

Index No. 450563/2024

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

MARIE VINCENT et al.,

Petitioners,

– against –

MAYOR ERIC ADAMS et al.,

Respondents.

BRIEF OF *AMICI CURIAE* WOMEN IN NEED (“WIN”), COALITION FOR THE HOMELESS, HELP USA, HOMELESS SERVICES UNITED, INTERFAITH ASSEMBLY ON HOMELESSNESS AND HOUSING, NEW YORK COALITION FOR HOMELESS YOUTH AND COMMUNITY SERVICE SOCIETY OF NEW YORK (“CSS”)

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INTEREST OF AMICUS CURIAE

Amici curiae (hereinafter “*amici*”) are seven New York City-based organizations that variously advocate for and provide safe housing and critical services to individuals and families experiencing homelessness. As service providers and advocates for some of the most vulnerable New Yorkers, *amici* offer the court a distinct perspective on the role the City Fighting Homelessness and Eviction Prevention Supplement (“CityFHEPS”) program could play in solving the City’s dire homelessness crisis. *Amici* include: Women In Need (“WIN”), Coalition for the Homeless, Help USA, Homeless Services United, Interfaith Assembly on Homelessness and Housing, New York Coalition for Homeless Youth and Community Service Society of New York (“CSS”).

Lead *amicus* Win is the largest provider of shelter and services to families with children experiencing homelessness in New York City. *Amici* provide similar and related services, including homelessness prevention, transitional housing, permanent housing and legal and policy advocacy for individuals and families experiencing homelessness or housing instability.

For the reasons explained below, *amici* urge the Court to enter judgment in favor of the Petitioners, directing Respondents to implement Local Laws 99-102 (the “laws”) and to issue Petitioners, and to all applicants eligible for CityFHEPS, the vouchers to which they are entitled.

BACKGROUND

CityFHEPS is a direct payment rental assistance program administered by the City of New York (the “City”). CityFHEPS is similar in structure and administration to the federal “Section 8” program, which provides rental assistance vouchers to eligible low- and moderate-income families.¹ CityFHEPS provides for the payment of a rent subsidy and a utilities allowance based on a family’s size and gross annual income. The Human Resources Administration (“HRA”) calculates a recipient’s maximum rent subsidy based on their family size. The recipient’s contribution, which is 30% of their income, is then

¹ NYC Housing Authority; About Section 8, <https://www.nyc.gov/site/nycha/section-8/about-section-8.page> (last visited Apr. 17, 2024).

deducted from the maximum subsidy amount to calculate the payment standard. The utilities allowance, which is determined based on a schedule of the typical amounts paid by similarly situated tenants, is deducted from the payment standard. The City then pays the remainder directly to the landlord.

Prior to the enactment of the new CityFHEPS laws, as described in more detail below, to qualify for CityFHEPS the recipient's family was required to have a household gross income at or below 200% of the federal poverty level and to meet two additional requirements:² first, the household must satisfy one of the following: (i) include someone who served in the U.S.-Armed Forces and who is at risk of homelessness; (ii) receive Pathway Home benefits—which support shelter residents moving in with friends or family members³—and meet the shelter-stay eligibility requirements for CityFHEPS if they were in a Department of Homeless Services (“DHS”) or HRA shelter; (iii) have been referred by a CityFHEPS qualifying program and determined by the Department of Social Services to need CityFHEPS to avoid shelter entry or (iv) face eviction in court (or have been evicted in the past year). Second, the household must (i) include someone who has previously lived in a DHS shelter; (ii) include someone who has an active Adult Protective Services (“APS”) case or is in a designated community guardianship program or (iii) live in a rent-controlled apartment in which CityFHEPS vouchers will be used to remain.

Between April of 2022 and January of 2023, three City Council members introduced four proposals to increase access to the CityFHEPS program. These changes were intended to relieve the pressure on the shelter systems, provide housing security for low-income renters at risk of being forced to enter a shelter system and make it easier for those already in the system to be placed in permanent housing. In recognition of the scale and urgency of the problem, the four laws were passed by an overwhelming forty-one to seven majority in May of 2023. However, citing ill-defined concerns over the

² CityFHEPS Frequently Asked Questions For Clients in the Community, NYC Human Resources Administration Department of Social Services, <https://www.nyc.gov/assets/hra/downloads/pdf/cityfhps-documents/dss-7r-e.pdf> (last visited Apr. 17, 2024).

³ Pathway Home, NYC Human Resources Administration Department of Social Services, <https://www.nyc.gov/site/hra/help/pathway-home.page> (last visited Apr. 17, 2024).

budgetary impact and administrative burdens, and despite having promised when he was elected to support similar measures, Mayor Adams vetoed all four laws in June of that same year.

In July of 2023 the City Council voted forty-two to eight to override Mayor Adams's veto, initiating a 180-day period for New York City to implement the laws.⁴ Though Mayor Adams partially implemented one of them, eliminating the ninety-day shelter stay requirement for eligibility,⁵ his administration made clear that it had no intention of taking steps to implement the remaining laws.⁶ On January 9, 2024, the 180-day implementation period expired, the laws remained unimplemented, and New Yorkers languishing in the shelter systems or on the brink of falling into the system remained without relief.⁷

On February 13, 2024, the Legal Aid Society initiated the instant proceeding on behalf of individuals and families in the shelter systems or at risk of homelessness if the laws are not implemented. The suit, filed under Article 78 of the Civil Practice Law and Rules, seeks an order requiring the Mayor to take immediate action to implement the laws.

SUMMARY OF ARGUMENT

The current housing crisis in New York City is staggering. An alarming percentage of New Yorkers are burdened by unaffordable rent and are one lost job or illness away from eviction, homelessness, and shelter dependence. As a result, the shelter vacancy rate dropped to virtually zero as

⁴ Emma Whitford, [NYC Council Overrides Veto in Order to Expand Rental Vouchers](https://citylimits.org/2023/07/13/nyc-council-overrides-veto-to-expand-rental-vouchers/), City Limits (July 13, 2023), <https://citylimits.org/2023/07/13/nyc-council-overrides-veto-to-expand-rental-vouchers/>.

⁵ Unlike the Council's laws, however, Adam's executive order did not expand eligibility to those in non-DHS shelters, only eliminating the length requirement for DHS shelters. See Chau Lam and Davide Brand, [Despite new laws, NYC will require homeless youth to go into adult shelters to access rent vouchers](https://gothamist.com/news/despite-new-laws-nyc-will-require-homeless-youth-into-adult-shelters-to-access-rent-vouchers), Gothamist (Jan. 25, 2023), <https://gothamist.com/news/despite-new-laws-nyc-will-require-homeless-youth-into-adult-shelters-to-access-rent-vouchers>.

⁶ Emma Whitford, [Adams Admin Confirms Inaction on Council's Rental Voucher Expansion](https://citylimits.org/2024/01/05/adams-admin-confirms-inaction-on-councils-rental-voucher-expansion/), City Limits (Jan. 5, 2024), <https://citylimits.org/2024/01/05/adams-admin-confirms-inaction-on-councils-rental-voucher-expansion/>; see also Letter from NYC Department of Social Services Commissioner Molly Wasow Park to Deputy Speaker Diana Ayala (Dec. 15, 2023) <https://www.scribd.com/document/696906459/CMP-Response-to-CM-Ayala-CityFHEPS-121523>

⁷ Emma Whitford, [Full Package of Rental Voucher Laws Not on Mayor's Agenda, Despite Veto Override](https://citylimits.org/2023/11/16/full-package-of-rental-voucher-laws-not-on-mayors-agenda-despite-veto-override/), City Limits (Nov. 16, 2023), <https://citylimits.org/2023/11/16/full-package-of-rental-voucher-laws-not-on-mayors-agenda-despite-veto-override/>.

the City, lacking the means to rehouse people who didn't qualify for rental assistance, scrambled to open more shelters and emergency housing. Luckily for New Yorkers, the City Council has not taken this crisis lying down. The four laws the City Council passed, if enacted, have the potential to expand eligibility for CityFHEPS and significantly mitigate the City's crisis. Further, these laws would also result in significant cost savings for the City; through CityFHEPs, the City could subsidize rent and keep New Yorkers housed for a fraction of the cost of providing temporary shelter. Yet, without justification or any explanation of the policy underlying this decision, Mayor Adams refuses to enact duly adopted laws. *Amici*, as experts who are in the trenches working with and advocating for individuals experiencing homelessness, urge this Court to order Respondents to implement these common-sense laws before more New Yorkers are needlessly forced into homelessness.

ARGUMENT

I. NEW YORKERS FACE AN UNPRECEDENTED AND GROWING CRISIS OF HOMELESSNESS AND HOUSING INSTABILITY.

a. The shelter systems are overburdened due to systemic affordability issues.

The cost of living in New York City has been a driving cause of the homelessness crisis. According to the NYC comptroller, the median asking rental price across the city for 2023 was \$3,500 a month, or \$42,000 a year.⁸ The federal poverty line in 2024 is \$31,200 for a family of four, \$15,060 for an individual,⁹ and approximately one quarter of New York City residents are living in below the federal poverty line.¹⁰

A New Yorker would need to earn \$140,000—double New York City's median household income in 2022—in order to not be rent burdened at the median asking rental price (defined as spending not more

⁸ New York City Comptroller Housing Market Report (Jan. 17, 2024), <https://comptroller.nyc.gov/reports/spotlight-new-york-citys-rental-housing-market/>.

⁹ Annual Update of the HHS Poverty Guidelines, 89 Fed. Reg. 2961 (Jan 17, 2024).

¹⁰ Stefanos Chen, [Poverty Has Soared in New York, With Children Bearing the Brunt](https://www.nytimes.com/2024/02/21/nyregion/nyc-poverty.html), the New York Times (Feb. 22, 2024), <https://www.nytimes.com/2024/02/21/nyregion/nyc-poverty.html>.

than 30% of income on rent).¹¹ And this only accounts for the cost of rent, not other living expenses. By the estimations of the New York State Comptroller, in 2022 the share of New York state renters who were cost burdened (rent, property taxes, utilities, and furnishings costing over 30% of their income) was 52.4%. The total cost burdened households (both renters and owner occupied) in New York City in 2022 was 43%.¹² The share of severely burdened low-income households (defined as 50% or greater as a percentage of pretax income) in 2021 was 49%.¹³

These rent burdens have kept New Yorkers from finding and maintaining stable housing and together with the influx of asylum seekers and other new arrivals, have contributed¹⁴ to the largest ever City shelter population since the City started keeping records 40 years ago.¹⁵ On April 18, 2024, the City's daily census reported 86,238 total individuals in DHS shelters, with 62,079 of them being members of families with minor children, and 32,537 individual minor children.¹⁶ This only captures a fraction of individuals in municipal shelters. By the City's own estimations, the total number of unique persons utilizing all-city administered facilities has been steeply increasing, standing at 60,732 in February 2022,¹⁷ 85,764 in February 2023¹⁸ and 142,995 in February 2024.¹⁹

¹¹ New York City Comptroller Housing Market Report (Jan. 17, 2024), <https://comptroller.nyc.gov/reports/spotlight-new-york-citys-rental-housing-market/>.

¹² *Id.*

¹³ *Id.*

¹⁴ Additionally, some new arrivals are receiving temporary housing from the City—though none of these new arrivals are eligible for CityFHEPS. See Asylum Seekers Terms and Conditions Report (Feb. 2024), <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2024/03/Asylum-Seekers-Report-February-2024.pdf>. On February 29, 2024, the city estimates 64,404 individual (which includes unaccompanied minors) new arrivals, which can include unaccompanied minors, were being temporarily housed across all city agencies—though less than half were within the DHS shelters, so these new arrivals do not account for the majority of the increase in the shelter population. *Id.*

¹⁵ Dave Giffen, [State of the Homeless 2023](https://www.coalitionforthehomeless.org/state-of-the-homeless-2023/), Coalition for the Homeless <https://www.coalitionforthehomeless.org/state-of-the-homeless-2023/> (last visited Apr. 17, 2024).

¹⁶ Daily Report, NYC Department of Homeless Services, (Apr. 19, 2024), [https://urldefense.com/v3/https://www.nyc.gov/assets/dhs/downloads/pdf/dailyreport.pdf;!!JBqN7g!XzsvYhtB5ZuMxh7Rziep8s7_ZuUtQt5rYsvwKKH_vDed0huw4zUCNYZAEe8ua6_X27gNNhYWJOCXDA\\$](https://urldefense.com/v3/https://www.nyc.gov/assets/dhs/downloads/pdf/dailyreport.pdf;!!JBqN7g!XzsvYhtB5ZuMxh7Rziep8s7_ZuUtQt5rYsvwKKH_vDed0huw4zUCNYZAEe8ua6_X27gNNhYWJOCXDA$). [on file with amici] The Daily Report only includes DHS shelter data—see *infra*, section I.b.

¹⁷ David Brand, [NYC Shelter Count](https://citylimits.org/nyc-shelter-count-2022/), City Limits, <https://citylimits.org/nyc-shelter-count-2022/> (last visited Apr. 17, 2024).

¹⁸ *Id.*

¹⁹ Local Law 79 of 2022: Temporary Housing Assistance Usage, NYC Mayor's Office of Operations (Feb. 2024), [https://urldefense.com/v3/https://www.nyc.gov/assets/operations/downloads/pdf/temporary_housing_report.pdf;!!JBqN7g!XzsvYhtB5ZuMxh7Rziep8s7_ZuUtQt5rYsvwKKH_vDed0huw4zUCNYZAEe8ua6_X27gNNhYmb7eSaw\\$](https://urldefense.com/v3/https://www.nyc.gov/assets/operations/downloads/pdf/temporary_housing_report.pdf;!!JBqN7g!XzsvYhtB5ZuMxh7Rziep8s7_ZuUtQt5rYsvwKKH_vDed0huw4zUCNYZAEe8ua6_X27gNNhYmb7eSaw$).

Finally, the affordability crisis does not affect all New Yorkers equally. The vast majority of New York City's shelter clients are New Yorkers from Black and Latinx communities. In 2023, Black and Latinx New Yorkers comprised 30.0 % and 60.3% of family shelter and 49.0% and 38.0% of single adult shelter populations, respectively.²⁰ Each group is overrepresented in the shelter systems as they comprise just 23.1% and 29% of New York City's total population.²¹ While these disparities are impacted by the numbers of asylum seekers and other new arrivals who have sought shelter since Spring 2022, deep racial disparities have long existed. In 2021, 56% of people sleeping in DHS shelters were Black, compared with 24% of the New York City population.²²

b. The severity of the crisis is likely underestimated by current metrics, because of poor data and the difficulty of accurately counting homeless New Yorkers.

While the foregoing statistics are alarming, this data is also likely an understatement of the crisis. The official datum are incomplete at best and misleading at worst. For example, in the City's daily census, on the days that get reported,²³ and when available,²⁴ the total (individual) shelter census top line number does not include various other individuals in certain shelters and homeless programs such as "SafeHaven" transitional shelters, youth shelters, veteran shelters or drop-in centers.²⁵ Further, the daily census only covers the DHS, and none of the other agencies with shelters such as the HRA, HIV/AIDS Services Administration and Department of Youth and Community Development.²⁶ The extent of this is apparent from comparing the daily census to the monthly temporary housing report prepared under Local

²⁰ DHS Data Dashboard – Fiscal Year 2023, Department of Homeless services, <https://www.nyc.gov/assets/dhs/downloads/pdf/dashboard/FY23-DHS-Data-Dashboard-Charts.pdf> (last viewed Apr. 17, 2024).

²¹ Quick Facts NYC, United States Census Bureau, <https://www.census.gov/quickfacts/fact/table/newyorkcitynewyork/PST045222> (last viewed Apr. 17, 2024).

²² State of the Homeless 2022, Coalition for the Homeless, at 21, <https://www.coalitionforthehomeless.org/wp-content/uploads/2022/03/StateofThe-Homeless2022.pdf>.

²³ Only weekdays are reported. See David Brand, Tracking the Number of people in NYC Homeless Shelters in 2022, City Limits (Jan. 10, 2022), <https://citylimits.org/2022/01/10/tracking-the-number-of-people-in-nyc-homeless-shelters-in-2022/>.

²⁴ The daily census information is overwritten by the City each day. Unless one saves a copy of the data each day, it is impossible observe trends.

²⁵ *Id.*

²⁶ *Id.*

Law 79.²⁷ The average daily overnight census for all reporting shelters (i.e. even this data is an undercount) was 129,607 for February 2024, as compared to 86,238 people in the Daily Census on April 18, 2024.²⁸

Additionally, the definition used by the City is very narrow—only those within City run shelters are counted. This count excludes many New Yorkers experiencing homelessness, such as those in private shelters (such as faith-based beds not affiliated with drop-in centers and the emergency shelter network) and those who are “doubled up,” a term for those temporarily sharing the housing of others (e.g. staying on the couch at a friend or relative’s home) because of a loss of housing or economic hardship.²⁹

There is also great difficulty in counting homeless individuals who infrequently or never contact any shelter system. New York City’s Homeless Outreach Population Estimate (“HOPE”), a survey mandated by the Department of Housing and Urban Development, estimated there were 4,042 unsheltered individuals (those not in stable housing, doubled up or in a public or private shelter³⁰) on January 24, 2023.³¹ The survey is conducted by professionals and volunteers who walk designated routes and ask people they see if they are homeless.³² There are, however, significant concerns regarding the likelihood

²⁷ See Local Law 79 of 2022: Temporary Housing Assistance Usage February 2024 Report, NYC Department of Housing Preservation & Development, https://www.nyc.gov/assets/operations/downloads/pdf/temporary_housing_report.pdf (last viewed Apr. 17, 2024).

²⁸ Compare *Id.*, with [New York City Department of Homeless Services Daily Report](https://www.nyc.gov/assets/dhs/downloads/pdf/dailyreport.pdf), (Apr. 18, 2024) <https://www.nyc.gov/assets/dhs/downloads/pdf/dailyreport.pdf>. (on file with *amici*).

²⁹ See, e.g., [Student Homelessness in New York City, 2022-23](https://advocatesforchildren.org/wp-content/uploads/2024/01/nyc_student_homelessness_22-23.pdf), Advocates for Children of New York, https://advocatesforchildren.org/wp-content/uploads/2024/01/nyc_student_homelessness_22-23.pdf (noting that in NYC 119,320 students were homeless in 2022-2023, only 40,840 were in City shelters, with the vast majority of the remaining students, more than 72,500, were doubled up) (last viewed Apr. 17, 2024)

³⁰ [How many total people are homeless in NYC?](https://www.coalitionforthehomeless.org/facts-about-homelessness-dynamic/how-many-total-people-are-homeless-in-nyc/#:~:text=The%20Department%20of%20Homeless%20Services,number%20is%20clearly%20much%20larger), Coalition for the Homeless, <https://www.coalitionforthehomeless.org/facts-about-homelessness-dynamic/how-many-total-people-are-homeless-in-nyc/#:~:text=The%20Department%20of%20Homeless%20Services,number%20is%20clearly%20much%20larger> (last viewed Apr. 17, 2024).

³¹ [DHS Data Dashboard – Fiscal Year 2023](https://www.nyc.gov/assets/dhs/downloads/pdf/dashboard/FY23-DHS-Data-Dashboard-Charts.pdf), Department of Homeless services, <https://www.nyc.gov/assets/dhs/downloads/pdf/dashboard/FY23-DHS-Data-Dashboard-Charts.pdf> (last viewed Apr. 17, 2024).

³² See [Homeless Outreach Population Estimate 2023 Results](https://www.nyc.gov/assets/dhs/downloads/pdf/hope/hope-2023-results.pdf), Hope NYC, <https://www.nyc.gov/assets/dhs/downloads/pdf/hope/hope-2023-results.pdf> (last viewed Apr. 17, 2024); see also [How many total people are homeless in NYC?](https://www.coalitionforthehomeless.org/facts-about-homelessness-dynamic/how-many-total-people-are-homeless-in-nyc/#:~:text=The%20Department%20of%20Homeless%20Services,number%20is%20clearly%20much%20larger), Coalition for the Homeless, <https://www.coalitionforthehomeless.org/facts-about-homelessness-dynamic/how-many-total-people-are-homeless-in-nyc/#:~:text=The%20Department%20of%20Homeless%20Services,number%20is%20clearly%20much%20larger> (last viewed Apr. 17, 2024).

and magnitude of sampling error for this estimate³³—all of which point to a vast undercount—such as some surveyors having a police escort which could scare off participants,³⁴ people declining to speak to surveyors,³⁵ communication and language barriers,³⁶ not being allowed to cross the street and count visible persons outside a narrow survey path,³⁷ not being allowed to count visible persons in subway cars,³⁸ potential implicit bias by only approaching those who were “deemed likely to be street homeless”³⁹ and not counting those who accept an offer to be transported to a shelter during the survey.⁴⁰

c. Eviction forces New Yorkers into the expensive shelter and emergency housing systems which have long term adverse consequences especially for children.

In New York City there were 5,697 eviction filings in February 2024, and 123,750 eviction filings within the past year.⁴¹ This number does not include those who vacated their homes under threat of eviction to avoid an eviction record.⁴² Evictions disproportionately affect children under five, who make up the largest share of all age groups facing eviction.⁴³ The harm to this group of children is particularly significant. Evictions of children under five can have lifelong adverse consequences, such as delayed

³³ How many total people are homeless in NYC?, Coalition for the Homeless, <https://www.coalitionforthehomeless.org/facts-about-homelessness-dynamic/how-many-total-people-are-homeless-in-nyc/#:~:text=The%20Department%20of%20Homeless%20Services,number%20is%20clearly%20much%20larger> (last viewed Apr. 17, 2024).

³⁴ Katie Balevic, I volunteered to help New York City track its homeless population. Here’s what I learned., Business Insider (Feb. 4, 2024), <https://www.businessinsider.com/how-many-homeless-new-york-city-population-census-unsheltered-unhoused-2024-1>.

³⁵ *Id.*

³⁶ *Id.*

³⁷ Jeremy Ney, My hands-on experience gathering homelessness data in NYC, American Inequality (Feb. 21, 2024), <https://americaninequality.substack.com/p/homeless-count>.

³⁸ *Id.*

³⁹ Homeless Outreach Population Estimate 2022 Results, Hope NYC, <https://www.nyc.gov/assets/dhs/downloads/pdf/hope/hope-2022-results.pdf> (last viewed Apr. 17, 2024).

⁴⁰ How many total people are homeless in NYC?, Coalition for the Homeless, <https://www.coalitionforthehomeless.org/facts-about-homelessness-dynamic/how-many-total-people-are-homeless-in-nyc/#:~:text=The%20Department%20of%20Homeless%20Services,number%20is%20clearly%20much%20larger> (last viewed Apr. 17, 2024).

⁴¹ Eviction Tracking New York, New York, Eviction Lab, <https://evictionlab.org/eviction-tracking/new-york-ny/>

⁴² *Id.*

⁴³ Nick Graetz et al., A comprehensive demographic profile of the US evicted population, Proceedings of the National Academy of Sciences of the United States of America (Oct. 2, 2023), <https://www.pnas.org/doi/10.1073/pnas.2305860120>

kindergarten readiness, attention and behavioral challenges, delayed cognitive development, depression, anxiety and learning challenges in adolescence.⁴⁴ The data also reveals a racial disparity: an estimated 28.8% of black women with a child under 18 were living in a household that was the subject of an eviction filing during the years of 2007 and 2016, as opposed to 6.6% for non-Hispanic white peers.⁴⁵

d. Subsidies reduce the competition for affordable housing in real time by increasing the number of housing units that are affordable to low-income individuals.

Mayor Adams has argued that the only way to solve the housing crisis “is, No. 1, to build more” and that housing subsidies would aggravate the housing crisis,⁴⁶ but that is a shortsighted analysis. In order for housing to be affordable, monthly rent generally should be no more than 30% of the occupant’s monthly gross household income.⁴⁷ This inherently means that low-income households can only afford low cost housing.⁴⁸ Because both high income New Yorkers and low-income New Yorkers can afford and seek low cost housing, there will always be more competition for lower cost housing, as it is affordable to more individuals. This is starkly demonstrated by the fact that, “[i]n 2023, 6 percent of units that were available for rent were affordable to households earning \$25,000; 30 percent were affordable to those earning \$70,000; 86 percent were affordable to those earning \$200,000; and 14 percent were only affordable to those earning more than \$200,000.”⁴⁹ Building more housing alone will not solve the

⁴⁴ See generally Emily Badger et al., The Americans Most Threatened by Eviction: Young Children, the New York Times (Oct. 2, 2023), <https://www.nytimes.com/2023/10/02/upshot/evictions-children-american-renters.html>.

⁴⁵ Nick Graetz et al., A comprehensive demographic profile of the US evicted population, Proceedings of the National Academy of Sciences of the United States of America (Oct. 2, 2023), <https://www.pnas.org/doi/10.1073/pnas.2305860120>, Fig. 3.A.

⁴⁶ Jeffrey C. Mays and Mihir Zaveri, Mayor Adams Is Sued Over Failure to Comply With New Housing Laws, the New York Times (Feb. 14, 2024), <https://www.nytimes.com/2024/02/14/nyregion/housing-voucher-lawsuit-mayor-adams-legal-aid-city-council.html>.

⁴⁷ 2023 New York City Housing and Vacancy Survey Selected Initial Findings, <https://www.nyc.gov/assets/hpd/downloads/pdfs/about/2023-nychvs-selected-initial-findings.pdf>; at 32 (last viewed Apr. 17, 2024).

⁴⁸ *Id.*

⁴⁹ *Id.* See also *Id.*, Fig. 9.

affordability crisis, as higher income households can always ‘out bid’ lower income households for the limited supply of lower cost housing.⁵⁰

Building new housing is only effective at meeting the needs of low-income households to the extent that the housing is restricted to low-income families. But the current supply of income-restricted housing is overwhelmed. For example, there are currently 274,745 families on the New York City Housing Authority’s waiting list for public housing as of January 31, 2023.⁵¹ Therefore, even if all new construction was income restricted like public housing,⁵² which is not the current plan,⁵³ it will take years before building new supply will begin to even affect the housing crisis.

Subsidies will alleviate the current housing crisis by removing recipients from the need to compete for the limited supply of low cost or income-restricted housing. Because of how CityFHEPS operates—as a tenant-based direct subsidy—recipients of its benefits can “punch above their weight class;” they do not have to compete for the small segment of housing supply that is affordable without a subsidy and instead have access to a greater portion of the existing housing supply which would have

⁵⁰ The median of the Housing Cost Ratio, the percentage of household income spent on rent plus utilities, for the first quintile of income across the whole United States in the 2021 American Community Survey was 62.7%, as opposed to 34.3%, 24.2%, 18.8%, and 13.8% for the second, third, fourth and fifth quintiles respectively. Peter J. Mateyka & Jayne Yoo, Share of Income Needed to Pay Rent Increased the Most for Low-Income Households from 2019-2021, United States Census Bureau (Mar. 2, 2023), <https://www.census.gov/library/stories/2023/03/low-income-renters-spent-larger-share-of-income-on-rent.html>, Fig. 2. This suggests that higher income households are not paying a rental amount that scales proportionate to their income and instead prefer to spend less on housing costs than their income would affordably allow.

⁵¹ NYCHA 2023 Fact Sheet, New York City Housing Authority (Apr. 2023), <https://www.nyc.gov/assets/nycha/downloads/pdf/NYCHA-Fact-Sheet-2023.pdf>. For the eligibility requirements of public housing, see, e.g., Hud’s Public Housing Program, U.S. Department of Housing and Urban Development, https://www.hud.gov/topics/rental_assistance/phprog (last viewed Apr. 17, 2024).

⁵² See, e.g., Hud’s Public Housing Program, U.S. Department of Housing and Urban Development, https://www.hud.gov/topics/rental_assistance/phprog (last viewed Apr. 17, 2024).

⁵³ See Grace Ashford & Mihir Zaveri, New York Nears a Housing Deal to Confront Affordability Crisis, the New York Times (Apr. 15, 2024), <https://www.nytimes.com/2024/04/15/nyregion/ny-housing-deal.html?searchResultPosition=1> (outlining the New York State’s plan to encourage private development, no public housing); see also New York City unveils plan to build more affordable housing in wealthier neighborhoods, Eyewitness News ABC 7 (Dec. 26, 2023), <https://abc7ny.com/affordable-housing-nyc-eric-adams-wealthier-neighborhoods/14226628/> (outlining the City’s plan to encourage affordable and “mixed” income homes); *but see* Mayor Adams Celebrates Largest All-Affordable Housing Project in 40 Years, City’s First Soccer-Specific Stadium Moving Forward After Willets Point Phase 2 Vote, The Official Website of the City of New York (Apr. 11, 2024), [https://www.nyc.gov/office-of-the-mayor/news/269-24/mayor-adams-celebrates-largest-all-affordable-housing-project-40-years-city-s-first#/> \(outlining a single but substantial all-affordable housing project\).](https://www.nyc.gov/office-of-the-mayor/news/269-24/mayor-adams-celebrates-largest-all-affordable-housing-project-40-years-city-s-first#/)

otherwise been unaffordable without a subsidy.⁵⁴ Further, utilization rates for the CityFHEPS voucher have increased year over year as reported by the City,⁵⁵ indicating that the policy has helped voucher holders find housing which would otherwise be inaccessible to them in New York's extremely tight housing market.

- e. Direct rental assistance subsidies are a proven method for creating permanent stable housing. Without CityFHEPS there are not enough available subsidies to address the homelessness crisis.*

In New York City, during 2023, 81% of families with children who exited shelter did so with subsidies, a 2% increase from last year,⁵⁶ and those that exited with subsidies were fifty-three times less likely to return to shelter in the subsequent year compared families who exited without assistance.⁵⁷ With the aid of vouchers, the Department of Social Services helped 5,400 households move out of shelters and into permanent housing.⁵⁸ Critically, the use of vouchers is shown to dramatically reduce the likelihood of recipients reentering a shelter system, with only 0.3% of families who exit NYC homeless shelters with a subsidy (typically a CityFHEPS voucher) re-entering a shelter system within a year, compared to 15.2% of families without subsidies.⁵⁹

Yet, despite the wealth of evidence about the positive effects of rental assistance, there are not nearly enough federal, state and local vouchers to meet the need in New York. For example, in 2011,

⁵⁴ See generally, 2023 New York City Housing and Vacancy Survey Selected Initial Findings, <https://www.nyc.gov/assets/hpd/downloads/pdfs/about/2023-nychvs-selected-initial-findings.pdf>; at 32 (last viewed Apr. 17, 2024).

⁵⁵ See generally Mayor Adams Announces Historic Progress Moving New Yorkers From Shelter to Permanent Housing, The Official Website of the City of New York (July 11, 2023), <https://www.nyc.gov/office-of-the-mayor/news/496-23/mayor-adams-historic-progress-moving-new-yorkers-shelter-permanent-housing#0>.

⁵⁶ Maribel Maria & Caroline Iosso, How Have Families with Children Fared in NYC Shelters this Year?, Institute for Children, Poverty & Homelessness (Sept. 25, 2023), <https://www.icphusa.org/commentary/how-have-families-with-children-fared-in-nyc-shelters-this-year/>.

⁵⁷ Mayor's Management Report Preliminary Fiscal 2024, The City of New York (Jan. 2024), https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2024/2024_pmmr.pdf, at 220.

⁵⁸ Maribel Maria & Caroline Iosso, How Have Families with Children Fared in NYC Shelters this Year?, Institute for Children, Poverty & Homelessness (Sept. 25, 2023), <https://www.icphusa.org/commentary/how-have-families-with-children-fared-in-nyc-shelters-this-year/>.

⁵⁹ Catherine Darin, Maximizing the Benefits of Housing Vouchers in New York City : Grantmaking and Advocacy Strategies for Robin Hood Foundation, Harvard Joint Center for Housing Studies (June 14, 2023), https://www.jchs.harvard.edu/sites/default/files/research/files/harvard_jchs_housing_vouchers_grantmaking_darin_2023.pdf, Fig. 1.

141,509 of the households receiving rental assistance received federal Section 8 vouchers (over 60% of the total households in NYC receiving some form of rental assistance).⁶⁰ In 2021, that number dropped to 111,662 or just about 45% of total households in New York City receiving some form of rental assistance.⁶¹ The only way to receive a Section 8 voucher is to come off of the waitlist which hasn't been fully open to the public in over fifteen years.⁶² The City has instead been holding lotteries,⁶³ for a limited spot on the waitlist. Therefore, one can infer there are no unused vouchers and thus the number of vouchers received—which has been decreasing—likely represents the entirety of the supply of Section 8 vouchers.

The Office of the New York State Comptroller suggests that this indicates that New Yorkers are increasingly relying on CityFHEPS.⁶⁴ Other voucher program placements for families with children—the Supportive Housing and Emergency Housing Vouchers programs—have decreased in the first four months of fiscal year 2024.⁶⁵ The decrease in the use of federal and local vouchers has thus resulted in increased strain on the CityFHEPS program. While DSS does not publish data on the total number of vouchers in use, it has in the past provided limited data on the total number of new vouchers issued each year, which shows a steady increase over the last five years.⁶⁶

⁶⁰ Thomas P. DiNapoli, The Cost of Living in New York City : Housing, Office of the New York State Comptroller (Jan. 2024), <https://www.osc.ny.gov/files/reports/osdc/pdf/report-17-2024.pdf> at 7

⁶¹ *Id.*

⁶² David Brand, NYC will accept Section 8 applications for first time in 15 years. Here's what to know, Gothamist (Jan. 29, 2024), <https://gothamist.com/news/nyc-will-accept-section-8-applications-for-first-time-in-15-years-heres-what-to-know>. While the City has stated that the City will actually start accepting new applications, there are still no details on when and how applications will be accepted. *See* Amber Castillo, The Section 8 waitlist is reopening. Here's what you need to know, Epicenter NYC Doing Good for the Hood (Mar. 4, 2024), <https://epicenter-nyc.com/the-section-8-waitlist-is-reopening-heres-what-you-need-to-know/>.

⁶³ *See, e.g.*, HCR NYC Section 8 Voucher Waitlist Lottery, The Official Website of the City of New York, <https://portal311.nyc.gov/article/?kanumber=KA-03390> (last viewed Apr. 17, 2024).

⁶⁴ Thomas P. DiNapoli, The Cost of Living in New York City : Housing, Office of the New York State Comptroller (Jan. 2024), <https://www.osc.ny.gov/files/reports/osdc/pdf/report-17-2024.pdf> at 7.

⁶⁵ Mayor's Management Report Preliminary Fiscal 2024, The City of New York (Jan. 2024), https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2024/2024_pmmr.pdf, at 220.

⁶⁶ Understanding the City Fighting Homelessness & Eviction Prevention Supplement (CityFHEPS) Program: Budget, Usage, Expansion Projects, and Concerns, New York City Independent Budget Office IBO Explains (Jan. 2024), https://www.ibo.nyc.ny.us/iboreports/CityFHEPS_Jan2024.pdf, *Fig. 2*.

II. BY REFUSING TO IMPLEMENT THE CITY COUNCIL'S DULY-PASSED LAWS, MAYOR ADAMS IS DEPRIVING NEW YORKERS OF A CONCRETE AND MUCH-NEEDED SOLUTION TO THE HOMELESSNESS CRISIS.

- a. *The City Council passed a package of bills to reform CityFHEPS so that the program could meet the challenge posed by the crisis of homelessness and housing instability.*

In May of 2023, after months of deliberation and nearly a year of trying to hold the Mayor accountable to his own commitments,⁶⁷ the City Council passed a package of bills to reform CityFHEPS and “address the crisis of homelessness.”⁶⁸ The Council specifically took aim at crucial bottlenecks in the shelter systems, that choked the pathway out of shelters and into permanent housing, and to prevent individuals and families from needing to enter shelter in the first place.

Urging Mayor Adams to sign the reform bills into law, Speaker Adams noted that “efforts to transition people from homeless shelters to permanent housing have been inadequate,” and that “the City’s shelter capacity” had been “under additional pressures.”⁶⁹ Commentary from independent organizations working on housing and homelessness indicates a consensus to the same effect. The Legal Aid Society “laud[ed] the City Council for passing these reforms” and “urge[ed] Mayor Adams to enact them into law immediately,” describing CityFHEPS as “a proven voucher program [that] has long required reform.”⁷⁰ Murad Awawdeh, Executive Director of the New York Immigration Coalition, described the package of bills as “a critical piece of legislation” that will “mean that thousands of New Yorkers will be able to get off of the streets and out of shelters, while also mitigating the pressure from NEW YORK CITY’s shelter and affordability crisis.”⁷¹ In a joint statement on the bills’ passage, the

⁶⁷ City Council, Homeless Services Providers and Advocates Denounce Mayor Adams’ Veto of CityFHEPS Bills, Passed by Veto-Proof Majority, as Political Act That Harms New Yorkers, New York City Council (June 23, 2023), <https://council.nyc.gov/press/2023/06/23/2431/>.

⁶⁸ Council Votes on Major Legislative Package to Address Homelessness Crisis and Help New Yorkers Move Out of the Shelter System, New York City Council (May 25, 2023), <https://council.nyc.gov/press/2023/05/25/2411/>. (Deputy Speaker Diana Ayala)

⁶⁹ City Council, Homeless Services Providers and Advocates Call on Mayor to Sign All CityFHEPS Bills, Passed by Veto-Proof Majority, into Law, New York City Council (June 16, 2023), <https://council.nyc.gov/press/2023/06/16/2425/>.

⁷⁰ LAS Lauds Passage of Bills to Expand Access to City Housing Vouchers, the Legal Aid Society (May 25, 2023), <https://legalaidnyc.org/news/bills-expand-access-nyc-housing-vouchers-cityfheps/>.

⁷¹ Immigrant Advocates Applaud NYC Council Package on CityFHEPS Housing Vouchers, New York Immigration Coalition (May 25, 2023), <https://www.nycic.org/2023/05/immigrant-advocates-applaud-nyc-council-package-on-cityfheps-housing-vouchers/>.

Citizens' Committee for Children of New York, New Destiny Housing, and Enterprise Community Partners described the bills as a "bold polic[y]," as required by the "severe housing crisis . . . to mitigate the devastating effects of homelessness on families and children."⁷²

b. Local Law 100 and Local Law 101 help divert New Yorkers from shelters by changing the CityFHEPs requirements to not require a prior eviction or shelter stay.

Local Laws 100 and 101 help divert New Yorkers from shelters by changing the CityFHEPs requirements to not require a prior eviction or shelter stay to qualify for CityFHEPs. Specifically, Local Law 100 states: "[DSS] shall not require an applicant to have resided or reside in a shelter of *any* type."⁷³ That change is significant because it removes the requirement that people must first endure the trauma of homelessness as a precondition to CityFHEPS eligibility, and for unaccompanied homeless youth in youth shelters it eliminates the requirement for them to move from one shelter system to another to become eligible for a voucher. In June 2023, Mayor Adams ended the longstanding rule that required individuals to stay in shelters for nearly three months before becoming eligible for rental assistance vouchers. And while that action was a step in the right direction, it was not enough because it did not eliminate the requirement to stay in a DHS shelter. Individuals still must have had a previous shelter stay to qualify, but they just do not need to have spent ninety days in a shelter. Local Law 100 closes that gap, expanding CityFHEPs access to those in other shelter systems, including youth shelters operated by the Department of Youth and Community Development, and to those who are not in any shelter system at all. Likewise, Local Law 101 removes certain eligibility restrictions for CityFHEPS by requiring that the Department of Social Services "deem eligible for a rental assistance voucher *any* applicant who is a household at risk of eviction or experiencing homelessness."⁷⁴ By expanding eligibility, more applicants at risk of eviction or experiencing homelessness have access to vouchers.

⁷² Family Homelessness Coalition Decries Mayor Adams' Veto of Crucial CityFHEPS Bills, Family Homelessness Coalition (June 23, 2023), <https://cccnewyork.org/press-and-media/family-homelessness-coalition-decries-mayor-adams-veto-of-crucial-cityfheps-bills/>.

⁷³ Local Law No. 100 (2023) of City of NY§ 21-145(b)(2).

⁷⁴ Local Law No. 101 (2023) of City of NY§ 21-145(b)(2).

c. Local Law 99 and Local Law 102 help New Yorkers leave shelter and remain permanently housed.

Local Laws 99 and 102 allow New Yorkers to leave shelter and remain permanently housed by ensuring that CityFHEPS adequately funds rent and allows New Yorkers to work without losing eligibility. Notably, Local Law 99 prohibits the Department of Social Services from deducting a utility allowance from the maximum amount of a CityFHEPS voucher, except in limited circumstances. With this change, voucher holders can lease apartments for the full voucher amount without having to first deduct utility expenses, placing individuals and families using CityFHEPS vouchers on par with Section 8 vouchers holders.⁷⁵ Local Law 102 makes critical changes surrounding employment. For one, it precludes the City from basing eligibility for a rental assistance voucher on an applicant's employment status or source of income. Additionally, it codifies the income eligibility requirements for a rental assistance voucher. That includes who is "income eligible,"⁷⁶ which per Local Law 100, is defined as an applicant "whose total gross income does not exceed 50% of the area median income."⁷⁷ For context, that change substantially increases the income eligibility cutoff from where it was previously,⁷⁸ and in doing so, mitigates the goldilocks problem of an individual's income being both seemingly too high to be eligible for CityFHEPS yet not enough to afford housing.

d. Mayor Adam's rationale for refusing to implement the duly enacted laws of New York City do not address the issue

In an op-ed published a few days before the Council's veto override vote, Mayor Adams purported to acknowledge the scope and severity of the problem. He claimed that his administration was already taking the most important steps and emphasized the limited housing stock in the city and the

⁷⁵ Legal Aid Files Lawsuit to Force Adams Administration to Fully Implement CityFHEPS Reform and Expansion Laws, The Legal Aid Society (Feb. 14, 2024), <https://legallaidnyc.org/wp-content/uploads/2024/02/Legal-Aid-Files-Lawsuit-to-Force-Adams-Administration-to-Fully-Implement-CityFHEPS-Reform-and-Expansion-Laws-PDF.pdf>.

⁷⁶ Local Law No. 102 (2023) of City of NY § 21-145(b)(2).

⁷⁷ Local Law No. 100 (2023) of City of NY § 21-145(b)(2).

⁷⁸ As of 2024, 200% of the federal poverty level is \$40,888 per year for a family of two and 50% of Area Median Income ("AMI") in New York City for a household of two is \$62,150 per year. I-942P Supplement, Income Guidelines for Reduced Fees, U.S. Citizenship and Immigration Services, <https://www.uscis.gov/i-942p> (last viewed Apr. 17, 2024) Area Median Income, NYC Housing Preservation & Development, <https://www.nyc.gov/site/hpd/services-and-information/area-median-income.page> (last viewed Apr. 17, 2024).

effect of zoning politics on that problem.⁷⁹ He then continued to claim that the reform bills “redesigned” the CityFHEPS program that the bills would “do little to solve the crisis of homelessness,” but would instead impose a substantial cost on the city, and “make it harder for those actually experiencing homelessness to find a permanent home.” Mayor Adams has continued to point to the same feeble justifications for his inaction even after the laws have been enacted over his objection.⁸⁰

As a policy matter, the Mayor’s justifications remain unpersuasive. His supposedly preferred supply approach of building more housing, while modeled on effective policies from other cities, has been far too small to make a meaningful difference.⁸¹ It was also conspicuously underfunded,⁸² perhaps reflecting the Mayor’s own skepticism of the policy, which he voiced prior to using it as a shield from criticism.⁸³ And even if a similar approach were to be implemented on a scale sufficient to make a long-term difference, in the short term, shelter residents can be more effectively transitioned into permanent housing, and households can be better stabilized by keeping them housed, using CityFHEPS. Increasing the rate of building housing through zoning reform will take years, and individuals and families experiencing homelessness and housing instability are in need of access to CityFHEPS now. If Mayor Adams wanted to expand access to permanent housing, he could have eliminated the ninety-day rule long ago, as he claimed to support doing when releasing his housing plan a year before the laws were passed.⁸⁴ Instead, he waited until the City Council took action to eliminate the rule, and unlike the repeal in Local Law 100, which removed barriers to eligibility, his action erected other barriers to accessing CityFHEPS

⁷⁹ Why I had to veto the Council’s 4 housing bills: Mayor Eric Adams says there are better ways to help homeless New Yorkers get places to live, Daily News (July 6, 2023), <https://www.nydailynews.com/2023/07/06/why-i-had-to-veto-the-councils-4-housing-bills-mayor-eric-adams-says-there-are-better-ways-to-help-homeless-new-yorkers-get-places-to-live/>.

⁸⁰ *See generally* Respondent Letter (December 15, 2023), NYSCEF Doc. No. 6; Memorandum of Law in Opposition to Petition and Intervenors’ Petition-Complaint (03/26/2024), NYSCEF Doc. No. 63.

⁸¹ Correcting Mayor Adams’ Op-Ed on His Decision to Veto New York City Council’s Homelessness Bills, New York City Council, <https://council.nyc.gov/grading-mayor-adams-op-ed-on-his-decision-to-veto-new-york-city-councils-housing-bills/> (last viewed Apr. 17, 2024).

⁸² *Id.*

⁸³ David Brand, NYC Pilots ‘Housing First’ Plan for Handful of Homeless Adults, City Limits (Nov. 15, 2022), <https://citylimits.org/2022/11/15/nyc-pilots-housing-first-plan-for-handful-of-homeless-adults/>.

⁸⁴ Nolan Hicks, Wait goes on for NYC housing vouchers despite ‘immediate’ fix pledge, New York Post (Aug. 24, 2022), <https://nypost.com/2022/08/24/wait-goes-on-for-nyc-housing-vouchers-despite-immediate-fix-pledge/>

vouchers, including a ten hour per week work requirement for adult-only households, while the Council bills eliminated the existing work requirements rather than add additional ones.⁸⁵

III. IMPLEMENTING THESE LAWS PROMISES TO MITIGATE THE HOMELESSNESS CRISIS AND PROVIDE SIGNIFICANT COST SAVINGS TO THE CITY.

Together, Local Laws 99, 100, 101 and 102 recognize what is self-evident: the solution to homelessness is housing. Implementing these laws helps mitigate the homelessness crisis by preventing evictions, reducing the cost of shelter and speeding up shelter exits.

Consider the numbers. There are an estimated 483,500 low-income, severely rent-burdened households in New York City.⁸⁶ According to a June 2023 CSS report, approximately 39,000 of those households per year are likely to face eviction under current conditions, and of those households, at least 8,000 are likely to enter a shelter system.⁸⁷

Mayor Adams' administration has argued that the City Council's expansion of CityFHEPS will make it more difficult for existing voucher holders to compete for available apartments in a tight rental market.⁸⁸ That position is flawed for two reasons. First, the data suggests that by preventing evictions and expanding the universe of apartments available to voucher holders, CityFHEPS will become more effective at housing New Yorkers currently living in shelters.⁸⁹ This makes intuitive sense. If the demand for housing decreases because fewer people are facing eviction, and the supply of eligible housing

⁸⁵ Emma Whitford, Advocates Blast New Work Requirement Tucked Into Mayor's Housing Voucher Rule, City Limits (June 17, 2023) <https://citylimits.org/2023/06/17/advocates-blast-new-work-requirement-tucked-into-mayors-housing-voucher-rule/>

⁸⁶ Debipriya Chatterjee et al., To Fight Homelessness, House the People (Part 2): A deeper dive into the costs, benefits and savings of CityFHEPS reform and expansion, Community Service Society (June 20, 2023), <https://www.cssny.org/news/entry/to-fight-homelessness-house-the-people-part-2-city-fheps-costs-benefits-savings-nyc>.

⁸⁷ *Id.*

⁸⁸ Molly Wasow Park, CMP Response to CM Ayala CityFHEPS 121523, NYC Department of Social Services Human Resources Administration (Dec. 15, 2023), <https://www.scribd.com/document/696906459/CMP-Response-to-CM-Ayala-CityFHEPS-121523>; Emma Whitford, Adams Admin Confirms Inaction on Council's Rental Voucher Expansion, City Limits (Jan. 5, 2024), <https://citylimits.org/2024/01/05/adams-admin-confirms-inaction-on-councils-rental-voucher-expansion/>.

⁸⁹ Debipriya Chatterjee et al., To Fight Homelessness, House the People (Part 2): A deeper dive into the costs, benefits and savings of CityFHEPS reform and expansion, Community Service Society (June 20, 2023), <https://www.cssny.org/news/entry/to-fight-homelessness-house-the-people-part-2-city-fheps-costs-benefits-savings-nyc>.

increases, the net result is *more* accessibility and availability; not less. Second, by preventing evictions, the expanded CityFHEPS program will reduce the number of households entering a shelter system long-term, creating less competition for those trying to use vouchers to move into permanent housing.⁹⁰

Preventing evictions also helps preserve the affordability of housing. When someone is evicted from a non-rent regulated unit, landlords have a financial incentive to raise the rent as high as the unit can command in the current market, which reduces the stock of affordable housing.⁹¹

These Local Laws will also provide significant cost savings to the city. The average monthly cost for shelter ranges from \$4,426 for singles to \$7,138 for families. Meanwhile, the maximum monthly cost of a CityFHEPS voucher ranges from \$2,440 (studio apartment, no utilities) to \$3,777 (3-bedroom apartment with utilities). If implemented, on a household-by-household and month-by-month basis, housing with a voucher is significantly less expensive than a shelter. And by using CityFHEPS vouchers to prevent evictions, vouchers will be even less costly since the average rent low-income tenants are paying in their current apartments is often less than the voucher payment standard. According to census data, the median rents paid by households making less than 50% of Area Median Income are two thirds the amount of the CityFHEPS payment standard for a household of their size.

There are societal benefits to these laws, too. Homelessness is mistakenly viewed as an individual problem. Not so. Homelessness has ripple effects that negatively impact not just those who are experiencing it but also the public more broadly. As just one example, data indicates that youth experiencing homelessness face disproportionate levels of contact with juvenile justice systems, with data suggesting that 46% of youth who have experienced homelessness have been held in juvenile detention

⁹⁰ *Id.*

⁹¹ [Rent Increases FAQ](https://rentguidelinesboard.cityofnewyork.us/resources/faqs/rent-increases/#sure), NYC Rent Guidelines Board, <https://rentguidelinesboard.cityofnewyork.us/resources/faqs/rent-increases/#sure> (last viewed April 19, 2024) (Question: “I’m not sure my apartment is stabilized. How much can my rent be raised?” Answer: “If you find that your apartment is not rent stabilized, there is no limit on the rent increase that can be charged at the end of your lease”).

centers at some point, relative to 15% of youth in the general population.⁹² And the converse is also true: paying for housing instead of paying for shelter can result in significant benefits more broadly, including rising incomes for those who access permanent housing (\$10,000 in additional income, \$12,000 in taxpayer savings), lowered healthcare costs by reducing hospitalization and emergency room visits and increased educational prospects and future wages for children (increasing 31% on average).⁹³ Thus, when we properly invest in sensible solutions to homelessness, society writ large benefits too.

CONCLUSION

For the foregoing reasons, we urge the Court to issue an injunction in the nature of mandamus, directing Respondents to implement the laws and issue Petitioners, and all those entitled to vouchers, the vouchers to which they are entitled.

⁹² Youth Homelessness and Juvenile Justice System Involvement, Center for Coordinated Assistance to States and the American Institutes for Research, <https://ccastates.org/system/files/CCAS-YouthHomelessSnapshot-508.pdf> (last viewed Apr. 17, 2024).

⁹³ Debipriya Chatterjee et al., To Fight Homelessness, House the People (Part 2): A deeper dive into the costs, benefits and savings of CityFHEPS reform and expansion, Community Service Society (June 20, 2023), <https://www.cssny.org/news/entry/to-fight-homelessness-house-the-people-part-2-city-fheps-costs-benefits-savings-ny> fn. 6.

Dated: April 22, 2024
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WORD COUNT CERTIFICATION

Pursuant to Rule 202.8-b of the Uniform Rules for the Supreme Court and County Court, I hereby certify that the total number of words in this Brief excluding the caption, table of contents, table of authorities, signature block, and word count certification is 6,991.

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