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# Hughes Hubbard & Reed

## HHR Secures Temporary Relief for NYC Families Struggling to Pay Rent

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**March 30, 2021** – In response to a lawsuit recently filed by Hughes Hubbard and The Legal Aid Society, New York State temporarily loosened the eligibility requirements for New York City’s rent subsidy program.

On Feb. 8, HHR, as co-counsel with Legal Aid, filed a class action complaint in state Supreme Court on behalf of New York City families who were eligible for rental subsidies through the Family Homelessness and Eviction Prevention Supplement (FHEPS) program but for the fact that they could not satisfy the “lawsuit requirement.”

The lawsuit requirement requires a family to have been sued for eviction before they can qualify for FHEPS subsidies. The complaint asserted that New York State’s enforcement of the lawsuit requirement during the COVID-19 pandemic means that FHEPS assistance is legally inaccessible to thousands of families who need it because the State’s eviction moratoriums make it impossible for any family to satisfy the lawsuit requirement.

“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 stated. “Many of those families are in desperate need of rental assistance and are eligible for FHEPS but for the lawsuit requirement.”

HHR and Legal Aid also moved for a preliminary injunction against New York State’s enforcement of the lawsuit requirement.

On March 2, in response to those filings, New York’s Office of Temporary and Disability Assistance (OTDA) agreed to waive the lawsuit requirement until May 1, when the State’s eviction moratorium ends.

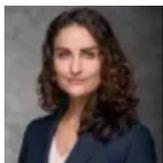
“OTDA will agree to amend the FHEPS rent supplement plan to waive the ‘lawsuit requirement’ until at least May 1, 2021, or until such time as the eviction moratorium ... is no longer in effect,” wrote OTDA Commissioner Michael P. Hein.

As a result, many New York City families who had been shut out from FHEPS benefits because of the lawsuit requirement will now be able to receive those benefits.

To apply for relief under the revised policy, applicants must present either a rental demand or letter threatening eviction from their landlord, as well as a hardship form. HHR and Legal Aid are pursuing additional modifications in court, including continued wavier of the lawsuit requirement while New York remains in a state of emergency as result of the pandemic and removal of the requirement that a family's rental arrears be less than \$9,000 in order to qualify for FHEPS.

Fara Tabatabai and Brittany Cohen are representing named plaintiffs Maoli Soriano and Shealean Smith, both renters from the Bronx, with Legal Aid.

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