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Family Eviction Prevention Supplement (FEPS)

Effective May 1, 2005, New York City has a new eviction prevention program called Family Eviction Prevention Supplement (FEPS). This program will pay the families' rent arrears plus provide a supplement going forward for families who receive public assistance and are facing eviction for non-payment of rent. *No rent will be paid for periods when anyone on the welfare case is being sanctioned.*

In order to be eligible, the family must meet the following criteria:

- Have a housing court proceeding for non-payment of rent
- Be the tenant of record and have a lease, or obtain an agreement in writing allowing the tenant to stay for at least one year
- Have no more than \$7,000 in arrears, except for extenuating circumstances (such as at-risk factors), to be determined on a case-by-case basis
- If a member of the household is not on welfare, they must contribute a pro rata share of the shelter costs of 30% of their income, whichever is less (includes SSI recipients)

Rents will range from \$650 for a one-person household to \$1,200 for an 8-person household.

There is a five-year limit on receipt of the supplement. In addition, the supplement decreases by 20% each year until by the fifth year, when it is eliminated. This is of special concern because most families' income does not increase by 20% each year, to cover this schedule of reductions.

FEPS will allow some rent increases over the five-year period, moves are allowed in certain circumstances, and third-party contributors may be evaluated in determining eligibility for higher rents.

Clients must agree to have the entire rent paid directly to the landlord and are entitled to fair hearings to challenge issues related to FEPS.

If you have families who are in eviction proceedings and are confused by the new program, please call OPPCA at (212) 358-8930.

Housing Court Assistance

Housing Courts in New York City have a good but not well-publicized service for families and advocates. The Resource Center is located in each borough's housing court and has an attorney who can answer questions about procedures, about where to get rent arrears, about how to get landlords to make repairs, and numerous other issues.

Another service helps physically and mentally disabled persons facing eviction who have difficulty getting to court or understanding the legal process. It allows the judge to appoint a guardian to ensure that an eviction does not go forward and to find ways to pay the rent when the tenant is at risk.

Case handlers who work with families where the parent seems unable to cope mentally or emotionally with the process or who is physically unable to get to housing court should call OPPCA at (212) 358-8930 for assistance in accessing these services.

Section 8 Housing Choice Voucher Program

Section 8 vouchers are hard to get and are not being issued at this time, but you should apply anyway. If you are homeless, apply for a section 8 voucher at your shelter.

Jiggetts Relief

Families applying for Jiggetts relief are now being referred to Family Eviction Prevention Supplement (FEPS), which is described above. Eventually, the state plans to phase out all Jiggetts relief.

For more information about landlord and tenant issues, see [KNOW YOUR RIGHTS: TENANT AWARENESS AND ORGANIZING](#)

For in-depth information, contact The Children's Aid Society at (212) 358-8930 to get a complete set of [KNOW YOUR RIGHTS](#) brochures and other legal advocacy publications in both English and Spanish. You may also log onto www.childrensaidsociety.org.

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If you have rent arrears, your landlord cannot evict you without filing a petition in housing court and getting a judge to support the claim. You have the right to tell your side before the judge and ask for time to pay.

Notice of Amount Owed

First, your landlord must give you notice of the amount you owe and how long you have to pay. This is usually a letter and may be called a Rent Demand. This is *not* an eviction notice and you do *not* have to move out.

You should discuss the arrears with your landlord and try to reach an agreement. If you and your landlord do not agree on a payment plan, or if you do not pay the rent within the time stated in the notice, then your landlord can go to housing court and file a non-payment petition.

Non-Payment of Rent Petition

The petition must be served to be legal. This means that your landlord must deliver the petition to you by one of these methods:

- By certified mail
- By regular mail
- By hand delivery at your address

Filing Your Answer

You must file a written answer to the non-payment petition with the clerk at housing court within 5 days. Your answer should include any reasons you may have for not paying your rent, such as:

- You disagree with the amount owed
- Your landlord has not made necessary repairs in the apartment

You can also ask for a court inspection. If your landlord has not kept the apartment or building up to standard living conditions, the judge may order an abatement, which is a reduction in back rent, and order that repairs be made before you pay back rent.

When you file your answer, the clerk will give you a court date. You will not be given an attorney but you may contact The Legal Aid Society or Legal Services of New York City to request representation.

These agencies accept cases based on income level, availability of staff, and the nature of the issue.

- The Legal Aid Society(212) 577-3300
- Legal Services of New York City(212) 431-7200

Going to Court

Once in court, you will need to prove the things you stated in your answer. Bring with you such documents as:

- Your lease, if you have a copy
- Photos of the problems in your apartment
- A list of dates and copies of letters notifying your landlord about problems
- Receipts for the rent you have paid
- Anything else that may help your case

After the judge hears your case, a decision will be issued in a Stipulation of Settlement, which is an agreement between you and your landlord that the court will enforce.

Stipulation of Settlement

The stipulation is signed by the judge, the landlord and you (the tenant). If you do not think you can do what the agreement says, you should discuss your concerns with the judge before you sign the stipulation. Once signed, you will be bound by the agreement.

The stipulation contains a default clause: If you or your landlord violate the agreement, the case can be returned to court by either of you. If you do not make the payments, your landlord can ask the judge to evict you.

Remember: the judge is there to help you. If you think the papers you are asked to sign are not fair, you have the right to talk to the judge, even if the landlord's attorney tells you it is not necessary.

What happens if you can't live up to the stipulation?

You should go back to court and get an Order to Show Cause to stop the eviction so that the judge may consider new information. You must show that you need more time to get the money from another source, for example, from public assistance.

If you still cannot pay, your landlord can ask the judge to order the eviction, but you may ask the judge to delay the eviction until you find a new apartment.

Notice of Eviction

If you have exhausted all of your remedies and receive an eviction notice, you can be evicted within 6 business days. The name and phone number of the marshal will be on the notice. You should call this number every day to see when your eviction is scheduled. If you are able to pay the amount you owe at any time before the 6th day, you should go immediately to court and ask for an Order to Show Cause to stop the eviction.

If you are served with eviction papers, you should immediately contact the Rental Assistance Unit at the local welfare center and ask for emergency assistance to pay your arrears. Take copies of all of your legal papers to your appointment. You don't need to be on welfare to apply for emergency rental assistance.

How can you force your landlord to make repairs to your apartment?

If the court ordered repairs in the stipulation and your landlord does not comply, you should notify the court.

You can also file a Housing Part (HP) action to force your landlord to make the repairs. Go to housing court in your borough and give the clerk a detailed description of the repairs needed and ask for a court inspection.

What other rent assistance is available?

Emergency Rent Grants

Depending on your income and family status, you may qualify for an Emergency Assistance grant from the welfare center. You do not need to be on welfare to apply for this grant.

Housing Stability Plus (HSP)

NYC has a new rent assistance program to help families in city shelters, parents awaiting housing in order to reunite with children in foster care, and families facing eviction for non-payment. Instead of Section 8 vouchers, which have become increasingly limited, the city has created Housing Stability Plus (HSP), a program of rental subsidies which will average \$925 a month for a family of three, decrease by 20% each year over five years, and then stop altogether. Families may apply through the shelter system and at all neighborhood welfare centers. Call 311 for directions and addresses.

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