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Presented before

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

Oversight Hearing—The CityFHEPS Program

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My name is Alexandra Dougherty, and I am a Supervising Attorney in the Civil Justice Practice at Brooklyn Defender Services. I want to thank the Committee on General Welfare and Chair Ayala for inviting us to testify about the CityFHEPS program.

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 29 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. BDS represents thousands of people each year who are accused of a crime, facing the removal of their children to the foster system, or challenging 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. Our practice combats housing instability in a variety of ways: we defend people from eviction in housing court and provide proactive relocation assistance and benefits advocacy. We work with clients who are entering the shelter system as well as shelter residents attempting to secure stable housing. Through this work we see the profound challenges New Yorkers face in securing safe, affordable, and permanent housing.

Brooklyn (BDS) **Defenders**

Background

Amidst a persistent and escalating affordable housing crisis, 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 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 enthusiastically support today's bills to address major issues with CityFHEPS and respectfully offer the following recommendations to further strengthen the program.

Recommendations

I. Eligibility and Voucher Issuance

Both people living in shelter and those facing eviction face significant obstacles to obtaining CityFHEPS vouchers. Many New 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 in shelter still wait months to be issued vouchers due to confusion and miscommunication over eligibility criteria. In several cases, people have been erroneously subjected to the 90-day shelter stay eligibility requirement, which was eliminated in 2023. We have also seen people we represent given contradictory information by shelter staff regarding immigration status requirements, despite establishing eligibility under PRUCOL.

Most of the people we represent facing eviction wait several months for a Homebase appointment to be assessed for CityFHEPS. Homebase remains the only organization that can screen people for CityFHEPS eligibility and issue shopping letters. The people we represent routinely wait six months or longer to get issued a shopping letter. By the time many people are issued shopping letters, their eviction cases have progressed in housing court and they have looming move-out deadlines. Delays waste valuable months that voucher-holders could be using to secure new housing.

It is vital that the city make sure that Homebase is adequately staffed, resourced, and trained, so that shopping letters can be issued and eligibility assessments completed in a timely fashion. In addition to today's bills, we encourage City Council to implement reporting requirements and time frame requirements regarding the initial CityFHEPS eligibility assessment stage. 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 will suffer devastating consequences.

II. Housing Search and Source of Income Discrimination

As we testified in 2021, 2023, and earlier this year, 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. The housing search process typically starts with a voucher holder reaching out to brokers via rental listing websites and private brokerage firms. Brokers then request a credit score and proof of income at least 40 times the monthly rent. In our experience, prospective tenants who respond with proof of their voucher rarely receive a response from the broker or they are told explicitly that the landlord does not accept vouchers. Despite New York City's protections against source-of-income discrimination, landlords and brokers know that enforcement is weak, and they are unlikely to be held accountable for denying housing to voucher holders. Due to this unchecked source-of-income discrimination, the people we serve regularly spend six months or longer attempting to secure housing with their vouchers, unnecessarily prolonging homelessness and housing instability.

One BDS client, Ms. C, recently called a broker during her housing search. The broker immediately inquired about her income, to which she accurately responded that she had a voucher and thus her income was not relevant. The broker stated that they do not currently accept clients with vouchers at the moment, incorrectly insisted that the rent exceeded the voucher limit, and refused to engage in further conversation. Ms. C reached out to her BDS Affordable Housing Specialist, who tried calling the broker back with Ms. C to help advocate. Even with a legal advocate on the phone, the broker continued to insist that they would not work with Ms. C. Although we advised Ms. C about her options for challenging this discrimination directly, she, like many of our clients, wanted to focus on her immediate housing search. BDS does engage directly with the Commission on Human Rights and files discrimination complaints, but for many of the people we serve their goal is to find housing and prioritize their apartment search.

Vouchers such as CityFHEPS and Section 8 are described by the city as the ticket to finding safe, affordable, and permanent housing. But vouchers themselves are meaningless if the agencies tasked with limiting discrimination by landlords and brokers are unable, due to lack of resources, to provide meaningful enforcement of these protections. Without this enforcement, our anti-discrimination laws are merely cosmetic, and our clients are unable to search for housing in any meaningful way. The Commission on Human Rights must be fully funded to enable voucher-holders to secure stable housing. The Council and HRA must work with the NYC Commission on Human Rights to enforce source of income discrimination laws and ensure that shelter and Homebase staff equip voucher-holders with the tools and resources they need to locate apartments.

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 client 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. 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.

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 pass Int 1477-2025 establishing a time requirement for the approval process, and encourage additional measures to ensure adequate funding and training to expedite the approval process. The Council should require that HRA publish the expected timeline for each stage of the CityFHEPS application process and report on compliance.

Conclusion

BDS is grateful to New York City Council's General Welfare Committee for your time and consideration of our comments. We look forward to further discussing these and other issues that impact the people and communities we serve. If you have any additional questions, please contact Alexandra Dougherty, Supervising Attorney, at adougherty@bds.org.