



TESTIMONY OF THE NEIGHBORHOOD DEFENDER SERVICE

before the

Committee on General Welfare

IN RELATION TO

Oversight - The CityFHEPS Rental Assistance Program

by

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Introduction:

I am Jack Boyle, a Staff Attorney at the Civil Defense Practice at Neighborhood Defender Service of Harlem (NDS). NDS is a community-based public defender office that provides high-quality legal services to residents of Northern Manhattan, including representation in Housing Court through the Right to Counsel Program. In Housing Court, our advocacy has involved attorneys, social workers, and non-attorney advocates working to address not only a client's legal case, but also assisting them in obtaining stabilizing benefits and connecting them with other social services. This advocacy work includes assistance with public benefits and voucher applications including CityFHEPS which can be a lifeline for clients at risk of eviction and street homelessness.

However, since the pandemic, our office has experienced significant delays and unresponsiveness in the processing of applications through the HomeBase providers where clients must go to apply for CityFHEPS. In our experience, Housing Court judges are not willing to wait for resolutions of these CityFHEPS applications and have allowed evictions to go forward, rendering people homeless in the midst of an ongoing shelter crisis. Moreover, numerous long running administrative problems with the CityFHEPS program itself can make the program inaccessible to many, even after navigating the complex application process. In 2019, 80 percent of New Yorkers who received a CityFHEPS voucher were unable to secure housing.¹

HRA Requires Tenants to Apply for CityFHEPS Through the Severely Overburdened HomeBase System

For the vast majority of public benefits, New Yorkers can apply themselves by filling out online applications, or with assistance at an HRA Benefits Access Center, or with assistance from any non-profit or other entity they may have a relationship with. For CityFHEPS, however, HRA requires New Yorkers currently residing outside of the shelter system to apply exclusively through the system of HomeBase providers in each Borough.

Unlike HRA Centers, the HomeBase Program is run by non-governmental entities who are not subject to the same type of oversight and required response times. Like HRA, we understand from conversations with other providers and Homebase staff that many locations are severely understaffed and lack resources. In Manhattan the problem is particularly acute because just one provider services the entire Borough. This understaffing, combined with numerous systemic inefficiencies and little oversight, has created an insurmountable barrier for our clients seeking CityFHEPS and, in one instance, directly caused our client to become homeless.

The challenges begin with even accessing HomeBase services in the first instance. When clients have attempted to visit HomeBase's center in Manhattan in person, they are not admitted. Staff slide a sheet of paper under the door with instructions to email them. We have been told that when clients attempt to call or email to make appointments, no one responds. In our experience there is no plan in place to serve clients who do not have access to a phone or email. Clients often report making initial contact with HomeBase as a significant barrier to the process.

¹ [Testimony: Making CityFHEPS More Accessible \(www.cssny.org\)](http://www.cssny.org).
[To Truly Address Homelessness, New York City Must Take on Housing Voucher Discrimination \(gothamgazette.com\)](http://gothamgazette.com)

Applicants to CityFHEPS in the Community Must Navigate a Multi-Month, Multi-Step Application Process

Even once contact is successfully made with HomeBase to begin an application, the challenges persist. When our office refers a client to HomeBase for CityFHEPS, it typically takes somewhere between six weeks to four months for HomeBase to respond to an initial referral and conduct a ‘pre-screen’ to determine eligibility for HomeBase services, i.e., to speak to a caseworker. At this stage HomeBase will not determine whether a client is actually eligible for CityFHEPS. We are then told that clients must wait another 8-10 weeks to be seen by a caseworker to conduct a second intake. Clients then wait again for weeks to months to be processed for a voucher.

In our experience, clients are routinely lost in this multi-step intake process. While waiting, clients’ applications are halted by minor issues like disputes about the quality of images submitted by a client, document dates, and demands to resubmit duplicative or irrelevant documents to prove eligibility for even a conversation with a caseworker. In many instances caseworkers inform us that they cannot find documents that have already been submitted, leading to further delays. Additionally, HomeBase repeatedly reassigns caseworkers without informing clients or advocates, creating even more confusion. Because of the elongated multi-step nature of this “intake” process, advocates will often not learn the nature of an issue with a submission for many months, often not until raising the lack of response with managers. Many times, an application requires the involvement of five or more HomeBase representatives, including supervisors and directors, before a client has completed intake.

All told, the process to receive a CityFHEPS shopping letter from HomeBase, which enables a client to search for an apartment, can take between six months to a year – time our clients do not have in a pending eviction case. Landlords and judges are simply not willing to wait six months or more for HomeBase to conduct a pre-screening interview, complete an additional intake and issue a voucher. HomeBase will at times not even advise as to where a client is in the multi-step intake process, leaving us with nothing to bring to the attention of landlords or the court.

We have clients who have already been evicted because of these delays and mistakes or who are at serious risk of eviction right now while they wait to be seen by HomeBase. Just the delays themselves cause harm as clients can accrue substantial arrears while waiting for assistance. One of our clients chose to be evicted because they believed that they would receive a voucher more quickly at a shelter than through HomeBase.

While we all understand and sympathize with the lack of staffing and resources at HomeBase, in our experience the convoluted, multi-step intake procedures are a huge contributor to the extreme wait times that clients are currently experiencing.

The Application Criteria for CityFHEPS is Unduly Burdensome and Not Provided in a Consistent Manner

An additional barrier to accessibility is the lack of consistent understanding of what the eligibility criteria is for CityFHEPS and what documents a client is actually required to submit. For instance, some clients have been instructed that although HomeBase knows that they are eligible for CityFHEPS and ineligible for Cash Assistance, they must nonetheless apply for Cash Assistance and have a pending application that

has not yet been denied when submitting documents for CityFHEPS. In our reading, the relevant agency rules do not require this step, which only leads to further inefficiency and delay.²

Confusion about eligibility can also raise more fundamental issues with the program. Recently, a client, Mr. Z, was refused an appointment and incorrectly instructed by HomeBase that he was ineligible for CityFHEPS because even though he had shelter history, he was not then living in a shelter. Yet clearly, CityFHEPS eligibility is not limited only to individuals presently in the shelter system. In other circumstances, we have been advised that clients who are presently street homeless or have a history of street homelessness that can be proven, are ineligible for CityFHEPS unless they have checked into a DHS shelter. The eligibility criteria around past or current homelessness unnecessarily only work to exclude certain otherwise qualified individuals, while adding to the mounting barriers to accessing CityFHEPS assistance.

Additionally, as part of the criteria for CityFHEPS a family which is eligible for the FHEPS voucher program administered by New York State must apply for that program. However, families can become ineligible and be removed from FHEPS while nonetheless remaining eligible for CityFHEPS. For instance, if all children in a family age out of the program, then the family will be cut off from State FHEPS. Yet there is no process to transition families from FHEPS to CityFHEPS, which can lead to interruption of payments and housing instability.

Finally, an additional concern for both landlords and tenants alike, is that the voucher is not guaranteed for the length of a lease and can be cut off abruptly if a client's income changes. If a client is slightly above the income threshold, they may nonetheless not be able to afford the full lease rent without assistance. Thus, the voucher itself can create housing instability.

While we applaud the recent announcement from the City expanding the eligibility criteria for CityFHEPS, more work is needed to ensure that tenants are not barred from these lifelines by unnecessary red tape.

Administrative Problems Continue to Create Significant Barriers to Using or Maintaining CityFHEPS Even After a Voucher is Issued

Similar procedural barriers also extend to the process of leasing an apartment once a voucher has been secured. Sometimes, HomeBase will close a case immediately after issuing a voucher, forcing the client to start the multi-step intake process back at square one when they are ready to lease an apartment or need to make a change to their voucher. In one instance, a client Mr. S, asked for their children to be added to their voucher. HomeBase did not inform the client that his case had been closed, and for months caseworkers and supervisors did not respond to inquiries. Months later the client was told to restart intake (despite being a voucher holder), and his original voucher expired while waiting, as did the time agreed with the landlord for the client to find a new apartment. Moreover because of inconsistent information about the documents required, Mr. S ran out of time to include his children on a new voucher. He has

² The Rules of the City of New York currently includes as a requirement that “if the household is not currently in receipt of PA, the household must apply for any assistance available under Part 352 of Title 18 of the New York Codes, Rules and Regulations.” 68 RCNY 10-03(2). HRA can and should clarify that if a household has a categorical ineligibility for PA such as, receipt of SSI, resource limitations, etc, then such assistance is not “available” and an application is not required.

related how demoralizing this process has been for him and how it harmed his ability to establish a home for his children.

Furthermore, in our experience, HomeBase does not routinely provide assistance to CityFHEPS voucher holders in actually finding an apartment. This is a significant problem, as many landlords refuse to accept CityFHEPS vouchers.³ Some clients report applying for hundreds of apartments only to find that when the nature of their voucher comes up, the landlord or broker cuts off communication.

While we understand that sometimes “listings” have been provided, what we have seen consists of little more than outdated contact info for brokers and the general websites for search engines like StreetEasy. In conversations with HomeBase workers we have been told that while they are required to assist Section 8 voucher holders with apartment searches, HomeBase is not required to do so for CityFHEPS. HomeBase can and should be a great resource for apartment hunting with vouchers, as they know which landlords have recently accepted housing vouchers. We also understand that workers have access to the DHS-run HOME system which compiles vacant affordable listings from across the city that may be accessible to voucher holders.

Even once a voucher holder has found an apartment and a landlord who will accept CityFHEPS, still the challenges do not end. They must return to HomeBase to submit additional paperwork, schedule an inspection, and get the apartment approved by HRA. A large percentage of voucher holders are not able to navigate this process due to a number of procedural hurdles.

Errors with the calculation of utility payments, the timing of rent checks, and other mistakes can lead to voucher holders being denied eligible housing. As documented by the Daily News in April 2022, 76% of people who received a CityFHEPS voucher, and who were approved for an apartment by a landlord, were nonetheless blocked from renting the apartment by HRA/DSS often for reasons like spelling out on an application “street” as opposed to “st.” for the address to the apartment.⁴

Further delays also occur, as HomeBase workers must perform a check of five different databases on the apartment. Any issues, including old or minor HPD violations can stop the process in its tracks. In all, the approval process itself can take weeks to months to complete, even where zero mistakes are made.

For those who can navigate this minefield to obtain and use a CityFHEPS voucher, administrative confusion can still lead to housing instability. For one client, Ms. B, CityFHEPS failed to pay for an entire year because their caseworker stopped assisting them and a new caseworker was not assigned despite repeated outreach from our office and the client. Ms. B did not receive CityFHEPS recertification and because of this was sued for eviction. Only after months of advocacy, which escalated to involving HRA, were we able to get the retroactive CityFHEPS checks tendered. As HRA does not utilize electronic payments, we understand that problems with checks and payments have led many landlords to engage in voucher discrimination to avoid the bureaucratic problems with the program.

CityFHEPS is a life-changing program that assists extremely vulnerable New Yorkers by securing safe, affordable housing. We laud all efforts to expand the program but want to caution the Committee that any expansions of CityFHEPS must be met with equal investment and oversight into the city’s HomeBase providers. We must put measures in place to stay eviction cases pending a client meeting eligibility for CityFHEPS so that no tenant is evicted due to bureaucratic inefficiencies.

³ [Administrative Obstacles Jam Up Moving Process for NYC Shelter Residents \(citylimits.org\)](https://www.citylimits.org/administrative-obstacles-jam-up-moving-process-for-nyc-shelter-residents/).

⁴ [NYC bureaucracy kept homeless out of thousands of vacant apartments \(nydailynews.com\)](https://www.nydailynews.com/nyc/nyc-bureaucracy-kept-homeless-out-of-thousands-of-vacant-apartments/); [Administrative Obstacles Jam Up Moving Process for NYC Shelter Residents \(citylimits.org\)](https://www.citylimits.org/administrative-obstacles-jam-up-moving-process-for-nyc-shelter-residents/)

NDS Supports the Council's Goal to Expand and Simplify CityFHEPS Eligibility to All Those at or Below 50 Percent of Area Median Income at Risk of Eviction

NDS strongly supports the stated goals of the legislation proposed at today's hearing, to remove unnecessary administrative obstacles and base CityFHEPS eligibility on income at or below 50% percent of area median income as well as demonstration that a household is at risk of eviction. In particular, INT-878 and 893, would remove unnecessary limitations on eligibility for vouchers. NDS also supports Resolution 465 which calls on the State Legislature to enact legislation to expand voucher eligibility to undocumented New Yorkers.

As written however, some of the legislation being considered by the council could inadvertently be interpreted to limit eligibility to CityFHEPS. Currently the eligibility criteria for CityFHEPS are outlined in Title 68 Chapter 10 of the Rules of the City of New York. The proposed amendments include additions to the separate City Administrative Code, however interactions with the existing CityFHEPS rules could lead to unintended results.

For instance, the summary for INT-894 indicates that it seeks to "change the maximum total gross income for eligibility for a CityFHEPS rental assistance voucher from 200 percent of the federal poverty level to 50 percent of the area median income." The amendment would include a new provision in the City Admin Code that individuals who earn more than 50% of AMI "shall not be eligible for a rental assistance voucher when the applicant for rental assistance is living in shelter or experiencing street homelessness." As such individuals are already ineligible based on the income cap currently set at 200% of the federal poverty line, and the Admin Code change does not prohibit an agency from using that lower income cap for CityFHEPS, this change may not have the desired effect of expanding eligibility. *See* RCNY § 10-03(a)(1); 10-04(a)(1).

Additionally, as the change only applies to those "living in shelter or experiencing street homelessness", those who qualify for CityFHEPS outside of the shelter system would be excluded from this expansion. Unless any changes also include New Yorkers living in the community, tenants earning above 200% of FPL but below 50% of AMI would need to choose between giving up their apartments and becoming homeless or giving up their jobs in order to qualify for the assistance that they need to maintain secure and stable housing.