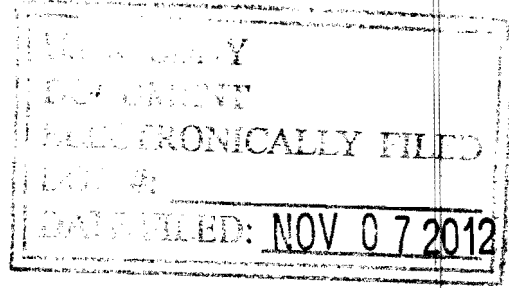
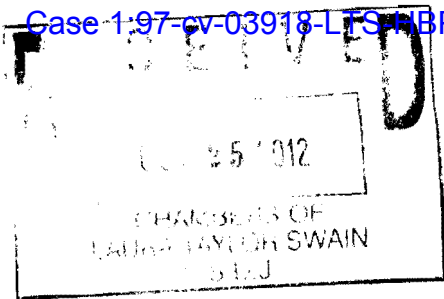


Swain



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
KELVIN BLATCH, *et al.*,

Plaintiffs,

-against-

TINO HERNANDEZ, *et al.*,

Defendants.
----- X

97 Civ. 3918 (LTS)(RBP)

AMENDMENT TO
STIPULATION AND
ORDER OF SETTLEMENT

WHEREAS, the Stipulation and Order of Settlement (the "Stipulation"), accepted by this Court on October 10, 2008, permanently enjoined the New York City Housing Authority (the "Housing Authority") from proceeding with a termination of tenancy proceeding or a remaining family member grievance hearing with a resident who is mentally incompetent (as defined in the Stipulation) unless represented by a guardian ad litem and in eviction cases in Housing Court, to advise the court of any information that the Housing Authority may have indicating that the tenant may be mentally incompetent;

WHEREAS, the Housing Authority established certain procedures (the "Procedures") governing termination of tenancy and housing court proceedings in which the tenant is or may be mentally incompetent;

WHEREAS, the Stipulation required the Housing Authority for a period of four (4) years from the date this Court So-Ordered the Stipulation, to provide plaintiffs' counsel with copies of certain documents issued pursuant to the Procedures, including Special Court Notices (as defined in the Stipulation), copies of mental health evaluation reports and copies of all notices of

appointments of guardians ad litem;

WHEREAS, as a result of information produced by the Housing Authority pursuant to its reporting requirements, plaintiffs' counsel alleged significant deficiencies in the Housing Authority's compliance with its obligations under the Stipulation, including an alleged systemic failure to issue the requisite Special Court Notices in eviction cases in Housing Court;

WHEREAS, in October, 2011, the Housing Authority implemented a change in its Procedures as they relate to informing the Housing Court of tenants who may lack mental competence when a tenant is subject to a non-payment of rent proceeding, by automating the process of generating Special Court Notices;

WHEREAS, in December, 2011, plaintiffs' counsel sought enforcement action from this Court under the Stipulation based on the Housing Authority's alleged failure to comply with its obligations under the Stipulation;

WHEREAS, Magistrate Judge Henry Pitman worked with the parties to resolve the issues posed by plaintiffs' allegations;

WHEREAS, the parties wish to resolve this dispute amicably;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the plaintiffs and the Housing Authority (this "Agreement")

1. Except as modified by this Agreement, each paragraph of the Stipulation, along with the rights, duties and obligations created thereunder, shall remain in full force and effect, as provided therein.

2. Paragraph 1 of the Stipulation, as it relates to the Procedures established by the Housing Authority, is hereby modified to reflect the Housing Authority's issuance of DGM

2011-0029, issued by the Housing Authority in October, 2011 and attached hereto as Exhibit A-1.

3. The Housing Authority agrees to implement a further change to its Procedures as they relate to informing the Housing Court regarding a tenant in Holdover proceedings who may be incompetent. In particular, the Housing Authority intends to automate the process of generating Special Court Notices (as defined in GM 3746) in Holdover proceedings in Housing Court.


4. The parties agree that the Stipulation Period, currently set to expire on October 31, 2012, is hereby extended and will now expire on the date that is twenty four (24) months from the date the Housing Authority implements the automation of the process of informing the Housing Court (by Special Court Notice) of tenants who may lack mental competence in Holdover proceedings and issues a new or revised General Memoranda ("GM") laying forth such new automated procedure.

5. The Housing Authority has performed a manual review of all its outstanding, current eviction cases in Housing Court to determine if it is in possession of any information indicating that the tenant may be mentally incompetent and where appropriate after such review, has issued and filed with the court a Special Court Notice. The Housing Authority has provided copies of all Special Court Notices issued pursuant to such review.

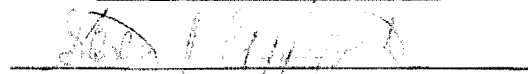
6. The parties shall discuss the issue of attorneys' fees arising from monitoring compliance with the Stipulation from October, 2008 to the date of this Agreement and the process of coming to agreement obtaining approval for this Agreement. If the parties are unable to agree, within sixty (60) days of the date this Agreement is signed, or such additional time as

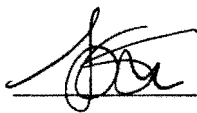
agreed upon by the parties, plaintiffs may move the Court, pursuant to Rule 54 of the Federal Rules of Civil Procedure, for an Order awarding reasonable costs, fees and disbursements to plaintiffs pursuant to 29 U.S.C. § 794a(b) and 42 U.S.C. § 12205 and the Housing Authority may oppose the application.

Dated: October 12, 2012


Steven Banks, Attorney-in-Charge
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Dated: October 11, 2012


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Attorneys for Defendant

So Ordered:  10/26/12
U.S. District Judge