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Homes Can't Wait Coalition Holds Rally Ahead of Appellate Arguments in Litigation to Force Adams Administration to Fully Implement CityFHEPS Reform and Expansion Laws

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

(NEW YORK, NY) – The Homes Can't Wait Coalition held a rally today ahead of appellate arguments in [Marie Vincent et. al. v. Mayor Eric Adams](#), litigation brought last 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 remove barriers to the City Fighting Homelessness and Eviction Prevention Supplement (CityFHEPS) program, a local housing voucher for New Yorkers on the brink of or experiencing homelessness.

The Legal Aid Society and the City Council filed the [appeal](#) in October after the New York County Supreme Court [dismissed](#) the petition on the grounds that state law deprives the City Council of any social services policymaking authority.

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.

Advocates gathered to emphasize that, 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.

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, immigrants, and others.

“The lower court's ruling, which has allowed the Adams Administration to refuse implementation of a reform package duly passed by City Council, is wrong on the law and, if allowed to stand, will have devastating consequences for low-income New Yorkers,” said **Robert Desir, Staff Attorney with the Civil Law Reform Unit at The Legal Aid Society**. “The City Council has a long and established track record of legislating on social services-related issues. Their common-sense package of reforms will help stem widespread homelessness and evictions by expanding access to a lifeline that has already proven its effectiveness in keeping individuals and

families housed. We are committed to continuing our work with the City Council to ensure that these reforms reach full implementation.”

“It’s crucial that we expand access to CityFHEPS,” said **Council Member Alexa Avilés**. “The degree of housing instability and homelessness we are witnessing in New York City cannot continue. It is a human rights and public health crisis. Thus, the decision by the New York County Supreme Court to abandon the long-standing precedent that has allowed the Council to enact social service polices is dangerous and irresponsible. I stand alongside the Legal Aid Society and the HomesCantWait coalition in urging that the decision be reversed on appeal. It’s beyond time to build stronger pathways to stable homes for tenants across our city.”

“At a time when NYC is facing a housing crisis and the Trump administration is busy tearing up our social safety net, it is unconscionable that the Adams administration is spending its political capital trying to block the expansion of desperately needed housing vouchers,” said **Council Member Tiffany Cabán**. “I stand firmly with the HomesCantWait coalition in support of the CityFHEPS appeal. Our constituents need housing, and they need it now.”

The jury is no longer out on Mayor Eric Adams. The verdict is in: guilty on all counts, in the case of the homeless, it’s dereliction of duty in the worst offense,” said **Calvin Michael, member of the Safety Net Activists**. “As to what he has promised in the past to the 144,00 homeless in New York City: he has been found guilty of fraud and guilty of a lack of common humanity. In the case of the thousands of New Yorkers who were evicted because they did not receive the CityFHEPS voucher, he is guilty in letting them down and letting them get evicted. What say you in the case of Eric Adams executing his profession as Mayor? Make your decision before you get evicted, which is quite possible under our current Mayor!”

“CityFHEPS is one of the most powerful tools at our disposal for reducing homelessness in New York City. The City Council rightly recognized this value in passing historic expansions of the program that would help countless families find stable housing while providing significant cost savings to the City,” said **Christine C. Quinn, President & CEO of Win**. “The Administration’s decision not to enact these codified reforms is not only unlawful, but fails our city as we face an unprecedented homelessness crisis. New Yorkers are left out in the cold — we need action now.”

"Given the ongoing housing crisis in New York City, we need the City Council's lawfully enacted CityFHEPS reform and expansion package fully implemented to keep New Yorkers stably housed," said **Deb Berkman, Director of the New York Legal Assistance Group's (NYLAG) Shelter and Economic Stability Project**. "Our leaders are obligated to prevent as many evictions as possible, especially with the increased de-regulation of previously rent stabilized apartments diminishing our affordable housing stock. This madness must end and the Council's CityFHEPS legislation must be implemented."

“For years, the immigrant community has been scapegoated by Mayor Adams, and blamed for the limited space in shelters.” said **Sosseh Prom, Housing Justice Director at African Communities Together**. “Now, a common-sense solution has been proposed and passed by City Council that would allow thousands of households to exit the shelter and reduce this strain, and instead of welcoming this solution, Mayor Adams has decided to attack it. People’s lives are at stake and New Yorkers deserve a Mayor who will work to keep them safely housed, not limit their access to affordable housing.”

“CityFHEPS vouchers are a lifeline for so many of our clients. But there are too many New Yorkers facing eviction who do not qualify for assistance under the existing guidelines. The current eligibility criteria force people to first lose their homes and enter the shelter system before getting rental assistance, when CityFHEPS could have been used to save their homes,” said **Marco Balestri, Legal Advocate with the Housing Defense Team at Neighborhood Defender Service of Harlem**. “We must implement these laws to finally address the housing crisis, which will prevent countless evictions and preserve existing affordable housing.”

“CityFHEPS seeks to secure permanent housing to prevent people from entering shelters. However, its administration is severely inefficient,” said **Phyllis Curry, Housing Coordinator at Housing Works**. “Significant processing delays keep New Yorkers on the streets and stop them from receiving timely vouchers that enable them to begin searching for apartments. Housing Works has many people who are trying to get out of shelter using their CityFheps vouchers and haven’t been able to. The emotional toll of these delays on individuals already facing hardships is unacceptable.”

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

Last 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 City Council joined the case shortly thereafter and filed its own petition to enforce the laws.

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”.

In August, the New York County Supreme Court [dismissed](#) the petition on the grounds that state law deprives the City Council of any social services policymaking authority. The Legal Aid Society and the Council filed an [appeal](#) in October arguing 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 Giuliani Administration refused to implement legislation enacted by the New York City Council to eliminate City DSS’s eligibility verification review requirements 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 case law 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.

Memo of law: <http://tinyurl.com/5n9ykhwr>

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

Appeal: <https://tinyurl.com/ec8mj8j2>

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