

Getting Help With Back Rent

I owe my landlord rent but I don't have the money. Can DSS help?

The Department of Social Services may be able to help you. In Erie County, you can apply for help with past rent (called rent arrears) at the ECDSS Emergency Services office at 460 Main Street, 2nd floor. DSS must see you the same day you apply.

Do I have to be on Public Assistance to get help with back rent?

No. You do not need to be eligible for or receiving public assistance to get help with back rent.

What do I need to bring to DSS to get help?

- a. Identification
- b. Proof your landlord is threatening to evict you, either court papers or a statement from the landlord saying you must pay what you owe or you will be evicted. The court papers or letter has to list the months you owe, the amount for each month, and any late fees. **These do not have to be court papers.**
- c. Proof of your income if you do not get Temporary (cash) Assistance from ECDSS or Social Security (ECDSS can look those benefits up). If you work, take your last four (4) weeks of paystubs or a letter from your employer with the number of hours you work and your pay rate.
- d. Proof you have enough income to pay your rent going forward.

Are there income limits?

Yes. You are financially eligible if you get Temporary (cash) Assistance or SSI. If you have other income and are single and have no minor children in your household your income has to be at or below 125% of the Federal Poverty Level. If you have a child in the household, you can have available income at or below 200% of the Federal Poverty Level. If you need help because of a fire, flood or other like catastrophe, the 125% limitation does not apply.

What help can DSS provide with back rent?

You can get help with up to six (6) months' rent one time every five (5) years (unless something very unusual has happened and DSS is willing to make an exception). If you get SSI, you can get help with four (4) months' rent once every 12 months. Help with back rent may be in the form of a loan or grant depending on the circumstances.

What if I cannot get all the documents DSS is asking for?

If you cannot get all the documents DSS is asking for, but have tried your best to get them, tell your worker. DSS has a duty to assist you in getting all the required documentation.

What if the Department of Social Services denies my application?

DSS must give you a **written notice** telling you why you are not eligible. You can contact us at (716) 847-0650 and ask for the Health and Economic Security Unit if you think the Department of Social Services is incorrect or refuses to give you a written denial. We will review the notice with you and may agree to take your case. You also have the right to request a fair hearing.

How do I request a Fair Hearing?

You can request a Fair Hearing:

By Phone:

Statewide Toll-free 1-800-342-3334: Fair Hearing Requests & Inquiries

By Mail:

New York State Office of Temporary and Disability Assistance (OTDA)

Office of Administrative Hearings

P.O. Box 1930 Albany, New York 12201-1930

By Fax

Fax No. (518) 473-6735

Online:

Forms: <http://www.otda.state.nyus/oah.forms.asp>