

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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ROBERT CALLAHAN, *et al.*,

Plaintiffs, **STIPULATION**

For a Judgment Pursuant to Article 30

Index No. 42582/1979
(Hon. Gerald Lebovits, J.S.C.)

-against-

HUGH L. CAREY, as Governor of the State of New York,
et al.,

Defendants.

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WHEREAS, Plaintiffs Robert Callahan et al., on their own behalf and on behalf of a class (collectively “Plaintiffs”), filed the Complaint in the above-captioned matter on October 2, 1979.

WHEREAS, on August 26, 1981, the Court entered the Final Judgment on Consent (“the Judgment”; annexed as Appendix I) resolving the parties’ dispute and, *inter alia*, maintaining jurisdiction “for the purpose of enabling any of the parties to this [Judgment] to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction, modification, or termination of this entire judgment or any applicable provision thereof, for compliance therewith, and for the punishment of violations thereof,” (Judgment ¶ 19).

WHEREAS, the Court entered a post-judgment order dated October 15, 1984 (the “1984 Order”; annexed as Appendix II) providing that the parties must obtain leave of Court before filing a motion pursuant to ¶19 of the Judgment.

WHEREAS, on May 23, 2023, the City¹ submitted a letter to Chief Administrative Judge Deborah Kaplan seeking permission from the Court to file a motion for relief from, and modification of, certain provisions of the Judgment.

WHEREAS, on May 25, 2023, The Legal Aid Society, on behalf of Plaintiffs, submitted a letter to Justice Erika Edwards, who was then assigned this matter, in opposition to the City's application to file a motion for relief and modification.

WHEREAS, on July 17, 2023, the City submitted a letter to Justice Erika Edwards in reply to Plaintiffs' May 25 letter and in support of its application to file a motion for relief from, and modification of, certain provisions of the Judgment. The July 17 letter also provided the Court with an update on the status of the New Arrival Crisis and an amended proposed modification of the Judgment. Specifically, the City proposed criteria wherein the City's proposed modification of the Judgment could be in effect.

WHEREAS, on July 18, 2023, Plaintiffs submitted a letter in reply to the City's July 17 letter and in opposition to the City's amended application to file a motion for relief and modification.

WHEREAS, on August 2, 2023, Plaintiffs submitted a letter to Justice Edwards requesting leave to enforce the Judgment in light of the City's purported failure to comply with the Judgment.

¹ The City of New York was sued herein as Edward I. Koch, as Mayor of the City of New York; James A. Krauskopf, as Commissioner of the New York City Human Resources Administration; and Calvin Reid, as Director of the Shelter Care Center for Men. These parties are referred to collectively herein as the City.

WHEREAS, on August 4, 2023, Justice Edwards ordered the City to provide the State of New York (“State”) with a proposal identifying State resources and facilities the City deemed to be necessary to assist the City in providing shelter and essential services to migrant homeless individuals and families who, since April 2022, have been arriving and continuing to arrive in the City (“New Arrivals”) in record and unprecedented numbers.

WHEREAS, on August 9, 2023, the City submitted a letter in response to Justice Edward’s August 4 order.

WHEREAS, on August 15, 2023, the State submitted a letter in response to the City’s August 9 letter.

WHEREAS, on August 22, 2023, the City submitted a letter replying to the State’s August 15 letter.

WHEREAS, on September 26, 2023, Justice Edwards recused herself from this matter.

WHEREAS, on October 3, 2023, the City submitted a letter to Justice Edwards (pending the reassignment of the above-captioned litigation) again requesting leave to submit a motion to modify the Judgment.

WHEREAS, on October 6, 2023, the above-captioned matter was reassigned to Justice Gerald Lebovits.

WHEREAS, on October 11, 2023, Plaintiffs submitted a letter to Justice Lebovits in response to the City’s October 3 letter and in opposition to the City’s application for leave to seek modification of the Judgment.

WHEREAS, on October 11, 2023, the State submitted a letter to Justice Lebovits in response to the City’s October 3 letter and in support of the City’s application for leave to seek modification of the Judgment.

WHEREAS, on October 18, 2023, the City submitted a letter to Justice Lebovits in reply to the Plaintiffs’ opposition to the City’s application for leave to seek modification of the Judgment and in continued support of its application.

WHEREAS, on October 18, 2023, Plaintiffs submitted a letter in response to the State’s October 11 letter and in continued opposition to the City’s application for leave to seek modification of the Judgment.

WHEREAS, since October 18, 2023, the parties have been engaged in mediation with Justice Lebovits and negotiations among themselves to settle this matter.

WHEREAS, the parties acknowledge that the Crisis Plan detailed below is necessitated by the current ongoing New Arrival Crisis.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by the undersigned, that the City’s October 3, 2023 request for leave to make a motion to modify the Judgment is settled as follows:

I. Definitions

1. As a result of the New Arrival Crisis (defined below), this document (the “Stipulation”) is intended to govern the provision of shelter by the City of New York to Single Adult New Arrivals (defined below) during the Crisis Plan Period (defined below).
2. All definitions are for the purposes of this document only.
3. The “City” means the City of New York collectively with the New York City Department of Social Services (“DSS”) and its Department of Homeless Services (“DHS”), the New York

City Health and Hospitals Corporation (“H&H”), the New York City Office of Emergency Management (“NYCEM”), the New York City Department of Housing Preservation and Development (“HPD”), the New York City Department of Youth and Community Development (“DYCD”), and any other New York City agencies which may become involved in addressing the New Arrival Crisis.

4. “New Arrival Crisis” means the time period beginning on March 15, 2022 and ending pursuant to ¶ 13 below.
5. “New Arrival(s)” means individuals, adult families, and families with minor children who have arrived in the United States from other nations during the New Arrival Crisis, are afraid to return to their home country, and are seeking shelter from the City.
6. “Single Adult New Arrival(s)” means individual New Arrivals over the age of 18 who are not members of a household that includes individuals under the age of 21.
7. “City Shelter” means:
 - a. A shelter site operated by the City either directly or through third parties; and/or
 - b. An individual hotel room reserved by the City to provide shelter to a Single Adult New Arrival.
8. The “Crisis Plan” refers to the provisions set forth in Section III, *infra*.
9. The “Crisis Plan Period” means the period the Crisis Plan remains in effect as set forth in ¶¶ 12-13, *infra*.
10. “Reticketing” is a process under which the City provides Single Adult New Arrivals with transportation to other jurisdictions where they may have resources that will enable them to be self-sufficient.

11. "Resettle" means to move from a City Shelter to a housing situation that is outside of City Shelters.

II. The Crisis Plan Period

12. The Crisis Plan shall be effective immediately upon the parties' execution of this Stipulation and the Court's approval.
13. The Crisis Plan shall remain in effect until 45 days following the date of any of the following occurrences:
 - a. The execution of an amendment, withdrawal, or modification to this Stipulation unless otherwise stated in the document memorializing such amendment, withdrawal or modification of this Stipulation;
 - b. The entry of a Court order modifying or terminating this Stipulation or the Judgment pursuant to a motion brought by the City or the Plaintiffs. Any such motion by the parties may be filed in accordance with ¶¶ 32-35 below and without the need to seek leave from the Court in accordance with the 1984 Order; or
 - c. The expiration of Mayoral Emergency Executive Order 224 or any successor Mayoral Emergency Executive Order issued to address the New Arrival Crisis.

III. The Crisis Plan

14. The provisions of the Crisis Plan set forth in Sections III.A to III.F shall remain in effect for the duration of the Crisis Plan Period.
15. The Crisis Plan shall supersede any inconsistent provision of the Judgment as applied to Single Adult New Arrivals during the duration of the Crisis Plan Period.

16. Upon termination of the Crisis Plan, consistent with ¶ 13, any and all suspensions of provisions of the Judgment will be terminated and all provisions of the Judgment will again be in full force and effect.

A. Shelter Eligibility

17. As specified further below in this document, Single Adult New Arrivals are eligible for and will receive shelter placements within a City Shelter on the following conditions:

- a. They lack sufficient income or other resources to secure their own housing accommodations;
- b. They do not have another suitable housing option in the United States;
- c. They cooperate with the City's determination of their eligibility; and
- d. They cooperate with the City's efforts to resettle them, including in a humanitarian resettlement program in New York State.

18. **Duration.** Subject to the requirements of this document:

- a. A placement for a Single Adult New Arrival age 23 or over may be limited to no less than thirty days.
- b. A placement for a Single Adult New Arrival who is not yet 23 years of age will be for at least 60 days.

19. **Resources.** If the City has sufficient evidence that a Single Adult New Arrival has sufficient income or other resources to secure housing accommodations, it may deny a shelter placement to such Single Adult New Arrival.

20. **Housing Options.** If the City has sufficient evidence that a Single Adult New Arrival has another housing option, it may deny a shelter placement to the New Arrival.

a. Potential housing options must be suitable and available to the Single Adult New Arrival. Such potential housing options may include:

i. Any address in the United States where the Single Adult New Arrival previously stayed; or

ii. The homes of family members, sponsors listed on federal immigration documents, individuals who Single Adult New Arrivals identified as housing resources (a) upon their arrival in the United States or (b) as part of a process used to determine that they would travel to New York City, or friends of the Single Adult New Arrival in the United States.

b. Any denial of shelter on this basis is contingent upon the City offering transportation to the housing option through the City's reticketing program.

21. **Cooperation.** Single Adult New Arrivals must comply with the City's process for determining eligibility. The City may use reasonable methods, including direct questions, to obtain the names and addresses of the people in the United States with whom the Single Adult New Arrival has stayed since their date of entry into the United States. The City can use this information as well as information provided on federal immigration documents or other documents in the possession of the Single Adult New Arrival or the City to identify potential suitable and available housing options in the United States. Failure to cooperate in this process may result in denial of a shelter placement. All communications with Single Adult New Arrivals in this process will be in their preferred language.

22. **Resettlement.** After receiving an initial shelter placement and in accordance with Appendix A, Single Adult New Arrivals will be informed in their preferred language about their obligation to make significant efforts to resettle and provided with written materials in their preferred language identifying potential resources that may assist them with resettling outside City Shelters. While in shelter, Single Adult New Arrivals must take all appropriate affirmative steps to resettle in housing opportunities outside of City Shelters.
23. **Shelter Placement Notice.** Upon receiving a shelter placement, a Single Adult New Arrival will receive a notice in their preferred language stating the duration of the shelter placement (which will be at least 30 days, or 60 days in the case of a Single Adult New Arrival who is not yet 23 years of age) and stating when the placement will end (a "Placement Notice"). At least one (1) week prior to the placement end date specified in the Placement Notice, the Single Adult New Arrival will receive a written document in their preferred language. This document will describe how the Single Adult New Arrival can obtain reticketing assistance or contact a City representative regarding extenuating circumstances relating to resettlement as well as any non-shelter City resources that will remain available to the Single Adult New Arrival following the end of their shelter placement.
24. **Extenuating Circumstances.** If a Single Adult New Arrival requests additional time in City Shelters, the City will make an individualized determination regarding subsequent placements, which, if granted, will be for a period of time to be determined by the City. Extensions will be determined on a case-by-case basis when a Single Adult New Arrival seeks subsequent placements and will not be granted or denied on an automatic basis. Additional time will be granted based on a showing of extenuating circumstances,

including significant efforts to resettle, and determinations under this paragraph will be made in accordance with Appendix A. Once the City determines that a Single Adult New Arrival has demonstrated extenuating circumstances pursuant to Appendix A, an extension will be granted.

25. **Disability.** A Single Adult New Arrival cannot be denied shelter placements if they have a verifiable disability, in accordance with applicable federal, state, and local laws, that interferes with their ability to meet requirements for a placement in City Shelter. The City will offer an extended placement duration beyond 30 or 60 days as a reasonable accommodation in accordance with federal, state and local laws. If the disability is not apparent, and the City has determined the Single Adult New Arrival lacks adequate verification of the disability, the City must provide shelter placement pending a reasonable time period for the Single Adult New Arrival to obtain documentation to establish the disability and for the City to review it. The City must offer an appeal process for disability determinations consistent with applicable federal, state, and local laws.

26. **Selection of Shelter Placements.** If a Single Adult New Arrival declines a shelter placement they are offered, the City is not required to offer them a placement at a different site unless: 1) the offered shelter placement does not accommodate their disability, consistent with federal, state and local laws or 2) the City determines that the Single Adult New Arrival is not safe at that location due to domestic violence, trafficking concerns, or other identifiable and verifiable safety issues.

27. **Provisional Grants.** If a Single Adult New Arrival returns for a shelter placement after the City determines they had another housing option, the City must provide a shelter placement pending any further investigation in the following circumstances:

- a. The Single Adult New Arrival provides evidence that their contact at the housing option has moved from the housing option.
- b. The Single Adult New Arrival reports that there are domestic violence, trafficking, child welfare or other safety concerns at the housing option.
- c. The Single Adult New Arrival provides evidence that the primary tenant is currently denying them access to the housing option.
- d. The Single Adult New Arrival provides evidence that the head of household or tenant of record associated with the housing option could face eviction, subsidy termination or child welfare consequences if the Single Adult New Arrival remains in their home.
- e. The Single Adult New Arrival expresses that they have a disability as defined above, and the housing option does not accommodate their disability.

28. **Denial Notices.** A notice advising a Single Adult New Arrival of any denial of shelter or denial of reasonable accommodations issued pursuant to this Stipulation will be provided in their preferred language, will include the basis for the determination, will be issued by a supervisory employee, and will provide contact information for a designated review officer who, upon request, will review the determination and respond to the inquiry on an expedited basis. The City will designate a liaison to receive and timely address inquiries from Plaintiffs regarding individual cases including requests to review determinations for asserted factual errors.

B. Shelter Conditions

29. The City in its exclusive discretion may employ any of the following options to provide shelter

to Single Adult New Arrivals:

a. Shelters operated by, or on behalf of, DHS with modified but appropriate and safe levels of:

- i. Staffing ratios;
- ii. Bathroom and shower ratios;
- iii. Allowable beds, in a congregate setting, including cots, within a space and other spacing and capacity requirements; or
- iv. Limited on-site services.

b. Humanitarian emergency response and relief centers (“HERRCs”) or other emergency shelters operated by the City within the City:

i. HERRCs and other emergency shelters opened by the City within the City to respond to the New Arrivals Crisis will comply with the following minimum standards, but may deviate from standard 2 below where required to respond to urgent needs for capacity:

1. A site will be approved by the New York City Fire Department (“FDNY”) prior to opening;
2. There will be appropriate staffing ratios based on the City’s assessment of the needs of each site;
3. Bathrooms will be available at the site;
4. Showers will be available on site, in close proximity, or at a location to which the City will provide transportation;

5. There will be an appropriate number of beds, including cots, based on the City's assessment of the capacity of each site; and
 6. Meals will be provided on site or an allowance will be provided for food purchases.
- c. Hotels within New York State but outside New York City with services:
- i. The City may provide a Single Adult New Arrival with accommodations in a hotel within New York State but outside New York City with housing services provided by the City or an entity on the City's behalf;
 - ii. There will be appropriate staffing ratios at the hotel provided by the City or an entity on the City's behalf based on an assessment of the needs of each site by the City or an entity on the City's behalf;
 - iii. A hotel room at such a hotel may be shared with one or more other Single Adult New Arrivals, depending on room size and adequate separate bedding for each Single Adult New Arrival;
 - iv. Transportation will be provided to such placements and back to New York City at the end of such placements; and
 - v. Meals will be provided on site or an allowance will be provided for food purchases.
- d. Hotel rooms reserved for Single Adult New Arrivals:
- i. Single Adult New Arrivals may be directed to a hotel where a room has been reserved for them by the City or an entity on the City's behalf for a specified number of days;

- ii. Such hotel may be within New York City or outside New York City, including outside New York State;
 - iii. Such room may be shared with one or more other Single Adult New Arrivals, depending on room size and adequate separate bedding for each Single Adult New Arrival;
 - iv. During a Single Adult New Arrival's stay in such hotel, the City shall provide meals or an allowance will be provided for food purchases;
 - v. In the event such hotel is located outside New York City, the Single Adult New Arrival will be provided with transportation to such hotel or an allowance for transportation to such hotel and back to New York City at the end of such placements, if requested by the Single Adult New Arrival; and
 - vi. The Single Adult New Arrival's stay in such hotel will not be financed by the City after the last day of the original reservation unless the City has made a determination (consistent with ¶ 24 or ¶ 25) to extend the stay.
- e. Faith-based or community-based accommodations in New York City:
- i. Single Adult New Arrivals may be matched with a faith-based or community-based accommodation;
 - ii. All faith-based or community-based accommodations will be suitable and provide access to adequate separate bedding and bathroom and shower facilities for Single Adult New Arrivals; and

- iii. During a Single Adult New Arrival's stay in such accommodation, arrangements shall be made to provide meals or an allowance will be provided for food purchases.

C. Plaintiffs' Obligations

30. Plaintiffs shall not make a motion for contempt for violations of any provision of the Judgment or this Stipulation and/or the Crisis Plan without making good-faith efforts to negotiate a resolution of the alleged violation.
31. Plaintiffs undertake to defend this Stipulation and/or the Crisis Plan in any litigation brought by a non-party to this Stipulation against the City at the City's request.

D. Emergency Relief

32. During the Crisis Plan Period, should the City determine there has been a material change in its financial or operational capacity, or should a court order, issued *sua sponte* or pursuant to an application by a non-party to this Stipulation, enjoin the City from operating in accordance with the terms of this Stipulation in a material fashion, the City may move immediately for relief from this Stipulation and/or the Judgment either in conjunction or in isolation from each other without the need to seek leave from the Court in accordance with the terms of the 1984 Order.
33. If the City fails to meet its obligations under the Stipulation in a material fashion, Plaintiffs may move immediately to enforce this Stipulation without the need to seek leave from the Court in accordance with the terms of the 1984 Order. Pursuant to ¶ 13(b), Plaintiffs may also move to modify or terminate this Stipulation based on materially changed circumstances, including but not limited to that the Crisis Plan is no longer necessary, notwithstanding the continuation of Mayoral Emergency Executive Order 224 or any successor Mayoral

Emergency Executive Order issued to address the New Arrival Crisis. Plaintiffs retain all rights to enforce the Judgment with respect to Single Adults who are not subject to the Crisis Plan in accordance with the terms of the Judgment and the terms of the 1984 Order.

34. Prior to any motion pursuant to ¶¶ 32-33, the party intending to move shall provide seventy-two (72) hours advance notice, unless a genuine emergency requires notice to be provided within a shorter time period. The party intending to move shall make good-faith efforts to schedule a meet and review session with the other parties. If the non-moving parties do not make themselves available within an appropriate time frame following receipt of such notice, the moving party may proceed to file the motion notwithstanding the parties' failure to meet and review.
35. Should any motion pursuant to ¶¶ 32-33 be made, the parties to this Stipulation agree to expedite the proceedings, including but not limited to briefing and responsive papers, discovery, argument and hearing and any resulting appeals.

E. Reporting

36. During the Crisis Plan Period, the City shall provide weekly reports to the Plaintiffs reflecting:
- a. The total number of New Arrivals in the care of each City agency involved in addressing the New Arrival Crisis (including, but not limited to, DHS, DYCD, H&H, HPD and NYCEM), disaggregated by individuals, adult families and the total number of individuals in such families, and families with minor children and the total number of individuals in such families, as of the Sunday immediately preceding the date of the report;
 - b. The total number of New Arrivals that entered City Shelters for the first time during the seven-day period ending on the Sunday immediately preceding the date of the

report, disaggregated by individuals, adult families and the total number of individuals in such families, and families with minor children and the total number of individuals in such families;

- c. The total number of New Arrivals who exited City Shelters during the seven-day period ending on the Sunday immediately preceding the date of the report; and
- d. The last weekly report issued during each month will reflect the total number of individuals and households in hotel rooms in New York City or outside New York City booked for New Arrivals for a specified number of days pursuant to ¶ 29(d) as of the date of the report.

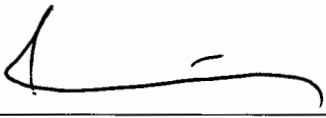
37. The City will provide access to Plaintiffs and the shelter monitors to all shelter sites used as part of the Crisis Plan. Such sites do not include hotel rooms in New York City or outside New York City that are booked for New Arrivals for a specified number of days pursuant to ¶ 29(d), but access will be provided to the common areas of these sites subject to coordination with the relevant hotel operator to the extent such common areas are not open to the public in the normal course.

38. The City will inform Plaintiffs of the total number of City shelter sites being used to shelter New Arrivals as of the effective date of this Stipulation and timely notify Plaintiffs of the opening or closing of any such site during the Crisis Plan Period. Such sites do not include shelter sites operated by DHS, or hotel rooms in New York City or outside New York City that are booked for New Arrivals for a specified number of days pursuant to ¶ 29(d), which shall be reported on in accordance with ¶ 36(d).

F. Drop-In Style Centers, Waiting Rooms and Overflow Sites

39. Appendix B addresses the use of Drop-In Style Centers, Waiting Rooms and Overflow Sites during the Crisis Plan Period.

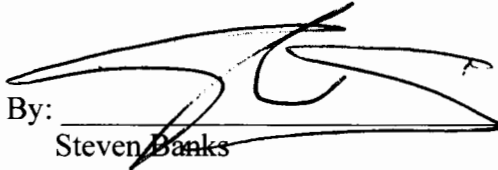
Dated: New York, New York
March 15, 2024

By: 
Joshua Goldfein

THE LEGAL AID SOCIETY
Judith Goldiner, Attorney-in-Charge
Civil Practice-Law Reform Unit
Edward Josephson
Kathryn Kliff
Stephanie Rudolph
40 Worth Street
New York, NY 10013
(212) 577-3300
jgoldfein@legal-aid.org
Attorneys for Plaintiffs

By: 
HON. SYLVIA O. HINDS-RADIX

Corporation Counsel, City of New York
Sheryl R. Neufeld
Daniel R. Perez
Jordan Doll
New York City Law Department
100 Church Street
New York, NY 10007
(212) 356-0800
sneufeld@law.nyc.gov
danipere@law.nyc.gov
jdoll@law.nyc.gov
Attorneys for City Defendants

By: 
Steven Banks

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019
(212) 373-3561
sbanks@paulweiss.com
Attorneys for Plaintiffs

SO ORDERED, THIS 15TH DAY OF MARCH, 2024


JUSTICE GERALD LEBOVITS

HON. GERALD LEBOVITS
J.S.C. 18

APPENDIX A

1. A Single Adult New Arrival who requests extensions of their shelter stay based on a disability will not be subject to the Extenuating Circumstances determination process detailed below. Such requests will follow the reasonable accommodation process detailed in ¶ 25 of the Stipulation.
2. The following circumstances constitute a non-exhaustive list of examples of extenuating circumstances that establish a basis for extensions of shelter stays for purposes of ¶ 24 of the Stipulation:
 - a. A Single Adult New Arrival provides proof that they will have access to an alternative housing option on a date certain within the following 30 days;
 - b. A Single Adult New Arrival provides proof that they will be relocating out of New York City on a date certain within the following 30 days;
 - c. A Single Adult New Arrival provides proof that a hearing or other appearance in their pending immigration proceeding has been scheduled on a date certain within the following 30 days;
 - d. A Single Adult New Arrival provides proof that they are recovering from a serious medical procedure that limits their ability to exit shelter;
 - e. A Single Adult New Arrival provides proof that they have a serious medical procedure, or an appointment relating to the treatment of a serious medical condition, scheduled within the following 30 days; or
 - f. A Single Adult New Arrival establishes that they have made significant efforts to resettle, subject to the following requirements:
 - i. Efforts to resettle will be considered “significant” if the Single Adult New Arrival has taken necessary and demonstrable steps to exit shelter.

- ii. Determinations of whether a Single Adult New Arrival has made significant efforts to resettle will be made in the City's discretion and on an individualized basis based on a totality of the circumstances. Extended placements based on significant efforts will not be granted or denied automatically.
- iii. During their initial stay, a Single Adult New Arrival will be informed in their preferred language that they are required to make significant efforts to resettle. Single Adult New Arrivals will be provided with written materials in their preferred language identifying potential resources that may assist them with resettling outside City Shelters.
 1. The City Defendants will have a process to inform Single Adult New Arrivals about their obligation to make significant efforts to resettle while in City Shelters, in accordance with section 2(f)(iii). Single Adult New Arrivals in City Shelters during the Crisis Plan Period who request shelter placement extensions shall have at least 30 days from the date the written materials discussed in section 2(f)(iii) are provided to them to submit evidence substantiating the justification for their request to extend their stay in City Shelters. The materials will be offered electronically; however, a Single Adult New Arrival may obtain a paper version upon request.
 2. The City will share the materials discussed in subsection (iii) of this paragraph with Plaintiffs prior to distribution, and the City will in

good faith consider any feedback that Plaintiffs provide regarding those materials.

iv. Some examples of steps a Single Adult New Arrival may take during shelter placement that may constitute significant efforts to exit City Shelters when evaluating the totality of the Single Adult New Arrival's efforts include:

1. Seeking an appointment with an immigration legal services provider
2. Making an application to adjust their immigration status including asylum, Temporary Protected Status, or other relief as appropriate
3. Searching for employment
4. Applying for any available resettlement programs
5. Searching for alternate housing, including shared housing
6. Conducting outreach to family, friends or other contacts in the United States to identify available resources
7. Obtaining a Driver's License, if eligible
8. Obtaining an Individual Tax Identification Number (ITIN), if eligible
9. Enrolling in English as a New Language classes, if relevant
10. Applying for public assistance benefits for which they are eligible
11. Enrolling in and attending job training classes
12. Enrolling in and attending OSHA or other employment certification classes
13. Attending all appointments with casework staff at the shelter

14. Following shelter rules and cooperating fully with casework staff at the shelter

- g. Single Adult New Arrivals granted an extension due to the extenuating circumstances described in ¶¶ a-f must continue to make significant efforts to resettle during the time period of the extension in addition to any efforts that served as the basis for the initial extension.
3. The situations listed below provide examples of situations that, without evidence of additional significant efforts to resettle, do not constitute extenuating circumstances for purposes of ¶ 24 of the Stipulation:
- a. A Single Adult New Arrival alleges that they will have access to an alternative housing option at an unspecified future date but fails to provide evidence to substantiate the existence of the alternative housing option or the date it will become available;
 - b. A Single Adult New Arrival has a pending immigration proceeding that is not within the following 30 days;
 - c. A Single Adult New Arrival has a routine or non-serious medical appointment or procedure scheduled for a date following the expiration of their placement;
 - d. A Single Adult New Arrival has made no efforts to obtain access to an alternative housing option beyond the submission of application for asylum and/or an application for work authorization; or
 - e. A Single Adult New Arrival has not sought to identify a potential alternative housing option.

APPENDIX B

1. The City will operate one or more drop-in style centers (currently known as “waiting rooms” or “overflow sites”) during the Crisis Plan Period to serve Single Adult New Arrivals. These drop-in style centers will be open to serve those who reject offers of shelter in compliance with ¶ 29 of the Stipulation, those who arrive late at night, and those who request a space to stay indoors.
2. Beginning on or before April 8, 2024, the City will cease the practice of utilizing sites (including “waiting rooms” or “overflow sites”) other than those defined in ¶29 of the Stipulation as shelters for Single Adult New Arrivals. Each Single Adult New Arrival who has qualified for shelter placements pursuant to this Stipulation shall be provided with such placements in compliance with ¶ 29 of the Stipulation. Nothing in this ¶ 2 prevents the City from operating one or more drop-in style centers as permitted in ¶ 1 above.
3. Effective immediately, the City will continue to serve nutritionally-adequate meals (including breakfast and lunch at sites open during the day and dinner and breakfast at sites open overnight) at all sites referenced in ¶ 1.
4. Effective immediately, the City will continue to provide access to showers at all sites referenced in ¶ 1.
5. Beginning on the date this Stipulation is executed and continuing until the date on which the City fulfills the obligations set forth in this Appendix, the City will provide Plaintiffs’ counsel with a daily report, including:
 - a. The number of Single Adult New Arrivals on the active wait list on the prior day.
 - b. The number of Single Adult New Arrivals who utilized a waiting room the night before, broken out by location used.

- c. The current average wait time, if known, for a shelter placement in compliance with ¶29 of the Stipulation.
 - d. The highest wait list number assigned on the prior day, the last wait list number called on the prior day, and the time and date the last wait list number called on the prior day was issued.
6. Beginning on the date this Stipulation is executed and continuing for the duration of this Crisis Plan Period, the City will provide Plaintiffs' counsel with a weekly report for the week immediately prior, including: the number of Single Adult New Arrivals who sought an extension of their placement (if any); the number of such extensions that were granted (if any); and the number of such extension requests that were denied (if any). If the City generates any compilations or summaries regarding the length of extensions granted for its own purposes, the City will provide such compilations or summaries to Plaintiffs' counsel.
7. The City and the Plaintiffs will meet and confer upon execution of this Stipulation to discuss the "active wait list" (defined as any Single Adult New Arrival who sought an extension of a shelter placement within the prior 10 days). Skilled interviewers with experience in diversion efforts working on behalf of the City are contacting Single Adult New Arrivals on the City's "active wait list" via phone, email, and text (including WhatsApp or other appropriate apps where possible) to enquire as to their circumstances and inform them of their options depending on their circumstances. The City will discuss the results of such investigations with the Plaintiffs at the meet and confer.
8. For the duration of the Crisis Plan Period, the City will provide access to Plaintiffs' counsel and the shelter monitors to the drop-in style centers, the Arrival Center and the reticketing center in accordance with ¶ 37 of the Stipulation.