

**June 27, 2017**

## **Notice of Proposed Settlement of Class Action Concerning Access to Shelter for Individuals with Disabilities in the New York City Department of Homeless Services (DHS) Shelter System**

### **Who Should Read this Notice?**

You should read this notice if:

- you have a disability **AND**
- you might apply or have applied for shelter from the New York City Department of Homeless Services (DHS), or are in DHS shelter right now.

There are many kinds of disabilities, but some examples might be that you have a hard time climbing stairs, you need help to see or hear, you are not be able to bathe or dress by yourself, or you have trouble concentrating, remembering or making decisions.

### **What Is this Notice About?**

In 2015, disabled people in shelter sued DHS in a federal class action lawsuit called Butler v. City of New York 15-CV-3783 (RWS) (JLC). This is a Class Action case, which means that it was brought on behalf of a group of people. Both sides in the case want to settle it now, and have asked the judge to approve their settlement. In the settlement, DHS has agreed to make sure people with disabilities can get shelter. DHS has also agreed to change some of its rules to better help people with disabilities.

### **Who is a Class Member?**

You are a Class Member and covered by this settlement if:

1. you have a disability as defined by the Americans with Disabilities Act, which means you have a physical or mental impairment that limits a major life activity; **AND**
2. • you are currently living in the DHS shelter system; OR  
• you tried to access services or received any services through the DHS shelter system after May 14, 2012; **OR**  
• you will try to access or receive services through the DHS shelter system in the future.

### **To Get More Information**

The settlement agreement is on the websites of The Legal Aid Society, Center for Independence of the Disabled, New York, and DHS: [www.legal-aid.org](http://www.legal-aid.org), [www.cidny.org](http://www.cidny.org), and [www.nyc.gov/dhs](http://www.nyc.gov/dhs). To get a copy of the settlement, or if you have questions, you can call, mail, or email:

The Legal Aid Society  
Butler v. City of New York Settlement  
199 Water Street, 3<sup>rd</sup> floor  
New York, NY 10038  
[ButlerCase@legal-aid.org](mailto:ButlerCase@legal-aid.org)  
917-398-3055

### **What is in the Settlement?**

DHS agrees to make the DHS Shelter System accessible for people with disabilities.

#### **1. Reasonable Accommodation Requests**

DHS will provide reasonable accommodations (“RAs”) to Class Members. RAs are changes you need to policies, practices, or facilities that make facilities and services accessible to you. Some examples might be that you can have a service animal, or a bed that you can transfer to/from your wheelchair, or

a place to refrigerate your medications.

DHS will include information about RAs and how to ask for them on its forms and signage. If you apply for an RA, DHS will give you a written notice of its decision about your RA request. You can appeal if the RA request is denied.

## 2. Better Reasonable Accommodations

DHS will try to identify individuals who may need RAs even if they do not request an RA. DHS will also use a system so that DHS staff at any DHS facility can see information about RAs you need. DHS may provide temporary RAs while it is making a final decision.

## 3. Looking at Current Policies, Practices, and Facilities

DHS will look at its current policies, practices, and facilities to see if there are problems in them for people with disabilities. DHS will prepare a plan to make the Shelter System accessible to people with disabilities. DHS will use this plan to make its shelters accessible. There will be a plan to be approved by the Court to make sure the City is complying with the settlement.

## 4. Staff Training

DHS will train its staff about the rights of people with disabilities and the Settlement. DHS will have staff who can help people with disabilities use the Shelter System and request RAs.

### **If I Agree with the Settlement Do I have to Do Anything?**

No. If you agree with the Settlement, you do not need to do anything. If the Court approves the Settlement, you will see changes in the DHS Shelter System to make the shelter system more accessible for people with disabilities. You will also be bound by the Settlement.

### **How can I Object to the Settlement?**

Class Members have the right to tell the Court if they object to the Settlement. Class Members can object in person by coming to the hearing on September 7, 2017 at 1:00 p.m.

**Judge Robert W. Sweet**

**United States District Court for the Southern District of New York**

**United States Courthouse 500 Pearl Street, Courtroom 18C**

**New York, NY 10007**

Class Members may also object by sending a letter marked "Butler Class Action" and postmarked by September 2, 2017, to the Court at the address listed above, with a copy sent to the following:

The Legal Aid Society  
Attn: Joshua Goldfein  
199 Water Street  
New York, New York 10038  
Attorneys for the certified class  
ButlerCase@legal-aid.org

If you have any questions, you may call or email the above attorney, who represents the certified class in this action. **DO NOT CALL THE COURT.**