



Testimony by the New York Legal Assistance Group,  
Oversight – The CityFHEPS Rental Assistance Program  
Before the New York City Council Committee on General Welfare  
January 27, 2025

Deputy Speaker Ayala, Council Members, and staff, thank you for the opportunity to speak to the Committee on General Welfare on the CityFHEPS Rental Assistance Program. My name is Graham Horn, and I am a staff attorney with the Shelter and Economic Stability Project at the New York Legal Assistance Group (“NYLAG”).

NYLAG uses the power of the law to help New Yorkers experiencing poverty or in crisis combat economic, racial, and social injustices. We address emerging and urgent needs with comprehensive, free civil legal services, financial empowerment, impact litigation, policy advocacy, and community partnerships. We aim to disrupt systemic racism by serving clients, whose legal and financial crises are often rooted in racial inequality.

The Shelter and Economic Stability Project at NYLAG provides free legal services and advocacy to low-income people in and trying to access public shelter in New York City, and those having trouble accessing or maintaining Public Assistance and SNAP (food stamp) benefits. We work to ensure that every New Yorker has a safe place to sleep by offering legal advice and representation throughout each step of the shelter application process, assist and advocate for clients who are already in shelter as they navigate the transfer process, and seek adequate facility conditions and

resources for their needs. We also represent clients at Administrative Fair Hearings, conduct advocacy with the Department of Social Services (“DSS”), Benefits Access Centers and SNAP centers, and bring impact litigation to ensure that our clients are obtaining and maintaining an adequate level of shelter and benefits.

We work with individuals and families who are in shelter waiting to become eligible for CityFHEPS, holding a shopping letter, in receipt of the voucher, and facing eviction in housing court because of problems with the administration of the benefit. NYLAG also has many clients who are in housing court and in need of rental assistance to preserve their affordable apartments, and who are still unable to access CityFHEPS vouchers, despite City Council’s successful passage of bills improving and expanding further into the community the operation of this voucher program. NYLAG appreciates the leadership of the Council on this and many other issues, and we are committed to working together with you to find ways to continue to push the City towards implementing these duly enacted laws.

As a result of my extensive experience addressing clients’ issues with the operation of the CityFHEPS voucher program, I am grateful to have the opportunity to offer the following comments and recommendations.

1. We Thank City Council for Continuing to Pursue CityFHEPS Expansion

We thank this Council for continuing to push for the expansion of CityFHEPS eligibility. Expanding eligibility for rental assistance to any applicant at risk of eviction or experiencing homelessness is a common-sense solution to help keep families stably housed and the shelter census down. Moreover, in many cases when households are evicted from stable and affordable apartments, that eviction will de-

stabilize the apartment and diminish the city's affordable housing stock. Additionally, expanding rental subsidy eligibility criteria will lead to substantial savings for the City, as rental subsidies are far less costly than the costs of housing people in shelter. The expansion would benefit the city economically, and would be a lifeline to families and individuals experiencing housing insecurity. We thank the Council for your heroic efforts on CityFHEPS expansion.

2. The Administration of the CityFHEPS Program Causes Landlords Not to Want to Rent to Voucher Holders.

CityFHEPS voucher holders are discriminated against by a host of entities, including landlords and brokers. Even with laws passed to provide information about source of income discrimination to city rental assistance applicants, more is needed to ensure that CityFHEPS vouchers are actually usable by clients.

While it is true that some landlords simply do not want to rent to lower-income tenants, our clients report that much of landlords' reticence to rent to voucher holding tenants stems from the New York City DSS's own practices, not the clients themselves. Landlords are understandably concerned that there will be administrative problems with getting the apartment approved for voucher use and, once approved, problems with collecting rent.

Once NYLAG clients can find below-market apartments that fit the CityFHEPS rental guidelines, the process of getting that apartment approved for a voucher is slow and overly burdensome for landlords, and often riddled with administrative errors by DSS. DSS' apartment approval for CityFHEPS voucher use most often takes months.

One reason for this delay is that for clients in shelter seeking to use a voucher, shelter housing specialists or caseworkers are solely responsible for processing the application and are the only ones able to act as an intermediary between DSS and the landlord. Clients report that they frequently experience a communication breakdown between their shelter caseworkers, DSS, and the landlords. If a willing landlord makes a small mistake on the application (as will often happen), it can take many days or even weeks before that information is relayed from DSS to caseworkers and back to the landlord. Neither the landlords nor the clients work directly with DSS, and often the application's deficiency will be lost in translation. Clients consistently report forms being filled out incorrectly multiple times, because landlords are not informed as to which parts of the form are incorrect.

Simplifying this back-and-forth game of telephone would alleviate pressure on the CityFHEPS system at all levels. If the application process were digitized, on the model of AccessHRA, and clients were able to self-submit documentation that currently must pass through multiple hands, we would see fewer rejections on the basis of scrivener's errors and, as a result, quicker approvals. CityFHEPS applicants would also benefit from clear contacts at DSS for those moments when shelter or Agency staff is not moving forward with processing their application. Currently in such cases advocacy from an organization such as NYLAG is necessary in order to get all the various stakeholders back on track together.

These persistent communication breakdowns are augmented by staffing shortages at DSS and Homebase. A program as vital as CityFHEPS to the health and

safety of our neighbors deserves to be fully staffed from top to bottom. Otherwise, these cycles of delay and noncommunication will continue to persist.

Another common refrain from clients is that DSS is not able to schedule apartment inspections in a timely manner. Just last month I had a client have her packet rejected because the inspector inadvertently inspected the wrong apartment in the building. Luckily, I was already working with this client and was able to act quickly enough to have the rejection reversed (though we are still waiting for final approval). Most applicants do not have representation in this process. Even when a landlord is initially willing to hold an apartment to complete the process, often, after several weeks, they are forced to rent an apartment to someone who can start the lease and begin paying rent more quickly in order to pay their bills. NYLAG clients report having to wait months between finding an apartment with a landlord willing to take a voucher and actually getting approval to execute the lease. Many apartments are lost in the process.

Once the apartment is approved and the client moves in, problems with DSS persist. As explained in more detail below, clients who rely on CityFHEPS vouchers report that DSS does not pay their rent on time, and sometimes will discontinue paying rent without notice. Indeed, landlords have created a website, [www.nycfhps.com](http://www.nycfhps.com), to warn each other about the pitfalls of renting to voucher holders. Although some of the stories posted complain about so-called “difficult” tenants, most complaints state that they will not rent to voucher holders because of DSS’s slow processing, late rents, and discontinuing benefits mid-lease. Evidently, much of the reluctance to rent to voucher holders is attributable to DSS’s

administrative failures, which is entirely within the City's control. We urge this Council to continue to pass legislation aimed at DSS administrative practices and procedures.

NYLAG urges this committee to be cognizant of the ways in which the expansion of case management services can be overseen and further resourced to ensure that these services are helpful to our clients. Providing more case management to homeless clients is another step in ensuring that shelter is an accessible and helpful resource on the path towards permanent housing. Increased staffing at all levels of the bureaucratic chain will bring internal and external relief: allowing DSS to be more responsive to issues and more communicative to their clients and community partners. Similarly, a digitized document system, which provides voucher-holder access to information about which documents have been accepted and rejected, would work to simplify the communication morass that currently plagues the CityFHEPS approval system.

### 3. DSS's Unresponsiveness to CityFHEPS Voucher Holders Creates Housing Instability

Once a client is able to find an apartment and get it approved for CityFHEPS, problems persist for our clients with the administration of the benefit. As alluded to above, there are a host of complications that begin with clients being unable to reach anyone at CityFHEPS to report changes and missing benefits. While clients may report some changes on AccessHRA, often modification requests made via that platform are ignored or budgeted incorrectly. The least fortunate clients experience

such long delays in correcting problems with their CityFHEPS cases that they end up back in housing court and at risk of homelessness once again.

Our clients who rely on CityFHEPS vouchers report that DSS often does not pay their rent on time and sometimes will discontinue rental payments without notice to the client or the landlord. We routinely represent clients who are in months of arrears without being made aware that the payments were not being made. Some clients do not learn that they are in arrears until the landlord serves them with a new petition. NYLAG attorneys and paralegals conduct extensive advocacy with HRA to reinstate these programs and get retroactive payments issued to the landlord, but we are extremely concerned about the majority of benefits recipients who do not have an advocate to help them navigate these broken and convoluted bureaucratic systems. DSS must be adequately staffed so that every voucher holder is able to access help maintaining their subsidy. Moreover, if DSS digitized check issuance where possible, delays relating to mail or check cashing error would be greatly ameliorated.

#### 4. DSS Must Address Delays in Regular Benefits Application Processing

Those eligible for a CityFHEPS voucher who are not current public assistance recipients or shelter residents are required to be screened for public assistance before their CityFHEPS can be approved. This means that a client must submit a public assistance application, complete an eligibility interview, and provide supporting documents, even if they are not eligible for ongoing public assistance. And these clients must, at the very least, have a “single issuance” public assistance case opened by DSS to administer the CityFHEPS.

One recent NYLAG client facing eviction was conditionally approved for CityFHEPS, pending the approval of the public assistance “single issuance” case. NYLAG assisted the client in filling out the application and submitting documentation. DSS then failed to connect with the client to complete the phone interview, despite multiple attempts by NYLAG to facilitate this connection. It took two attorneys and dozens of emails before we were able to get the case opened and CityFHEPS payments issued. Meanwhile, the client was at serious risk of eviction.

Other problems with the administration of public assistance benefits affect CityFHEPS recipients. When a CityFHEPS recipient has an ongoing public assistance case, they are not required to separately recertify for CityFHEPS. However, if the public assistance case closes, the client continues to be eligible for CityFHEPS without an active public assistance case, but they are required to complete a separate CityFHEPS recertification. DSS does not clearly relay this information to our clients. They often learn months after their public assistance case has closed that their CityFHEPS payments stopped soon thereafter, and that they have now accrued months of arrears. This is exacerbated by the extended wait-times to meet with a Homebase worker to attempt to rectify the arrears. One recent client reported that he had requested a Homebase appointment but no appointment was available for several months. In the meantime, his landlord had initiated eviction proceedings.

As suggested above, we believe that these long delays would be dramatically reduced by increased staffing to the DSS review lines, and to Homebase. Similarly, an online portal dedicated to administering the CityFHEPS program would prevent the situation described above, where public assistance cases close causing CityFHEPS



payments to also stop. Communication directly to clients requesting their recertification for CityFHEPS, as with all efforts to facilitate quicker and clearer communication, would prevent enormous harm to our clients and save the city and courts both time and money. We call on the Council to push for these administrative solutions, on top of the changes to the CityFHEPS program that the Council continues to fight for.

We thank the Committee on General Welfare for the work it has done to facilitate services for vulnerable New Yorkers, and for holding this hearing and taking this opportunity to continue to improve the conditions for our clients. We hope we can continue to be a resource for you going forward.

Respectfully submitted,

New York Legal Assistance Group