

February 25, 2026

**Joint Legislative Public Hearing on the 2027 Executive
Budget Proposal: Housing**

Thank you Majority Leader Stewart-Cousins, Senate Finance Chair Krueger, Senate Housing, Construction and Community Development Committee Chair Kavanagh, Speaker Carl Heastie, Assembly Ways and Means Chair Prelow, Assembly Housing Committee Chair Rosenthal, the New York State Finance Committee and the New York State Assembly Ways and Means Committee for holding this important hearing. We welcome the opportunity to submit testimony on behalf of The Legal Aid Society concerning fiscal priorities for the coming year in housing. We are eager to collaborate with the Committees to ensure that tenants and homeless New Yorkers have access to housing that is safe and affordable.

The Legal Aid Society

The Legal Aid Society (Legal Aid), the nation's oldest and largest not-for-profit legal services organization. Legal Aid provides comprehensive legal services in all five boroughs of



New York City for people who cannot afford to pay for private counsel. Since 1876, Legal Aid has advocated for low-income families and individuals and has fought for legal reform in City, State, and Federal Courts across a variety of civil, criminal and juvenile rights matters. Legal Aid takes on 300,000 cases annually, including thousands of cases in which we fight for the rights of tenants in regulated and unregulated apartments across the city.

Introduction

The Legal Aid Society welcomes the opportunity to speak about these incredibly important issues. Three years ago, in the State of the State speech, Governor Hochul laid out the problem facing New York and its renters. She said:

“New York State is currently facing a severe, once-in-a-generation housing crisis. According to the Population Reference Bureau more than half of New York renters are rent-burdened, meaning that they pay more than 30 percent of their income on rent – the second-highest rate in the nation. In the New York City metro area, rents have risen 30 percent since 2015 and home prices have risen 50 percent over the same period. Outside of New York City, rents have risen 40 to 60 percent since 2015 while home prices have risen 50 to 80 percent¹.”

Last year, Governor Hochul in her State of the State said:

“A stable home is the foundation for a stable life. But for far too many New Yorkers, it’s a dream that feels impossibly out of reach. And I’m not the first one to say this, but the rent is too damn high! And that goes for people’s mortgages as well. Housing is the number one driver of our affordability crisis².”

¹ <https://www.governor.ny.gov/news/governor-hochul-announces-statewide-strategy-address-new-yorks-housing-crisis-and-build-800000>

² [Remarks as Prepared: Governor Hochul Delivers 2025 State of the State Address | Governor Kathy Hochul](#)

We agree with the Governor, we are in a once in a generation housing crisis and housing is the number one driver of our affordability crisis. Unfortunately, Governor Hochul's budget does little to address renters' affordability crisis and provides little for homeless New Yorkers. The budget fails to provide solutions that tenants and homeless New Yorkers can use today instead of years and years from now. The purpose of this testimony is to discuss what is needed from our elected officials to address this unrelenting crisis.

Just last year, Comptroller DiNapoli issued a report that found that homelessness in New York state has doubled in the previous two years. And while some of that increase has been driven by New York City, the rest of the state has seen double- and triple-digit rate increases lead by Glens Falls, Saratoga and the surrounding counties³. The number of homeless children increased from 20,299 in 2022 to 50,773 in 2024. Comptroller DiNapoli urged the state to take more action to address this urgent crisis⁴.

We come before this joint hearing to urge our legislators to take up the call to address these twinned crises – homelessness and the affordability crisis faced by renters.

Declining Affordability of Housing

Many New York City renters are facing dire circumstances. In the face of fewer rental opportunities and higher prices, renters are suffering from a growing disparity between what they can afford and their actual rent. According to the Selected Initial Findings of the 2023 New York City Housing and Vacancy Survey, the median rent for New York City renters was

³ <https://www.osc.ny.gov/press/releases/2025/01/dinapoli-numbers-homeless-population-doubled-new-york#:~:text=Homelessness%20in%20New%20York%20state,the%20rest%20of%20the%20nation.>

⁴ Id.

\$1,641.⁵ According to the HVS, between 1993 and 2023, there was a net loss of over 600,000 units renting under \$1,500 and a net gain of over 75,000 units with rents of \$5,000 and more⁶. The median renter income is 70,000 and for half of New York City's renter households, those earning under 70,000, the typical renter is severely rent burdened⁷. Among households earning less than \$25,000 a year who do not live in public housing or report having a voucher, an astonishing 86 percent are severely rent burdened⁸. An individual would have to work 105 hours per week at minimum wage, 52 weeks a year, to afford a one-bedroom apartment at Fair Market Rent in New York State⁹. Alternatively, the individual would need a wage increase to at least \$46.03 per hour, or \$95,749 a year, to afford a two-bedroom apartment¹⁰.

In 2023, there were 33,210 apartments vacant and available to rent in New York City¹¹. Of that number, only 4442 apartments, or 13 percent, were affordable to New Yorkers earning less than 50,000 a year¹². Only 12,500, or 37 percent, were available to New Yorkers earning under 100,000 a year¹³. The median income a household would need to afford one of the vacant apartments is somewhere between 100,000 and 150,000 a year¹⁴. The median

⁵ Gaumer, E. *The 2023 New York City Housing and Vacancy Survey: Selected Initial Findings*. New York, NY: New York City Department of Housing Preservation and Development; 2024. Page

13. <https://www.nyc.gov/assets/hpd/downloads/pdfs/about/2023-nychvs-selected-initial-findings.pdf>

⁶ *Id.* at 19.

⁷ *Id.* at 55.

⁸ *Id.* at 57.

⁹ <https://nlihc.org/oor/state/ny>

¹⁰ *Id.*

¹¹ Gaumer, E. *The 2023 New York City Housing and Vacancy Survey: Selected Initial Findings*. New York, NY: New York City Department of Housing Preservation and Development; 2024. Page

26. <https://www.nyc.gov/assets/hpd/downloads/pdfs/about/2023-nychvs-selected-initial-findings.pdf>

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

household income for a renter household is \$70,000.¹⁵ Needless to say, the clients of the Legal Aid Society cannot afford these rents.

Declining Availability of Housing

Unfortunately for New York City renters, declining affordability is coupled with declining availability. The number of vacant units affordable to low-income New Yorkers is meager. The 2023 Housing and Vacancy Survey found that vacancy rate was 1.41 percent, the lowest it had been for decades.¹⁶ In 2023, the vacancy rate for all units with rents less than \$1,100 was only 0.39 percent.¹⁷ The 2023 vacancy rate for units between \$1,100 and \$1,649 was no better at 0.91 percent.¹⁸ The vacancy rate for units between \$1,650 and \$2,399 was frighteningly 0.78 percent.¹⁹ The scarcity of available regulated and subsidized housing is a part of an overall decline in the availability of affordable housing. There remain less than 100,000 units covered by either the Mitchell-Lama program or the federally subsidized Project Based Section 8 program. This is a loss of 35 percent since 1990.²¹ Applicants for public housing face similar shortages: 182,549 families are on the waitlist for NYCHA public housing, with 203,236 applicants on the waiting list for Section 8 housing vouchers in New York City.²² This combination of market forces and governmental decisions has worked

¹⁵ *Id.* at 42. There was an uptick in the median household income which was driven by the huge influx of higher income households coming into New York City.

¹⁶ *Id.* at 21

¹⁷ *Id.* at 21

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Oksana Miranova, *Closing the Door: Subsidized Housing at a Time of Federal Instability*, Community Service Society, March 2018. https://smhttp-ssl-58547.nexcesscdn.net/nycss/images/uploads/pubs/Closing_the_Door_FINAL_WEB.pdf

²¹ *Id.*

²² https://www.nyc.gov/assets/nycha/downloads/pdf/NYCHA_Fact_Sheet.pdf

together to have a devastating effect on low- and moderate-income New Yorkers. The declining number of vacant units available for rent, the fact that housing expansion has not kept pace with population growth, and the ongoing public housing crisis have all contributed to the scarcity of available affordable housing.

One of the most astonishing findings of the 2023 Housing and Vacancy Survey was the incredible plummet in the vacancy rate for the higher half of the rental housing market²³. Additionally, because of a redesign in the survey, we have data to confirm what we believed to be the case. When a low-income tenant loses their home, they have very few options and the apartments that are affordable for them go to higher income tenants²⁴.

New York State's Homelessness Crisis.

Homelessness has reached epidemic levels in New York State. 2024's point in time census of homeless New Yorkers was 158,019.²⁵ But that survey is done in the dead of winter and includes sheltered and unsheltered homeless New Yorkers throughout our entire state. At the end of December 2025, the number of people shelters in New York City's shelter was 100,862²⁶. In last year's budget testimony, we reported that a record 146,000 New York City students were homeless in the 2023-24. Unfortunately, we must report that once again

²³ Gaumer, E. *The 2023 New York City Housing and Vacancy Survey: Selected Initial Findings*. New York, NY: New York City Department of Housing Preservation and Development; 2024. at

²¹ <https://www.nyc.gov/assets/hpd/downloads/pdfs/about/2023-nychvs-selected-initial-findings.pdf>,

²⁴ *Id.* at 26 & 46

²⁵ <https://www.huduser.gov/portal/sites/default/files/pdf/2024-AHAR-Part-1.pdf> It does not appear that HUD has published the 2025 point in time survey.

²⁶ <https://www.coalitionforthehomeless.org/>

New York City has experienced a record number of New York City students who were homeless. This year that number is 154,000.²⁷

As Comptroller DiNapoli reported in January 2025, homelessness is not just a New York City problem. In the last two years, numbers of homeless New Yorkers have doubled in Glens Falls, Saratoga Springs/Saratoga, Washington, Warren, Hamilton counties, Newburgh, Middletown/Orange County, Jamestown, and Dunkirk/Chautauqua County.²⁸ Other regions like Western New York, Central New York, the Capital Region, the Hudson Valley, have seen increases in homeless population of more than fifty percent²⁹. The increase has been driven by families with children. The report explains that there are numerous reasons for the increase, including influx of asylum seekers, increased eviction proceedings, lack of affordable housing and increased rents.³⁰ More than 50 percent of New York renter households are rent burdened.³¹ This is not just a New York City problem; indeed, the Mid-Hudson Valley, Long Island, Yonkers, Rochester, Albany, and Syracuse have higher percentages of rent-burdened tenants than New York City.³²

Housing Stability Leads to Better Outcomes in Health, Education and Employment

When families have stable housing it leads to better outcomes in health, education, and employment. Housing instability has been linked to greater risk of depression³³, worse

²⁷https://advocatesforchildren.org/wp-content/uploads/2025/student_homelessness_2024-25.pdf

²⁸ <https://www.osc.ny.gov/files/reports/pdf/new-yorkers-in-need-homelessness-nys.pdf> page 5.

²⁹ Id.

³⁰ Id. at 6.

³¹ <https://www.osc.ny.gov/reports/new-yorkers-need-housing-insecurity-crisis>

³² Id.

³³ Burgard, S. et al, *Housing Instability and Health: Findings from the Michigan Recession and Recovery Study*, Social Science & Medicine, December 2012. <https://www.sciencedirect.com/science/article/abs/pii/S0277953612006272?via%3Dihub>

outcomes for chronic illnesses like diabetes³⁴, low-weight and/or preterm infants³⁵, and general adverse childhood health³⁶. Frequent moves before a child is seven years old lead to greater thought-related and attention-related problems³⁷. These problems can reduce educational achievement. Children who experience high mobility between third and eighth grades do worse in school³⁸. Moreover, forced moves are also a predictor for job loss³⁹. If keeping employment without stable housing is difficult, finding new employment while unstably housed is even harder. The cost of adverse health outcomes, poor education achievement and lack of employment is significant and will harm New York State's ability to grow its economy.

Housing Access Voucher Program

³⁴ Berkowitz, et al. *Unstable Housing and Diabetes-Related Emergency Department Visits and Hospitalization: A Nationally Representative Study of Safety-Net Clinic Patients*, 2018
<https://pubmed.ncbi.nlm.nih.gov/29301822/#:~:text=Conclusions%3A%20Unstable%20housing%20is%20common,for%20vulnerable%20individuals%20with%20diabetes.>

³⁵ Leifhart, et. al, *Severe Housing Insecurity during Pregnancy: Association with Adverse Birth and Infant Outcomes*, Int J Environ Res Public Health. 2020, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7700461/>

³⁶ Sandel, et al, *Unstable Housing and Caregiver and Child Health in Renter Families*, Pediatrics, 2018, <https://publications.aap.org/pediatrics/article/141/2/e20172199/38056/Unstable-Housing-and-Caregiver-and-Child-Health-in>

³⁷ Gaylord, et al., *Impact of housing instability on child behavior at age 7*, Int J Child Health Hum Dev., 2018, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8442946/>

³⁸ Cutuli, et al, *Academic achievement trajectories of homeless and highly mobile students: Resilience in the context of chronic and acute risk*. Child Development 2013. https://www.researchgate.net/profile/Jeffrey-Long-6/publication/24250390_Academic_achievement_of_homeless_and_highly_mobile_children_in_an_urban_school_district_Longitudinal_evidence_on_risk_growth_and_resilience/links/5c9b85c2a6fdccd4603f111c/Academic-achievement-of-homeless-and-highly-mobile-children-in-an-urban-school-district-Longitudinal-evidence-on-risk-growth-and-resilience.pdf

³⁹ Desmond, et al, *Housing and Employment Insecurity among the Working Poor*, Social Problems, 2016. <https://scholar.harvard.edu/files/mdesmond/files/desmondgershenson.sp2016.pdf?m=1452638824>

Last year after years of advocacy and steady support from both the Assembly and the Senate, New York State created the Housing Access Voucher Program (HAVP). New York State enacted HAVP as a four-year pilot project with funding of \$50 million a year. While the program was part of last year's budget, the implementation was delayed until March 2026. The \$50 million will fund about 1600 to 1700 vouchers: 671 for outside New York City and the rest for New York City. The New York State Department of Homes and Community Renewal (HCR) will oversee the program outside New York City, and the New York City Department of Housing Preservation and Development (HPD) will oversee the program in New York City. HCR intends to allocate vouchers to New Yorkers who are living in Department of Social Services shelters. HPD has not yet made public its plan for its vouchers, however, they have told advocates that HCR has advised them that vouchers can only go to New Yorkers who are homeless.

HCR's takes the position that no voucher can be used for a tenant who is housed until every homeless New Yorker receives a voucher, appears to be based on statutory language which requires agencies to prioritize homeless New Yorkers. While we disagree with HCR's interpretation of this language, we are concerned about two groups of Legal Aid Society clients who are at imminent risk of loss of federal subsidy that will invariably lead to loss of housing and homelessness.

Last week, HUD released its long-awaited mixed immigration status rule which would require that local governments terminate Section 8 subsidies for families with mixed immigration status and evict such families from public housing. Federal law already

addresses mixed status families. These families receive pro rata assistance, the family members with eligible status are subsidized but the family members with ineligible statuses are not. The subsidy amounts that would have otherwise been paid by the federal government are the family's responsibility to pay. There will be lawsuits challenging this rule, but these families are at risk.

Additionally, during the Biden administration, Congress created the Emergency Housing Vouchers as part of the COVID era recovery plan. New York City received the highest number of vouchers, almost eight thousand vouchers. While HPD has a plan to save their voucher recipients, the New York City Housing Authority does not have the funds to save these vouchers. At this moment, HCR's position is that these tenants will have lose their homes before they can receive a HAVP voucher. We helped over two hundred of our clients apply for and receive EHV's. We met these clients in housing court. They were all long-term rent-stabilized tenants who could no longer afford their rent. They were all either elderly or disabled and had low rents.

Our client, Ms. R, exemplifies tenants at risk of homelessness. Ms. R moved into her apartment in the Bronx in 2005. She receives SSI for a mobility impairment. She lives in her apartment with her son who is attending college. When we met Ms. R., she was in housing court. While her rent was incredibly low, her income was lower. Her rent was \$1,296.90. We helped Ms. R apply for an emergency housing voucher. Once she was approved, we helped her apply for a one-shot deal to pay the arrears. The money for the EHV program runs out in November. When Ms. R loses her federal subsidy, she will be back in arrears and eventually

lose her apartment of twenty years. She and her son will become homeless. The cost to New York City for an adult family of two is \$7,305.3⁴⁰. That amount is five and half times Ms. R's entire rent. Further, if Ms. R were lucky enough to access HAVP once she became homeless, her next apartment would likely be twice as expensive as her current apartment⁴¹.

We appreciate the legislature's commitment to this vital program. It does not, unfortunately, meet our moment. We urge the legislature to fund the program at \$250 million a year. If a state's budget reflects our values, New York must make clear that it cares about low-income tenants struggling to stay housed and about homeless New Yorkers searching for a place to call their own.

Support for Public Housing

We urge you to protect our State's public housing by including capital funds in the FY 2027 budget for public housing across the state. Public housing is suffering from the effects of decades of disinvestment. These developments are home to some of New York's most vulnerable populations including seniors and families with young children. Across New York State, our public housing is in disrepair -- putting over 600,000 people at risk of lead paint exposure, mold, and other environmental toxins. Public housing developments are regularly without heat and hot water; residents suffer from non-working elevators, leaks,

⁴⁰ [What are the per diem costs for several types of shelter housing, and will these costs change? | Committee on General Welfare | New York City Council | March 11, 2024 | citymeetings.nyc](#)

⁴¹ Gaumer, E. *The 2023 New York City Housing and Vacancy Survey: Selected Initial Findings*. New York, NY: New York City Department of Housing Preservation and Development; 2024. Page 26. <https://www.nyc.gov/assets/hpd/downloads/pdfs/about/2023-nychvs-selected-initial-findings.pdf>

and infestations. Public Housing is a necessary resource that keeps New York City and New York State affordable to many. NYCHA is, by far, the State's largest provider of affordable housing. It offers the only truly and permanent affordable housing in the State to hundreds of thousands of very low-income New Yorkers. Eviction rates are lower in public housing than in any other form of affordable or supportive housing.

Prior to 2015, there had not been any substantial allocations for NYCHA repairs from New York State. Capital funds issued to NYCHA by the State in recent years have been critical as we work to fight the tide of capital shortfalls, but public housing continues to be severely underfunded. It is time to recognize this housing stock, and its residents are at a precipice, and it is up to New York State to create a backstop for this federal divestment. This \$500 million commitment from the State to the New York City Housing Authority demonstrates progress that we need to move forward on. Keeping NYCHA, and public housing authorities across the State, in a perpetual state of capital deficit will make operating problems worse, not better.

The housing authorities outside New York City face the same woes and require attention. The Buffalo Municipal Housing Authority, for example, ranks among one of the nation's most needy authorities. Across the State, public housing residents have been forced to forgo basic maintenance because of decades of federal divestment. Ongoing commitment and efficient investment by all levels of government is necessary to maintain this vital resource.

Older New Yorkers and Disabled New Yorkers Need Affordable Rents to Remain Living in the Community Through Enhancements to the SCRIE and DRIE Programs.

We support S1457B/A5344A, S2451A/A7729. These bills address long standing problems with the Senior Citizens Rent Increase Exemption (SCRIE) and Disability Rent Increase Exemption (DRIE) programs. We support S1457B/A5344A which would increase the maximum income threshold for eligibility to \$75,000 and index it to inflation thereafter. The last time the legislature increased the eligibility threshold was in 2014. Since that time as inflation has increased, the eligibility threshold has remained the same. Tenants are losing eligibility when they receive cost of living increases in their income. The loss of the rent freeze exemption will lead to housing instability.

We strongly support S2451A/A7729 because for too many seniors and disabled renters, this program freezes their rent at unsustainable levels. When a senior applies at sixty-two (62) years old, the rent is frozen at the legal regulated rent at the time. There is, however, no assessment at the time of application as to the affordability of that rent for the senior or disabled New Yorker. As a result, the amount may already be a substantial rent burden for the tenant on a fixed income. For example, a senior receiving Social Security Income of \$1,034 applies for the SCRIE program and their rent is frozen at \$994. Although the rent is frozen, it is frozen at an amount that is not affordable and would leave the senior with only forty (40) dollars per month for other expenses. There is no option under the current law for this frozen rent to be lowered, despite this severe rent burden, unless the senior was to experience a decrease in their already scant income. Rents should be frozen to

one third of household income. This will ensure true affordability for seniors and disabled tenants on low fixed incomes.

Lastly, we propose that the SCRIE and DRIE program be expanded to units now covered by the Good Cause Eviction law. The Good Cause Eviction law generally limits rent increases to between 5 and 10 percent depending on the annual change in the consumer price index. This is not a rent cap, but landlords cannot increase the rent than more than the local rent standard without providing a tenant with an explanation and a justification for that increase.

In the past, the SCRIE and DRIE program may not have covered these units because of the uncertainty of how much the rent would increase after a lease increase. A rent stabilized apartment because the increases are known and limited by statute. But with the passing of the Good Cause Eviction law, there will be limitations on rent increases in apartments covered by the act. Therefore, expanding the program to cover these market units would increase the number of potential affordable apartments where seniors and disabled New Yorkers could maintain long term tenancies.

Shelter Arrears Eviction Forestallment Act

While the Shelter Arrears Eviction Forestallment Act is targeted at localities outside of New York City, The Legal Aid Society is extremely familiar with New York City's rent arrears program which has prevented the eviction of low-income renters. We strongly support allocating funds to other localities to prevent evictions throughout New York State.

Conclusion

Thank you for the opportunity to submit testimony. Homelessness and housing insecurity are a scourge on our state. The legislature must enact these desperately needed programs this year. New Yorkers have waited too long for relief. It is time to start to tackle New York's affordability crisis.

Sincerely,

Ellen Davidson
Staff Attorney
Law Reform Unit, Civil Practice