



Office of Temporary and Disability Assistance

ANDREW M. CUOMO
Governor

MICHAEL P. HEIN
Commissioner

BARBARA C. GUINN
Executive Deputy Commissioner

March 2, 2021

Mr. Steven Banks
Commissioner
NYC Department of Social Services/
Human Resources Administration
150 Greenwich Street, 38th Floor
New York, New York 10007

Re: Family Homelessness & Eviction Prevention
Supplement (FHEPS) Program

Dear Commissioner Banks:

I write in response to your letter of June 19, 2020, in which you requested that the Office of Temporary and Disability Assistance (OTDA) grant a temporary modification to the Family Homelessness and Eviction Prevention Supplement (FHEPS) A Rent Supplement Plan that was approved pursuant to the Stipulation of Settlement in *Tejada v. Roberts*, Index No. 453245/2015 (Sup. Ct. N.Y. Co.). Specifically, you requested that OTDA allow the New York City Department of Social Services (“DSS”) to provide rent supplements to applicants who have received rent demands, rather than require them to be parties to eviction proceedings (the “Lawsuit Requirement”).

In light of the recent enactment of the COVID-19 Emergency Eviction and Foreclosure Prevention Act, (L. 2020, Ch. 381) (the “Act”), OTDA will agree to amend the FHEPS A Rent Supplement Plan to waive the “Lawsuit Requirement” until at least May 1, 2021, or until such time as the eviction moratorium in the Act is no longer in effect. During the period the Lawsuit Requirement remains waived, DSS may approve FHEPS applications that include (1) a written rent demand in accordance with RPAPL § 711(2) or a threat of eviction in writing from the landlord, and (2) a copy of the Tenant’s Declaration of Hardship During the COVID-19 Pandemic, as required by Part A of the Act, §§ 1(4) and 4.

Please let me know if you have questions.

Sincerely,

Michael P. Hein
Commissioner