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***The Legal Aid Society and Legal Services of the Hudson Valley File Amicus Brief
Defending Section 8 Voucher Holders Against Source-of-Income Discrimination***

***Amicus Brief Urges Court of Appeals to Reverse Ruling Threatening Source-of-
Income Protections for Nearly 250,000 New York Families***

(ALBANY, NY) — **The Legal Aid Society and Legal Services of the Hudson Valley**, on behalf of Safe Horizon, Inc. and Congregations Linked in Urban Strategy to Effect Renewal, Inc. (CLUSTER), filed an [amicus curiae brief](#) with the New York Court of Appeals in *People of the State of New York v. Commons West, LLC, et al.*, urging the Court to reverse a dangerous Appellate Division ruling that threatens source-of-income protections for nearly 250,000 New York families who rely on Section 8 Housing Choice Vouchers.

The ruling threatens to upend critical civil rights protections, giving landlords greater power to deny housing to New Yorkers who rely on vouchers. The consequences would fall hardest on the New Yorkers served by The Legal Aid Society: low-income households and communities of color.

The amicus brief argues that the Appellate Division reached its sweeping decision based on a fundamentally flawed reading of the law and hypothetical constitutional concerns that have no basis in the actual operation of the Section 8 program. The case arose in Ithaca, where the landlords refused to accept Section 8 vouchers from prospective tenants. Yet the landlords failed to identify a single instance — in Ithaca or anywhere else — in which a government actor forced a landlord to submit to an unconstitutional warrantless inspection or punished a landlord for refusing one.

“Nearly 250,000 New York families depend on Section 8 vouchers to afford rent and avoid homelessness, yet voucher holders continue to face discrimination simply because of how they pay their rent,” said **Evan Henley, Staff Attorney with the Civil Law Reform Unit at The Legal Aid Society**. “The unfounded constitutional concerns raised by landlords in this case do not justify stripping these families of critical protections against source-of-income discrimination. Landlords that participate in the Section 8 program do not waive their Fourth Amendment rights, and safeguards exist that permit landlords to challenge unreasonable searches before penalties are imposed. We urge the Court of Appeals to reject the landlords’ speculative constitutional claims and preserve these vital protections for voucher holders across New York.”

“Section 8 vouchers are critical to prevent homelessness and alleviate extreme poverty in all regions of New York State. The Appellate Division misapplied the law, and its decision promotes discrimination against impoverished New Yorkers,” said **Marcie Kobak, Director of Litigation at Legal Services of the Hudson Valley**.

“Housing vouchers were created expressly to help low-income and homeless New Yorkers - including vulnerable young people at heightened risk for violence, abuse and exploitation - find the safety and stability that comes with a home of one's own. To deny access to housing for voucher holders is to perpetuate the potential for significant harm to their health and livelihood,” said **Kelly Coyne, Chief Program Officer at Safe Horizon**.

Background

New York’s source-of-income protections are a critical safeguard against persistent voucher discrimination, particularly for low-income families and New Yorkers experiencing homelessness or housing instability. Safe Horizon and CLUSTER regularly work with voucher holders who are turned away by landlords and brokers. Without these protections, families could have fewer housing options, spend more time in shelters or unstable housing, and even lose their vouchers before they are able to find an apartment.

Yet the Appellate Division struck down these protections over a constitutional concern that has never actually materialized. The landlords at the center of the case have never even accepted a Section 8 tenant, haven’t faced an inspection, and can’t point to a single instance where a government agency carried out an unconstitutional search or penalized a landlord for refusing one. Moreover, landlords who do participate in Section 8 still have their Fourth Amendment rights and can go to court to challenge a disputed inspection before facing any consequences.

Allowing the decision to stand would turn a constitutional concern that has never materialized into a very real threat to housing access for hundreds of thousands of New Yorkers.

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The Legal Aid Society is a nonprofit law firm that exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For 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 the people we serve and helps improve our communities.

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