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TESTIMONY OF:

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BROOKLYN DEFENDER SERVICES

Presented before

**The New York City Council
Committee on General Welfare**

Oversight Hearing on Administration of CityFHEPS

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My name is Alexandra Dougherty, and I am a Team Leader and Senior Staff Attorney of the Civil Justice Practice at Brooklyn Defender Services. BDS is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms by the government. For over 25 years, BDS has worked, in and out of court, to protect and uphold the rights of individuals and to change laws and systems that perpetuate injustice and inequality. I want to thank the Committee on General Welfare and Chair Ayala for inviting us to testify today about bolstering the CityFHEPS program.

BDS represents approximately 22,000 people each year who are accused of a crime, facing the removal of their children to the foster system, or deportation. Our staff consists of specialized attorneys, social workers, investigators, paralegals, and administrative staff who are experts in their individual fields. BDS also provides a wide range of additional services for our clients, including civil legal advocacy, assistance with educational needs of our clients or their children, housing, and benefits advocacy, as well as immigration advice and representation.

BDS' Civil Justice Practice aims to reduce the civil collateral consequences for the people we serve who are involved with the criminal, family, or immigration legal systems. The people we serve experience housing instability in a variety of ways: we defend people from eviction in housing court, provide proactive relocation assistance and benefits advocacy, and help clients navigate the shelter system. Our Civil Justice Practice works with clients who are entering the

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shelter system, as well as shelter residents attempting to secure stable housing. Through this work we see the profound challenges New Yorkers face in accessing shelter and stable housing.

Background

Amidst a persistent and escalating affordable housing crisis in New York City, the CityFHEPS program has been presented as the bridge to stable and affordable housing for New Yorkers experiencing homelessness or housing insecurity. However, despite changes to the program and City Council's commitment to further improving the program, CityFHEPS vouchers remain incredibly difficult to access and use. Since 2020, BDS has testified repeatedly in front of this committee and New York City's Human Resources Administration (HRA) about vital changes to the CityFHEPS process. Many of the problems we have identified, including extreme backlogs at Homebase, rampant source of income discrimination, and widespread errors in apartment approvals, remain prevalent. We respectfully offer the following recommendations to address major issues and strengthen the CityFHEPS program.

Recommendations

I. Eligibility and Voucher Issuance

Both clients living in shelter and those facing eviction face significant obstacles to obtaining CityFHEPS vouchers. Many Yorkers who meet all eligibility criteria still struggle to obtain vouchers. The city must ensure that all shelter and DHS staff have clear, accurate, and up-to-date, information on CityFHEPS eligibility. Many of the people we represent living in shelters still wait months to be issued vouchers due to confusion and miscommunication over eligibility criteria. In several cases, those we represent have been erroneously subjected to the 90-day shelter stay eligibility requirement, which was eliminated in 2023. We have also seen people given contradictory information by shelter staff regarding immigration status requirements, despite establishing eligibility under PRUCOL.

People facing eviction wait several months for a Homebase appointment to be assessed for CityFHEPS. Homebase remains the only organization that can screen these applicants for CityFHEPS eligibility and issue shopping letters. The significant backlog and delays that began during the pandemic persist today, despite eviction filings in housing court returning to pre-COVID levels. By the time those we represent are issued shopping letters, their eviction cases have progressed in housing court and they have looming move-out deadlines. By way of example, one person we represent, Ms. B, initially reached out to Homebase in October 2023 when she received a notice of termination from her landlord. Ms. B did not receive a response from Homebase until our office reached out to Homebase supervisors. In March 2024 she was finally given an intake appointment but was mistakenly sent to HRA for a FHEPS restoration, which Ms. B was not eligible for. Homebase did not issue a shopping letter until July 2024, *after* her move-out deadline agreed upon in court. During the months that Ms. B waited for a shopping letter from Homebase,

she was unable to look for new housing. Although they were initially able to postpone the eviction, she and her family were forced to enter shelter because they were not able to secure a CityFHEPS-eligible apartment. This situation was entirely avoidable but, unfortunately, not unusual.

It is vital that the city make sure that Homebase is adequately staffed, resourced, and trained, so that shopping letters can be issued in a timely fashion. We also urge the city to allow other legal and social service providers to submit CityFHEPS applications on behalf of New Yorkers facing eviction. With only one organization authorized to serve all New Yorkers eligible for CityFHEPS, long delays will continue, and families like Ms. B's will suffer devastating consequences.

II. Housing Search and Source of Income Discrimination

Source of income discrimination remains virtually unchecked in New York City, and Homebase and shelter staff are not equipped to connect voucher-holders with landlords and brokers willing to work with them. Expanding access to CityFHEPS is meaningless without also expanding access to apartments. Despite New York City's strong source of income discrimination protections, landlords and brokers know that enforcement is weak, and they are unlikely to be held accountable for turning away voucher-holders. The Council and HRA must work with the NYC Commission on Human Rights to strengthen enforcement of source of income discrimination laws and must make sure that shelter and Homebase staff equip voucher-holders with the tools and resources they need to locate apartments.

While combating source of income discrimination and building relationships with landlords need to be ongoing priorities, there are several immediate fixes that can expand the pool of apartments available to CityFHEPS voucher holders. First, the utility allowance causes unnecessary confusion for all parties—brokers, landlords, and voucher holders—and should be eliminated. Several people we represent have found apartments within voucher limits after months of searching only to learn the apartment is ineligible because utilities are not included. The discrepancy has been as little as \$11.00. Landlords and brokers advertising on sites geared towards voucher holders advertise rents at the maximum subsidy amount. Adding the utility allowance causes confusion, making an already complicated process more difficult for both clients and landlords.

Additionally, FHEPS, CityFHEPS from shelter, and CityFHEPS in the community all provide different incentives, which leads to confusion and jeopardizes the process of securing an apartment. Unit hold incentives should be consistent for all vouchers. This information is not always clear in shopping letters, which usually state that brokers “may receive a fee of up to 15%” and that additional incentives may be available. When different information emerges mid-approval process it causes unnecessary conflict and can ultimately lead to the client losing out on housing. It is also essential that if the landlord, broker, and tenant are complying with requirements in a timely fashion, HRA guarantee a hold fee for the entirety of the approval period. Approvals regularly take well over a month, and it is unrealistic to expect that landlords will be willing to



forego rent they could be collecting from a tenant who could afford to pay rent out of pocket and move in immediately.

The Council must do everything in its power to make the CityFHEPS processes as consistent and straightforward as possible. Eliminating the utility allowance, standardizing incentives, and guaranteeing a hold fee for the entire approval are steps HRA can take right now to make more apartments available and reduce confusion and frustration that erodes trust in the CityFHEPS program. Meanwhile, the Council and HRA must also work to strengthen source of income discrimination enforcement and build relationships with landlords and brokers to ensure that there are apartments readily available to all CityFHEPS participants.

III. Approval Process

While source of income discrimination is often rooted in racism, classism, and bias, many landlords and brokers also have legitimate concerns with the CityFHEPS program. For CityFHEPS to function, it is essential that landlords can trust the application process to run smoothly and that payments will be issued timely and in full. As it stands, the CityFHEPS apartment approval process is extremely slow and onerous. Once tenants have gotten through the months-long wait for a voucher, overcome source of income discrimination, and found a landlord willing to work with them, they often wait up to three months for final approval and check issuance before they are able to move into their apartments.

Once a voucher-holder does secure an apartment, they are required to return to Homebase, where they struggle to reconnect with their original caseworker or are required to re-do the intake process and be reassigned a caseworker. It then routinely takes Homebase weeks to connect with brokers and landlords to begin the approval process. Once Homebase connects with the applicant and landlord, approval is a nine-step process, and it is common to see errors at multiple steps in the process. The first step, the pre-clearance can take weeks and often fails due to minor errors such as typos in the apartment number or landlord name. After the preclearance stage it can take weeks to set up an inspection given Homebase workers' packed schedules. Once paperwork is submitted by the landlord it is reviewed by multiple levels at Homebase before being reviewed by HRA. This step often also takes several weeks, and yet we regularly see packets rejected due to errors or missing documents. Finally, once the apartment approval is issued, checks must be issued, picked up by Homebase, and dispersed to the landlord and broker. Check issuance can, again, take weeks, and mistakes are frequent. In one recent case, HRA issued checks to the wrong landlord. The person we represent in the matter was unable to reach his Homebase caseworker about reissuing the checks for several weeks, putting him at risk of eviction and of losing his new apartment.

Landlords know that the CityFHEPS program is riddled with errors, delays, and an overall lack of clear communication. For tenants without advocates to assist throughout the process, this can become an insurmountable obstacle. The Council and HRA must streamline the approval process by eliminating unnecessary steps, reducing errors, and facilitating clear communication with all



parties. We strongly urge the Council to establish strict time-guidelines for the approval process, as well as adequate funding and training to ensure that approvals take less than one month. The Council should require that HRA publish the expected timeline and report on compliance. We also suggest that HRA work to implement direct deposit to avoid delays and missing checks.

Conclusion

Permanent affordable housing is the foundation many New Yorkers, including the people we serve, need to find stability in their lives. Stable housing helps our clients favorably resolve their criminal cases, reunite with their children after ACS involvement, maintain jobs, and allow children to remain in school. Now is the moment, when the housing and homelessness crisis is deepening, to implement changes to strengthen the CityFHEPS program. These changes will ensure that CityFHEPS is a reliable path to stable, affordable housing. We urge this committee to strongly consider our recommendations.

Thank you for your time and consideration of our comments. We look forward to further discussing these and other issues that impact the communities we serve. If you have any additional questions, please contact me at adougherty@bds.org.