

**NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION
CONCERNING THE TIMELY ISSUANCE OF EMERGENCY SECTION 8 TRANSFER
VOUCHERS**

Do you have a Section 8 subsidy administered by the New York City Housing Authority (“NYCHA”) and have you requested or do you intend to request an emergency transfer voucher? If so, you should read this notice, which provides information about the settlement of a lawsuit involving the alleged failure of NYCHA to timely issue emergency transfer vouchers.

BACKGROUND

On September 25, 2012, certain individuals receiving Section 8 vouchers (“plaintiffs”) initiated a lawsuit, Shepherd et al. v. Rhea et al., No. 12 Civ. 7220 (PAC), in the United States District Court, Southern District of New York. The plaintiffs brought the lawsuit as a putative class action, alleging that NYCHA delayed the issuance of emergency transfer vouchers to tenants, sought irrelevant documentation from tenants seeking emergency transfer vouchers, refused to give hearings to tenants whose requests for transfer vouchers were denied and delayed inspecting or approving new apartments once tenants had received their transfer vouchers. The parties have agreed to a settlement, which must be approved by the Court.

PROPOSED SETTLEMENT

You can see the entire proposed settlement at the website for the Legal Aid Society, <http://www.legal-aid.org>. The basic terms of the settlement are as follows:

1. **Class Membership.** The plaintiff class consists of all NYCHA Section 8 program participants in any of the following categories:
 - a. Tenants requesting or who have requested an emergency transfer voucher due to unremedied life-threatening (“HQS”) violation(s); **OR**
 - b. Tenants requesting or who have requested an emergency transfer voucher due to a holdover proceeding in Housing Court based on a landlord’s choice not to renew a lease.
2. **New Policies for Tenants Seeking Emergency Transfer Vouchers.** NYCHA will affirmatively adopt and implement policies and procedures with respect to emergency transfer requests. The policies include the following terms:
 - a. **Documentation Establishing Eligibility for an Emergency Transfer Voucher.**
 - i. A tenant seeking an emergency transfer voucher based on a holdover action shall demonstrate eligibility for a voucher by providing a notice of petition and petition or 30-day termination notice, along with the written transfer request form.
 - ii. A tenant seeking an emergency transfer voucher due to an HQS violation will not need to provide any information in addition to the written request form.
 - iii. NYCHA will not require a tenant to establish he or she is current in rent or in any other way is a tenant in good standing as a condition of issuing an emergency transfer voucher.
 - iv. A tenant’s request for an emergency transfer voucher will not be denied or delayed for failure to complete annual recertification unless that tenant’s subsidy has been terminated.
 - b. **NYCHA Response to Requests for Emergency Transfer Vouchers.**
 - i. Within three weeks of receipt of a request for an emergency transfer voucher NYCHA will issue a written letter either:
 1. scheduling an appointment for the tenant to receive the transfer voucher;
 2. denying the tenant’s request for an emergency transfer voucher; or
 3. requesting additional information.
 - ii. If NYCHA denies the request, the written denial shall include the basis for denying the Tenant’s request. Such denial shall not be a basis for denial of a new emergency transfer voucher request supported by proper documentation.
 - iii. If NYCHA approves the request, it will schedule the tenant to attend any briefing required to receive the voucher and transfer package within three weeks of NYCHA’s letter scheduling the briefing.
 - iv. If NYCHA has grounds for termination of the subsidy of a tenant seeking an emergency transfer, it will process the transfer request unless and until the tenant’s subsidy is terminated.
 - c. **Adding and Removing Persons from the Household.**
 - i. If a tenant’s written request for an emergency transfer voucher lists the name and date of birth of a person other than those in the currently authorized household

composition, and the person passes a criminal background check, NYCHA will issue a transfer voucher with the person included in the household composition.

- ii. If the tenant seeks to remove a person from the household composition at the time the tenant requests the transfer voucher, NYCHA will approve the issuance of a transfer voucher without that person included in the household composition.
- iii. At or prior to the time of issuance of the voucher, the tenant will be informed of the documentation necessary to complete the process of adding someone to or removing from the household composition.
- iv. Once a tenant identifies a new apartment, the tenant must submit a rental package, including required documentation regarding members in the household.
- v. If the tenant fails to provide documentation regarding a person whom the tenant wishes to be added to the household, the tenant will be issued a voucher with a payment standard appropriate for the Tenant's authorized household size.

d. **NYCHA Housing Inspection.**

- i. NYCHA will inspect the new apartment within four weeks of receiving a request for inspection from the landlord. Upon request of the landlord or the tenant to its Customer Contact Center, NYCHA shall provide the result of the inspection.
- ii. If the apartment passes inspection, NYCHA will issue a move-in letter within three weeks of the inspection.

3. **Monitoring:** NYCHA will retain an independent auditor who will issue a report every three months to counsel for plaintiffs and defendants as to the degree to which NYCHA complied with the policies and procedures for tenants seeking emergency transfers.

4. **Enforcement.** The Court will retain jurisdiction to enforce this settlement for 30-42 months after approval of the settlement.

RIGHT TO OBJECT

Any member of the plaintiff class has the right to object to the proposed settlement as not fair, reasonable and adequate, by appearing and stating his/her objections at the hearing, in person or by counsel. The Court has set a hearing for this purpose on April 21, 2014 at 10:00 AM at the following address:

Honorable Ronald L. Ellis, United States Magistrate Judge
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Class members may also object to the settlement by sending a letter marked "Shepherd v. Rhea Class Settlement" and postmarked by April 14, 2014, to the Court at the address listed above.

You may also call The Legal Aid Society, who has represented the plaintiffs in this lawsuit, if you have any questions at: **1 888 663 6880** on Tuesdays, Wednesdays, and Thursdays from 10 AM to 1 PM.