

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

November 7, 2025

Hon. Michael McSweeney
City Clerk and Clerk of the Council
141 Worth Street
New York, NY 10013

Re: Disapproval of Introductory No. 1372

Dear Mr. McSweeney:

Pursuant to the authority vested in me by Section 37 of the New York City Charter, I hereby disapprove Introductory Number 1372, which would amend the Administrative Code of the City of New York "in relation to modifying CityFHEPS rent contribution requirements."

While my administration has been a leader in housing stability and affordability for all New Yorkers, this bill would undermine the careful balance we have struck between protecting vulnerable households and ensuring the long-term financial sustainability of the CityFHEPS program. Since its inception in 2018, CityFHEPS has become the second-largest rental subsidy program in the nation, behind only NYCHA's Section 8 program and its funding has increased fivefold in just four years to \$1.25 billion in FY2025. This rapid growth underscores both the importance of the program and the need for prudent fiscal management to ensure it can continue to serve as a lifeline for tens of thousands of New Yorkers.

In partnership with the Office of Management and Budget (OMB), the Department of Social Services (DSS) has taken strategic steps to strengthen access to CityFHEPS while responsibly managing costs. The recently adopted CityFHEPS and Pathway Home Rule Amendments, effective September 13, 2025, were crafted precisely to address these goals. These rule change amended the baseline household contribution from 30% of the household's monthly income to 40% of the household's monthly income specifically for those renewing CityFHEPS at year six (after the five-year standard term of the voucher) who have employment income; the rule excludes households on SSI and/or with a family member over the age of 60.

My administration has taken important steps to reduce administrative burdens and strengthen access by implementing wide ranging reforms to CityFHEPS, including:

- Eliminating the 90-day length-of-stay requirement for New Yorkers in shelter to be eligible for CityFHEPS;
- Expanding CityFHEPS eligibility to include single adults working full-time on minimum wage, even if their income is slightly higher than 200% of the federal poverty level;
- Supporting working families by reducing the number of hours families are required to work to become eligible for CityFHEPS from 30 to 10 hours per week;
- Expanding Supplemental Security Income eligibility for CityFHEPS families from any household adult to any household member;
- Reducing the monthly contribution by CityFHEPS tenants who move into single-room occupancy units from 30% of their income to a maximum of \$50 per month; and
- Leveraging CityFHEPS to create deeply affordable housing through the Affordable Housing Services (AHS) program, which helps nonprofits purchase (30-year project-based contracts) or enter long-term, building-wide leases (9-year tenant-based contracts) to create deeply affordable housing leveraging social services dollars — locking in long-term affordability with strong tenant protections for CityFHEPS voucher holders.

These reforms collectively strengthen CityFHEPS as a reliable, sustainable pathway to permanent housing, while ensuring the City can continue meeting the needs of households experiencing homelessness or housing insecurity.

Additionally, in early 2023, DSS/HRA adopted a rule change allowing greater flexibility for participants seeking units priced above the CityFHEPS payment standard. When a household demonstrates the ability to pay the excess rent over the standard, it may contribute up to 40% of income (30% plus the excess rent). This policy has successfully expanded housing choice for participants. Int. No. 1372 would eliminate this flexibility by imposing a hard cap of 30% on income contributions, limiting housing options for families who have the means to contribute slightly more. Given these comprehensive reforms and ongoing efforts to bend the cost curve responsibly, this proposed legislation would be fiscally unsustainable and counterproductive to the City's broader housing goals.

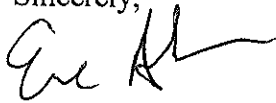
In addition to these important policy concerns, more fundamentally, my administration has continuously maintained in court that the City Council is preempted by the New York State Social Services Law from passing laws like Int. No. 1372. New York State's social services program is a "State program administered through the 58 local social services districts"—including one covering the five boroughs—"under the general supervision of the State Department of Social Services and the State Commissioner of Social Services." *Beaudoin v. Toia*, 45 N.Y.2d 343, 347 (1978) (cleaned up); *see also* Soc. Servs. Law § 61 (dividing the state into local districts). The Social Services Law delegates substantial authority and discretion to local social services districts and the departments and officials who administer public assistance in those districts—not to local legislatures. By contrast, the principal powers of local legislative bodies in the area of social services are to organize the provision of social services among one or more City agencies, appropriate funds, and levy taxes. *See* Soc. Servs. Law §§ 77, 88, 91. That is, the City Council does not have the authority to legislate policy under the Social Services Law in the manner that it

has sought through Int. No. 1372. This limitation on City Council's ability to legislate on this topic is the subject of ongoing litigation in *Vincent v. Adams*, which is currently before the New York Court of Appeals.

Instead of pursuing this misguided and preempted local law, the City Council should allow the recently adopted rule changes and program reforms to take full effect, thereby ensuring that CityFHEPS remains a strong, sustainable, and equitable pathway to permanent housing for New Yorkers most in need.

Accordingly, I hereby disapprove Int. No. 1372.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Adams", with a stylized flourish at the end.

Eric Adams
Mayor

Cc: Hon. Adrienne Adams, Speaker