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**\*\*\*FOR IMMEDIATE RELEASE\*\*\***

***Legal Aid Files Appeal to Force Adams Administration to Fully Implement CityFHEPS Reform and Expansion Laws***

***The Lower Court's Ruling Conflicts with Binding Legal Precedent Set by the NYS Court of Appeals Permitting the City Council to Legislate on Social Services Issues***

***Failure to Enact Reform Laws Will Leave Thousands of Low-Income New Yorkers Defenseless Against Eviction, Homelessness***

(NEW YORK, NY) - The Legal Aid Society today filed an [appeal](#) in [Marie Vincent et. al. v. Mayor Eric Adams](#), litigation brought this past February to compel Mayor Eric Adams and the City to fully implement a package of legislation passed by the New York City Council that would reform and expand the City Fighting Homelessness and Eviction Prevention Supplement (CityFHEPS) program, a local housing voucher for New Yorkers on the brink of or experiencing homelessness.

Unless reversed on appeal, the lower court's ruling will leave thousands of vulnerable low-income New Yorkers like the named plaintiffs defenseless against eviction, often from long-term homes with rents far below market. Instead of paying modest subsidies to preserve these homes, the Adams administration prefers to let such tenants enter shelter, and then issue subsidies for new apartments at double the cost. The ruling also leaves thousands of homeless New Yorkers stuck in shelters without housing voucher access, including homeless youth, DV survivors, fire victims, many employed shelter residents, and others.

Legal Aid, along with the Coalition for the Homeless, VOCAL-NY, Neighbors Together, Women In Need NYC, Safety Net Activists at the Urban Justice Center, members of the Homes Can't Wait Coalition, elected officials and tenants, announced the appeal this morning at a press conference out front of Manhattan Housing Court.

In August, the Supreme Court of the State of New York [dismissed](#) the petition on the grounds that State law precludes the City Council legislating on social services-related issues. The appeal argues that this decision is contrary to binding precedent and is a radical departure from decades of social services policy enacted by the City Council and implemented by the executive branch.

The City Council's policy making authority is inherent in New York's system of local self-government. The New York State Social Services Law (SSL) clearly preserves the role of local legislatures – such as the City Council – in shaping social services programs and policies.

In 1999, the Guiliani Administration refused to implement legislation enacted by the New York City Council to eliminate City DSS's eligibility verification review requirement for individuals with HIV/AIDS. In *Hernandez v. Barrios-Paoli*, the New York State Court of Appeals - the highest court in New York - issued a binding, precedent-setting decision which found that City DSS had to enforce the legislation codified by the City Council, as allowed and required by the SSL.

In contrast, the lower court relied on precedent unrelated to whether the City Council has the authority to legislate on social services-related issues, instead pointing to caselaw on how local departments of social services must follow the directions of State DSS.

Judge Frank's ruling also sets a dangerous precedent, permanently depriving residents of New York of the democratic right, through their elected legislature, to establish policy in the vast and crucially important area of social services.

[“The City Council has a long and established track record](#) of legislating on social services-related issues, and the lower court's ruling is wrong on the law and simply ignores this history which stretches back decades,” said **Robert Desir, Staff Attorney with the Civil Law Reform Unit at The Legal Aid Society**. “This enacted package of legislation would stem widespread homelessness and mounting evictions, and we're committed to working with the City Council to ensure that these reforms live up to their true intended promise to help low-income New Yorkers achieve housing stability.”

“CityFHEPS is a lifeline for New Yorkers, who are relying on it to help them remain in their homes and avoid slipping into homelessness,” said **Deputy Speaker Diana Ayala**. “As a government, we owe it to New Yorkers to fully implement these laws so that all have a chance to secure stability and safety. Especially during the ongoing crises of affordability and housing, it is cruel and reckless for the Administration to deny access to this critical housing assistance. We cannot delay it further, and the Mayor and his Administration must prioritize the needs of New Yorkers and implement the CityFHEPS legislative package.”

“As the Council Member for District 14, I know how many of my constituents struggle and work hard to afford their homes and make ends meet,” said **NYC Committee on Housing and Buildings Chair Member Pierina Ana Sanchez**. “The Council enacted the CityFHEPS Reform Laws over the Mayor’s veto because we believe government can do more to make a difference for New Yorkers experiencing homelessness and those who need help to maintain stability. Today’s appeal reaffirms our pursuit to maintain our responsibility as the city’s lawmaking body to advance policies that support New Yorkers in need.”

“Urban Pathways stands with the New York City Council and Legal Aid Society in their appeal of the State Supreme Court’s ruling denying the City Council’s authority to expand the CityFHEPS voucher program. New York City has long been and continues to be in a housing emergency without enough access to affordable housing for those in need. Keeping New Yorkers at risk of eviction housed and creating greater opportunities for New Yorkers experiencing homelessness to access a subsidy through the expansion of the CityFHEPS program is an essential tool for tackling homelessness in the City, amongst a broader strategy of expanding access to supportive and affordable housing,” said **Frederick Shack, Chief Executive Officer of Urban Pathways**. “While the City of New York cannot solve the current housing crisis without a robust and comprehensive response from the State and Federal Government, it must do all that it can to address this ongoing emergency. Expanding access to CityFHEPS is a necessary step in ensuring stability for our most vulnerable residents and helping prevent further homelessness. Urban Pathways remains committed to working alongside government partners and advocating for policies that provide effective solutions and lasting impact.”

**Ali Austin, a member of Neighbors Together who would be eligible for CityFHEPS under the expanded laws**, said, “It’s hard for me to understand why the mayor vetoed and then refused to implement the CityFHEPS expansion law and forced it into litigation. Although I know it’s not personal, it sure feels like it when I work and pay my taxes weekly but can’t depend on the mayor to stop playing with my life and the lives of others. Enough is enough- it’s time that the mayor do the right thing: end the unnecessary harm to low-income New Yorkers and implement these laws now!”

**Pamela Stephens, a leader of VOCAL-NY’s Homelessness Union**, said, “For years I was doubled up in an unpleasant housing arrangement because I could not afford the price of renting an apartment on my own. Earlier this year, when facing eviction, CityFHEPS expansion could have prevented me from becoming homeless and would have made my housing search easier. Luckily, I got an apartment via Housing Connect, but for many people at risk of eviction or doubled up with a family member or friend like me, implementing CityFHEPS is crucial for housing stability.”

**Calvin Michael, a leader with the Safety Net Activists who was formerly homeless**, said, “CityFHEPS saved my life because I would not have been able to afford my housing without CityFHEPS. Housing is a human right and is critical to survival, safety, and basic quality of life. We need to start housing the homeless and keeping people in their homes instead of endangering their lives and survival by not obeying laws!”

“If Mayor Adams had implemented the laws expanding CityFHEPS eligibility when the City Council passed those laws in January, it would have spared many families from the trauma of eviction. People currently living in shelter who are working, but still not making enough money to afford an apartment, would have had the benefit of being able to access a CityFHEPS voucher to find permanent housing,” said **Dave Giffen, Executive Director of the Coalition for the Homeless**. “The number of people who are homeless or precariously housed has never been higher and Mayor Adams' refusal to implement the CityFHEPS expansion laws is simply unconscionable. CityFHEPS is a tried-and-true program that reduces homelessness and the Mayor should be using all the tools at his disposal to alleviate the homelessness crisis.”

“Mayor Adams and the City must move swiftly to fully implement Local Laws 99, 100, 101, and 102 of 2023.” said **Eric Lee, Director of Policy and Planning at Homeless Services United (HSU)**. “These laws passed by the Council would help more New Yorkers stabilize and preserve their housing. Fewer households would need to resort to entering shelter, and more families and individuals in shelter would qualify for rental assistance, a critical tool to exiting shelter and attaining permanent housing.”

“As New York City’s rising costs make it increasingly difficult for New Yorkers to afford rent, we continue to see more and more eviction cases against older adults,” said **Donna Dougherty, Attorney in Charge at JASA**. “To ensure older adults can stay in their homes and age in their communities with dignity and purpose, we need every tool available to us, including expanded CityFHEPS housing vouchers.”

“As New York faces the worst homelessness crisis in our City’s history, the mayor’s refusal to implement CityFHEPS expansion threatens to force more families into homelessness while unnecessarily prolonging shelter stays for far too many,” said **Christine C. Quinn, President & CEO of Win**. “Expansion of CityFHEPS has the potential to be a gamechanger for our city, and the Mayor is wrong to continue fighting against implementation. We stand with the Legal Aid Society and our former client Ms. Vincent as they appeal this unjust decision.”

### **Background on *Marie Vincent et. al. v. Mayor Eric Adams et. al.*:**

This past February, Legal Aid [filed](#) *Marie Vincent et. al. v. Mayor Eric Adams et. al.* on behalf of New Yorkers who would be eligible for CityFHEPS under the new laws but who are barred from accessing the rent subsidy because the Adams Administration has refused to implement the reforms.

The New York City Charter requires City agencies to enforce and implement all measures enacted into law, including those enacted via a Council override. Moreover, State law allows for parties to sue localities when government officials have “failed to perform a duty enjoined upon [them] by law”.

Memo of law: <http://tinyurl.com/5n9ykhrrw>

Petition: <http://tinyurl.com/5588jtmb>

Legal Aid's lawsuit seeks the full implementation of:

- [Local Law 99 of 2023](#), which permits voucher holders to lease apartments for the full voucher amount without having to first deduct utility expenses, placing CityFHEPS families on par with Section 8 vouchers holders;
- [Local Law 100 of 2023](#), which increases income eligibility from 200 percent of the federal poverty line to 50 percent of area median income to expand access to more New Yorkers in need;
- [Local Law 101 of 2023](#), which expands eligibility for CityFHEPS to any income eligible household at risk of eviction;
- [Local Law 102 of 2023](#), which precludes the City from basing eligibility on employment status.

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*The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For nearly 150 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. [www.legalaidnyc.org](http://www.legalaidnyc.org)*