

NYC's Affordable Housing Eviction Crisis and Policy Recommendations to Fix It

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Acknowledgments

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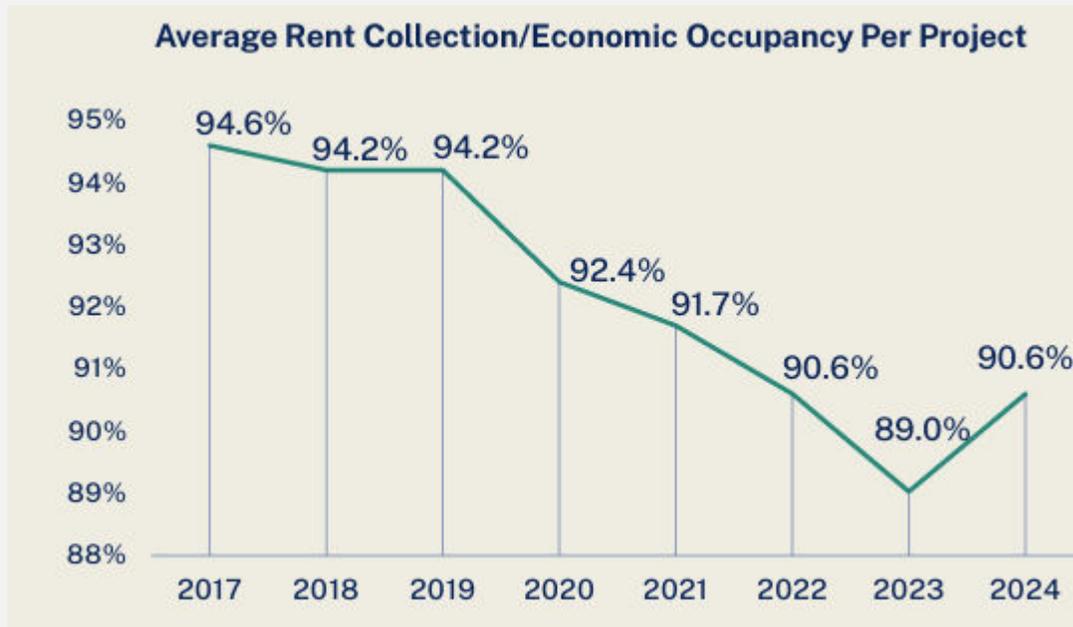


Evictions in subsidized affordable housing are a growing problem, impacting tenants, owners and the City of New York.

Key Takeaways

- In 2024 more than 1/3 of NYC eviction filings were in subsidized affordable housing (43k out of 120k total).
- Rents are affordable to tenants who typically pay 30% of their income upon move. Rent burdens can develop over time.
- More New Yorkers may be losing affordable housing than attaining it through the lottery in a year.
- Nonpayment of rent is contributing to financial distress for affordable housing buildings. More than half do not have enough income to cover expenses according to one study.
- NYC spent \$500m+ on “one-shot” for rent arrears in 2024. This cost often grows until resolved in court.
- Housing Court can take more than one year to resolve.
- NYHC proposes establishing an Affordable Housing Stability Court Part and other policy measures to prevent evictions in affordable housing.

Nonpayment of Rent Is a Growing Concern in Affordable Housing- One That Threatens the Stability of Both Tenants and Buildings



Source: Enterprise and National Equity Fund's Portfolio Report

- Enterprise & LISC/National Equity Fund analyzed 37k affordable units in NY finding **more than half are experiencing operating deficits** when income is not covering expenses.
- **11% of buildings are collecting less than 80% of rent.**

Affordable housing is underwritten to collect 95% of rents but collection has been trending well below this rate since 2020, contributing to operating deficits.



Why Do Renters In Affordable Housing Have Affordability Problems?

Low-income households have little cushion to absorb unexpected economic shocks.

- At initial move in, rents are typically “affordable” to households who pay up to 30% of pre-tax income towards rent.
- Rents increase with RGB rent increases over time, even if income does not (households with rental assistance, SCRIE & DRIE are protected from rent increases).
- Household income can change with job loss, loss of work hours or public benefits or be impacted by change in household composition.
- The cost of living increased by 22% since 2020, making the cost of non-housing needs even more expensive.

Basic Needs of Extremely Low-Income Household- 30% AMI (\$41,940 for a Family of Three)



Source: Center on Poverty & Social Policy at Columbia University



In 2024, 43k of 120k (36%) Eviction Filings in NYC Were in Subsidized Affordable Housing.

| Housing Type | Case Type | Filings | Median Amount Sought |
|---------------------------------|-------------|----------------|----------------------|
| Public | Holdover | 906 | |
| Public | Non-Payment | 2,800 | \$17,300 |
| Subsidized | Holdover | 4,913 | |
| Subsidized | Non-Payment | 38,133 | \$4,587 |
| Unsubsidized | Holdover | 17,574 | |
| Unsubsidized | Non-Payment | 55,455 | \$5,456 |
| Total | All | 119,781 | |
| Subsidized as % of Total | All | 36% | |

Source: NYU Furman Center's analysis using proprietary Subsidized Housing Database, Department of Finance and Office of Court Administration data. It is categorized at the building level and treats any buildings with subsidized units as subsidized.

The median rent sought in affordable housing is \$4,587 compared to \$5,456 in market rate housing and \$17,300 in public housing due to NYCHA only pursuing the most egregious cases of nonpayment in court.



While only 5% of nonpayment filings in affordable housing result in executed warrants, nonpayment puts thousands of households at risk of losing their affordable housing and becoming homeless.

| Housing Type | Case Type | Filings | Median Amount Sought | Warrants Ordered | % Filings Resulting in Warrants | Warrants Executed | % Filings Resulting in Executed Warrants |
|--------------|-------------|---------|----------------------|------------------|---------------------------------|-------------------|--|
| Subsidized | Holdover | 4,913 | | 1,132 | 23% | 319 | 6% |
| Subsidized | Non-Payment | 38,133 | \$4,587 | 13,890 | 36% | 1,866 | 5% |

Source: NYU Furman Center's analysis using proprietary Subsidized Housing Database, Department of Finance and Office of Court Administration data

Out of 38,133 filings for nonpayment, 13,890 households are issued warrants and 1,866 had warrants executed by the marshal. The outcomes for most households are unclear.

- **Tenants may retain their affordable housing** with resolution through payment agreements with landlords or help from HRA's "one-shot" emergency assistance for arrears.

OR

- **Tenants may lose their affordable housing** by moving, doubling up or entering emergency shelter.

While more than 40k households were at-risk of losing affordable housing, in the same year only 9,305* attained affordable housing through NYC's Housing Connect lottery.

* Mayor's Management Report: https://www.nyc.gov/assets/operations/downloads/pdf/mmr2025/housing_our_neighbors.pdf



Nearly half of Eviction Filings in Subsidized Affordable Housing Are in the Bronx

| Geography | Housing Type | Case Type | Filings | Median Amount Sought | Warrants Ordered | % Warrants | Warrants Executed | % Filings Resulting in Executed Warrants |
|---------------|--------------|-------------|---------|----------------------|------------------|------------|-------------------|--|
| Bronx | Subsidized | Holdover | 2,213 | | 400 | 18% | 122 | 6% |
| Bronx | Subsidized | Non-Payment | 17,348 | \$4,194 | 6,355 | 37% | 740 | 4% |
| Brooklyn | Subsidized | Holdover | 1,121 | | 277 | 25% | 61 | 5% |
| Brooklyn | Subsidized | Non-Payment | 9,810 | \$4,866 | 3,485 | 36% | 531 | 5% |
| Manhattan | Subsidized | Holdover | 1,114 | | 306 | 27% | 103 | 9% |
| Manhattan | Subsidized | Non-Payment | 6,964 | \$5,472 | 2,469 | 35% | 371 | 5% |
| Queens | Subsidized | Holdover | 422 | | 133 | 32% | 25 | 6% |
| Queens | Subsidized | Non-Payment | 3,280 | \$5,048 | 1,230 | 38% | 138 | 4% |
| Staten Island | Subsidized | Holdover | 43 | | 16 | 37% | 8 | 19% |
| Staten Island | Subsidized | Non-Payment | 731 | \$4,428 | 351 | 48% | 86 | 12% |

Eviction filings in subsidized housing: Bronx (45%), Brooklyn (25%), Manhattan (19%), Queens (9%) and Staten Island (2%). While Staten Island accounted for the fewest filings, they were much more likely to result in a warrant for eviction.



Resolving nonpayment can take more than a year (~406 days), creating negative impacts for tenants at risk of losing their homes, not allowing landlords to collect rent and increasing costs for the City's "one-shot" program.



Source: Median days from filing are from NYU Furman Center's analysis using proprietary Subsidized Housing Database, Department of Finance and Office of Court Administration data

Data shows that \$4,587 is median in rent arrears sought at initial filing but that amount grows the longer the process draws out.

One-Shots Are Effective in Reducing Evictions But A Growing Expense to NYC

| HRA "One-Shot" Emergency Assistance (in millions) | | | | | | |
|---|------------|--------|--------------------------|--------|------------|--------|
| | NYCHA | | Subsidized & Market Rate | | Total | |
| | Households | Amount | Households | Amount | Households | Amount |
| FY23 | 7,100 | \$ 43 | 35,800 | \$ 267 | 42,900 | \$ 310 |
| FY24 | 6,600 | \$ 57 | 49,900 | \$ 484 | 56,500 | \$ 541 |
| FY25 | 4,700 | \$ 39 | 47,600 | \$ 516 | 52,300 | \$ 555 |

Source: NYC Department of Social Services.

In 2024, the average one-shot issued to subsidized and market rate households was \$9,700, much higher than arrears sought at filing. Earlier access would reduce total arrears, lower per-household costs to the City, and reduce entry into emergency shelter.



Typical Outreach By Affordable Housing Owners Prior to Filing for Eviction



Early Communication- Building management actively engages tenant to work out a solution following rent demand letter. Multiple outreach attempts may be necessary.



Payment Plans- Building management will offer payment plans to help tenants catch up on back rent.



Rent Support- Tenants may be encouraged to apply for HRA “one-shot” emergency assistance to help with arrears. Tenants who have had a change in household income may require ongoing support like CityFHEPs.

Data suggests that a significant number of tenants are not engaging with affordable housing owners or accessing one-shots prior to filing.



NYC Agencies Should Adopt Policy Changes to Better Protect Tenants and the Affordable Housing Buildings They Live In From Financial Risk



HPD should issue **eviction prevention best practice guidance** to affordable housing owners.



HPD/HRA should issue an **escalation letter** to inform tenants that they are at risk of losing their affordable housing and connect them with resources (NYCHA issues escalation letters).



HRA should establish a **priority list for one-shot processing** by allowing Affordable Housing owners to provide 30-day notice to HRA prior to eviction filing (NYCHA has this priority).



HRA should establish an **Affordable Housing Stability Coordinator** to troubleshoot CityFHEPs processing, one-shot assistance and other benefit issues for tenants in affordable housing.



HPD should **lower rent burdens** for ELI households based on cost of living in their term sheets.

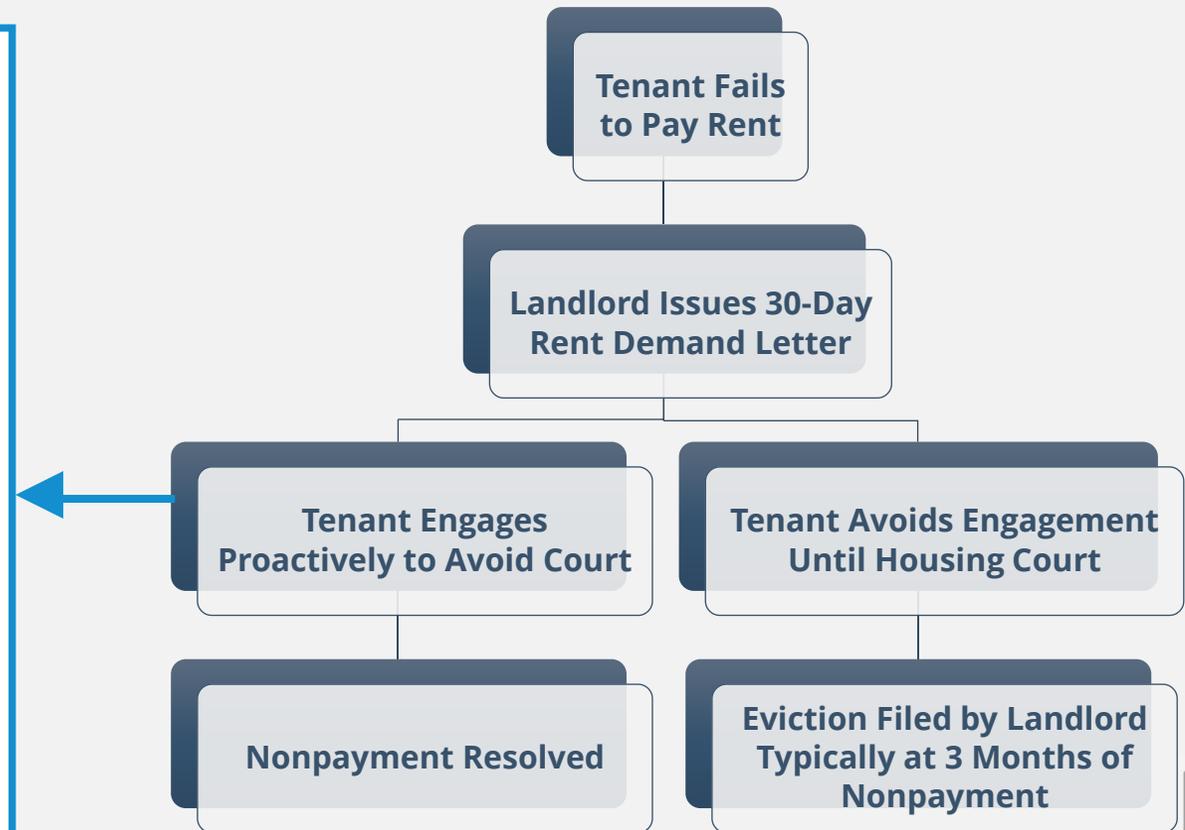
Early engagement by HPD & HRA can help tenants resolve nonpayment issues early.



City Agencies Should Work with Affordable Housing Owners to Reduce Eviction Filings

HPD & HRA Can Help Encourage More Engagement to Avoid Evictions Filing

- **City agency escalation letter** can encourage tenant engagement with landlord to enter payment plan and provide information on social services.
- **Early access to HRA resources** like "one-shots" will stabilize tenant with assistance paying arrears and reduce the per household expenditures of "one-shots", often obtained at housing court.
- **Priority processing of "one-shots"** will reduce eviction filings.



For Tenants Who Do Not Engage Prior to Eviction Filing, A NEW Affordable Housing Stability Court Initiative Is Necessary to Prevent Evictions in Affordable Housing

Affordable Housing Stability Court Initiative



A diversion program in a dedicated court part or calendar call will prompt early intervention to quickly resolve arrears, stabilize tenancy and connect to resources.

Key features:

- Eligible cases identified by landlord's petition
- Intervention can begin during the automatic 45-day adjournment (modeled after Brooklyn Administrative Pilot)
- Dedicated case management staff work with tenants to resolve issue
- Court-based HRA staff are available with the ability to fully process emergency assistance applications from start to finish and resolve issues with existing subsidies
- Complements NYC's Right to Counsel Program



Dedicated Eviction Diversion Staffing

**\$800,000 could fund nonprofit
eviction diversion staff initiative
for one court part to serve 1,000
households per year.**

Staffing model for a court part:

- **5 Navigators** - to work directly with tenants to resolve cases by assisting with applications for emergency assistance, addressing existing issues and helping them develop and execute a plan to pay the arrears and afford the rent moving forward. This includes helping with related issues that can impact housing stability (e.g., financial planning, health, mental health, childcare, etc.)
- **1 Resource Coordinator** - to serve as the liaison in the court between the eviction diversion provider and the court. They will help report on case status in both directions. Facilitating easy and accurate transmission of information is an important part of facilitating favorable court outcomes.
- **1 Supervising Program Manager**

NY State Budget Proposal

Investment in a Citywide affordable housing eviction diversion initiative will lead to other savings:

- Improved rent collection in affordable housing will lead to fewer buildings in HPD's loan workout pipeline seeking financial assistance.
- Improved resolution timeline will reduce HRA "one-shot" costs on a per household basis although more households will likely be aided.
- Diversion of 1/3 of total cases will reduce backlogs for other housing court constituents and reduce demand for Right to Counsel, ensuring attorney availability for households in most need of representation.

| Proposal Assumptions | |
|--|--------------|
| Affordable Housing Filings | 43,046 |
| ~ 1/2 go to court | 21,523 |
| Diversion staff for 1000 cases in 1 court part | \$788,920 |
| NYS Budget Proposal | |
| Annual Diversion Program | \$16,979,925 |

HRA court presence is required for this program to be successful.

Additional facility space may be needed to accommodate diversion staff.

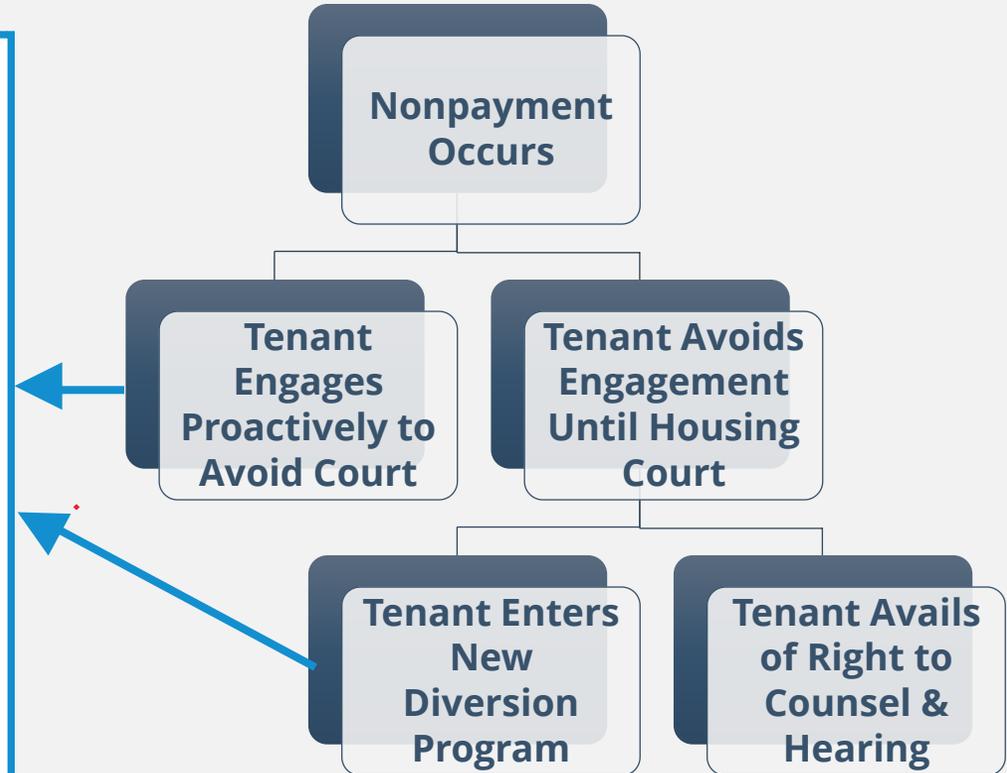
Judicial capacity should be monitored.



Investment in Eviction Prevention Strategies Will Improve Outcomes

Expected Outcomes

- More tenants retain affordable housing.
- Affordable housing landlords' rent collection improves and financial distress decreases.
- Improved resolution time reduces accumulated rent arrears and costs of "one-shots" paid by the City of New York.
- Fewer filings frees up Housing Court capacity.
- Diversion casework frees up capacity for Right to Counsel



**Participation in a diversion program does not preclude tenants from receiving services through RTC.*