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 JAN 25 2011
 CHAMBERS OF
 RICHARD M. BERMAN
 U.S.D.J.

U.S. Department of Justice

United States Attorney
Southern District of New York

MEMO ENDORSED

86 Chambers Street, 3rd Floor
New York, New York 10007

January 25, 2011

The matter is referred to
 Magistrate Dolinger for
 settlement. Feb 1, 2011 conference
 adjourned to March 1, 2011
 @ 9:00 A.M.

SO ORDERED
 Date: 1/26/11 *Richard M. Berman*
 Re: *United States District Court, S.D.N.Y.*
 10 Civ. 7495 (RMB)

BY FACSIMILE

The Honorable Richard M. Berman
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street

New York, New York 10007-1312
 USDC SDNY
 Facsimile No. (212) 805-6717
 DOCUMENT
 ELECTRONICALLY FILED
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 DATE FILED: 1/26/11

Dear Judge Berman:

The Government writes to provide the Court with a status update.

First, the parties have reached an impasse in settlement negotiations. Accordingly, unless the Court grants the Government's outstanding request to enter the consent decrees formerly signed by all the parties, to which the defendants now object, this litigation must proceed. While the case is proceeding before Your Honor, the Government would be amenable to simultaneously engaging in settlement discussions with the assigned Magistrate Judge.

Second, we also write to inform the Court that the City of New York has commenced a dialogue with the United States Department of Housing and Urban Development ("HUD") regarding the City's current accessibility code. In declining to enter the signed consent decrees, the Court expressed an interest in seeing such a dialogue take place. On January 10, 2011, HUD officials conferred by telephone with several New York City officials regarding the City's current building code requirements for accessibility. On that call, HUD reiterated that, if the City adopts one of the model building codes that HUD has deemed a "safe harbor," without modifications or waivers that decrease accessibility, the City's code would be consistent with the Fair Housing Act. In addition, HUD officials offered to provide technical assistance to the City in response to specific questions about aspects of the City's code. HUD anticipates further communications with the City regarding its accessibility code.

Thank you for considering this status report.

Respectfully submitted,

PREET BHARARA
United States Attorney

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