
Hughes Hubbard & Reed

Firm Seeks Relief for NYC Families Struggling to Pay Rent

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February 19, 2021 – Hughes Hubbard, as co-counsel with The Legal Aid Society, has sued New York State to challenge the eligibility requirements for New York’s rent subsidy program.

On Feb. 8, HHR and the nonprofit filed in Manhattan Supreme Court a class action complaint and motion for preliminary injunction against New York State, challenging its oversight of the Family Homelessness and Eviction Prevention Supplement (FHEPS) program.

In order to qualify for FHEPS rental assistance, families with children must show that their landlords have sued them for eviction in New York City’s Housing Court. However, with Housing Court closed to new eviction cases due to the pandemic, New York State’s continued enforcement of the lawsuit requirement means that FHEPS assistance is currently inaccessible for families who need it.

“As a result of the COVID-19 pandemic, there are now tens of thousands more New York City families receiving public assistance than there were before the pandemic began,” the complaint said. “Many of those families are in desperate need of rental assistance and are eligible for FHEPS but for the lawsuit requirement.”

Under FHEPS, a family of four that would receive \$450 per month for rent in the state’s basic shelter allowance program could receive up to \$1,323 per month, an amount essential to preventing eviction in New York City’s expensive housing market.

In addition to the lawsuit requirement, New York State rules also disqualify any family that owes more than \$9,000 in rent arrears from receiving FHEPS assistance. By the time current eviction moratoriums expire, many families who need FHEPS subsidies will have become ineligible for them because their rent arrears will have accumulated beyond the \$9,000 limit.

According to the complaint, New York State denied requests by the New York City Department of Social Services and Legal Aid to waive the lawsuit requirement during the pandemic.

“Defendants’ continued enforcement of the lawsuit requirement is unlawful. FHEPS – a program required by statute – is currently completely inaccessible to new applicants,” the complaint asserted. “For many families, due to their accumulating arrears, it will remain that way indefinitely. In the midst of the most devastating pandemic in more than a century, ensuring safe access to necessary housing subsidies for New York City families with children is more crucial than ever,” the complaint stated.

Fara Tabatabai and Brittany Cohen are working on this matter with Legal Aid.

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