temporary and Disability Assistance and contract with a Treasury Approved agreement signed by NYS and Albany County. Note that the total allocation minus up to 10% administrative reimbursement, will be set aside exclusively for Albany County tenants meeting ERAP eligibility requirements; the Albany County Department of Social Services will receive an administrative amount, up to 10%, to conduct outreach and engagement activities to enroll eligible Albany County residents in the program. Participation in the program with NYS will allow Albany County to access additional ERAP resources paid by Treasury to NYS once our direct allocation funds are expended.

An eligible household is defined as a renter household in which at least one or more individuals meets the following criteria:

1. Qualifies for unemployment or has experienced a reduction in household income, incurred significant costs, or experienced a financial hardship due to COVID-19;
2. Demonstrates a risk of experiencing homelessness or housing instability; and

3. Has a household income at or below 80 percent of Area Median Income.

Eligible households that include an individual who has been unemployed for the 90 days prior to application for assistance; households with income at or below 50 percent of Area Median Income will be prioritized for assistance.

Eligible households may receive up to 12 months of assistance for rent, rent arrears, utility and home energy costs, utility or home energy arrears, plus an additional three months of future rent if there is a determination the additional months are needed to ensure housing stability and there are sufficient funds available. The payment of existing housing related arrears that could result in eviction of an eligible household will be prioritized. Assistance will be provided to reduce an eligible household's rental arrears before the household may receive assistance for future rent payments. Once an eligible household's rental arrears has been reduced future rental assistance will only be approved at three month intervals. Not less than 90% of awarded funds must be used for direct financial assistance, including rent, rental arrears, utilities and home energy costs, utilities and home energy arrears and other expenses related to housing.

An application for rental assistance may be submitted by either an eligible household or by a landlord on behalf of that eligible household. In general, funds will be paid to the landlord or utility service provider.



## Office of Temporary and Disability Assistance

ANDREW M. CUOMO  
Governor

MICHAEL P. HEIN  
Commissioner

BARBARA C. GUINN  
Executive Deputy Commissioner

April 13, 2021

Daniel P. McCoy  
Albany County Executive  
Harold L. Joyce Albany County Office Building  
112 State St., Room 1200  
Albany, NY 12207

Dear County Executive McCoy:

The New York State Office of Temporary and Disability Assistance (OTDA) is administering the Emergency Rental Assistance Program (ERAP) funded as part of the federal Consolidated Appropriations Act, 2021 and the American Rescue Plan of 2021. As a result of these acts, New York is expected to receive a total of approximately \$2.3 billion from the U.S. Department of Treasury (the "Treasury") with \$1.4 billion directly allocated to New York State, \$442.9 million directly allocated to New York City, and \$419.7 million directly allocated to 13 counties and 10 other municipalities. OTDA is seeking to partner with the counties, cities, and towns ("localities") that are receiving direct allocations from Treasury in an effort to streamline the program statewide, maximize the dollars available to serve needy residents, and reduce fraud.

OTDA is establishing a program that will use a standard application portal and uniform program rules. Participation in the State-administered program would provide the following services on behalf of participating local governments:

- An on-line application portal where tenants and landlords can initiate applications;
- Applications and application assistance in multiple languages;
- Application processing to determine eligibility for rent arrears, prospective rent, and utility arrears;
- Notification to applicants of application approvals and denials;
- Resolution of appeals from those whose applications are denied;
- Processing of rent arrears and prospective rent to landlords/property owners;
- Processing of utility arrears to utility providers;
- Provision of a toll-free telephone help line for those with questions about the application process, to assist applicants' complete applications, and to respond to inquiries regarding the status of applications; and
- Regular reporting to each locality on the numbers of applications received from residents of the locality, the number of applications approved and denied, and payments made on behalf of residents of the locality.

A unified statewide program will reduce tenant and landlord confusion, establish consistent eligibility standards regardless of where applicants reside, maximize the funding available for direct service to locality residents, and reduce the possibility of duplicative payments and fraud.

If your locality agrees to partner with OTDA, the direct allocation made by the Treasury to your locality will be used to support your locality's residents. OTDA will provide the above listed services at no expense to your locality, and residents of your locality also will be eligible to receive assistance funded from the additional estimated \$1.4 billion allocated to New York State, apart from the direct allocation made by the Treasury to your locality.

To partner with OTDA, your locality would need to immediately sign and return to OTDA the enclosed Intergovernmental Agreement. OTDA would then send the fully executed Agreement back to your locality along with OTDA's banking information. At that point, your locality would need to immediately effectuate an Automated Clearing House (ACH) or wire transfer of the funds that have been directly allocated to it by the Treasury under the Consolidated Appropriations Act, 2021 to OTDA.

Your locality then would complete an Office of Management and Budget (OMB) Redirected Funds Form (OMB Form No. 1505-0266) (copy attached), and submit the form to OTDA along with a copy of the ACH or wire transfer evidencing the transfer of the funds to the State. OTDA will countersign the Redirected Funds Form and submit it to the Treasury. After the funds are redirected to the State and OMB Redirected Funds Form is signed, your locality will have no further legal obligation to the Treasury relating to the funds and the State will become legally obligated to the Treasury for the redirected amounts and for all mandated reporting. Additionally, as required by the Intergovernmental Agreement, your locality must agree to have OTDA administer any funds allocated to your locality by the Treasury pursuant to the American Rescue Plan of 2021.

OTDA will set aside 10% of the funds allocated by the Treasury to your locality to pay administrative costs including, but not limited to, any costs your locality incurs engaging in community-based outreach and application assistance. The locality would be responsible to plan for, monitor and implement outreach and provide application assistance to locality residents and ensure that sufficient approvable applications are received by OTDA. In particular, your locality would be expected to provide outreach and direct application assistance to low-income residents, residents residing in communities disproportionately impacted by COVID-19 infection and resulting economic distress, smaller landlords, and tenants who are parties to eviction proceedings. OTDA anticipates that your locality would hire or contract for these outreach and application assistance services. Your locality would be required to submit an outreach plan to OTDA, using the enclosed template, detailing how you intend to spend these funds. If the plan is approved, OTDA will provide these funds to your locality pursuant to a contract to be entered into by OTDA and the locality. OTDA also would expect your locality to participate in data matches and otherwise support OTDA efforts to prevent duplication of any locally issued rental arrears since March 13, 2020.

To affirm that your locality wishes to partner with OTDA and participate in the statewide program, OTDA asks that you sign and return the enclosed Intergovernmental Agreement as soon as possible, **but no later than April 27, 2021** to the attention of Renee Nowicki at [Renee.Nowicki@otda.ny.gov](mailto:Renee.Nowicki@otda.ny.gov). If your area does not intend to join the statewide program, please let us know as soon as possible, via email to Renee Nowicki at that same email address.

OTDA is excited about the opportunity to collaborate with your locality and provide much needed relief for residents and property owners throughout the State of New York. Working together we can deliver this critical assistance in an efficient and effective manner.

Sincerely,



Michael P. Hein  
Commissioner

Enclosures

cc: Michele McClave  
Barbara C. Guinn  
Renee Nowicki  
Alison Maura  
Kenneth Crannell



## Emergency Rental Assistance Program

### Redirected Funds Form

The Emergency Rental Assistance (ERA) Program (established by section 501 of Division N of the consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (Dec. 27, 2020)) has disbursed award funds to all eligible grantees. After further review of the ERA program, some local governments have decided to cancel their ERA awards and request that their award funds be redirected to their respective states. For purposes of tracking, documenting the de-obligation of the funds obligated to the local government, recording a modification to the state's obligation, and auditability of the funds that were redirected from the local governments to their respective states, the information below must be completed and returned to Treasury via the email address, [Eraapplications@treasury.gov](mailto:Eraapplications@treasury.gov).

#### PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden associated with this collection of information is 1 hour per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

#### Redirected Information:

On \_\_\_\_\_ (date), \_\_\_\_\_ (Name of local government transferring award funds) transferred all of its award funds allocated under the ERA program in the amount of \$ \_\_\_\_\_ (dollar amount) to \_\_\_\_\_ (Name of State), which received the transferred award funds on \_\_\_\_\_ (date). \_\_\_\_\_ (Name of local government) understands that transfer of all funds issued under this award to \_\_\_\_\_ (Name of State), completing and submitting this Redirected Funds form to Treasury, and attaching a copy of the ACH or wire transfer as evidence of the transfer effectively cancels ERA award listed as Award number, \_\_\_\_\_ and FAIN number, \_\_\_\_\_ and there is no further legal obligation to Treasury under the ERA award. \_\_\_\_\_ (Name of State) understands that receipt of the award funds from \_\_\_\_\_ (Name of local government) on \_\_\_\_\_ (date) effectively modified its ERA award amount listed as Award number, \_\_\_\_\_ and FAIN number, \_\_\_\_\_ and \_\_\_\_\_ (Name of State) is now legally obligated to Treasury for the additional ERA award funds of \$ \_\_\_\_\_ (dollar amount), and the completion of all legally mandated reporting.

I certify under penalty of perjury to the U.S. Department of the Treasury ("Treasury") that the information provided above are true and correct.

\_\_\_\_\_  
Signature of Chief Executive Officer of the local government  
Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Authorized Official of the State

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_