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SETTLEMENT AGREEMENT

DATED: January 21, 1993

RE: Switzer et. al. v Perales and Brandwein,
Index No. 92-28519
Wieczynsk et al. v. Perales and Brandwein
Index No. 91-12032
Kemp v. Perales & Brandwein
Index No. 89-10727

The parties in the above referenced matters, by their _ _ .ts' :
counsel, hereby agree to settle the above cases on the
following terms:

A. SCOPE OF RELIEF

The Suffolk County Department of Social Services (hereinafter SCDSS), agrees to enact the procedures outlined below with the understanding that this is not an 'admission of liability. Plaintiffs agree to file a stipulation of discontinuance with the court in the above three matters.

2. The terms of this agreement are to be applied prospectively, from the date this agreement is signed by the parties.

3. This agreement applies to single adults in Suffolk County who are applying to SCDSS for assistance to meet an emergency need.

4. Any and all procedures and standards enacted by SCDSS are subordinate to federal and state law, New York State Department of Social Services (hereinafter NYSDSS), regulations, related administrative directives and revisions thereto. To the extent that any such procedures and standards exceed the requirements of federal and state law and regulation, NYSDSS has no obligation to supervise their implementation, and any violations of such procedures and standards are not reviewable through the fair hearing process.

5. Parties agree that there will be no payment of damages or attorney fees pursuant to this agreement,

B. MEDICAL RELIEF

SCDSS agrees to meet emergency medical needs in situations where such assistance is required by state law and regulations and administrative directives issued by NYSDSS.

C. HOUSING

1. SCDSS will not assume responsibility of inspection of emergency housing where it is not required by State law or regulations and administrative directives issued by NYSDSS.

2. SCDSS agrees to distribute a confidential questionnaire to clients placed in rooming houses (similar to that used in emergency motels) with the results to be monitored by the SCDSS Division of Housing. Where applicable, clients will report on the quality of food and amount of meals, condition of linens and bedding, plumbing facilities, size of living area, safety conditions and other relevant factors. The questionnaire will also contain a telephone number at which housing complaints could be reported.

3. Rooming house owners/managers for all DSS placements will be given a guideline concerning items that should be provided to the clients by the vendors and housing conditions that should be maintained. These items and conditions are set forth in the SCDSS Rooming House Guidelines attached hereto. In the event that the SCDSS guidelines contradict or exceed the New York State Health Code, the New York State Health Code will be controlling. Nothing herein is to be construed to require NYSDSS or SCDSS to supervise or enforce compliance with the guidelines or to permit denial of a shelter allowance to an applicant for or recipient of public assistance who resides in a rooming house that violates the guidelines except to the extent required by the Social Services Law and regulations.

4. In housing where individuals are at imminent risk, that is, exposed to code violations that are dangerous, or detrimental to life or health, a timely report will be made by SCDSS to the municipal code enforcement agency requesting their cooperation in protecting the life and health of the inhabitants. When a serious violation is found (which does not present an imminent threat to life and health) and remains uncorrected, SCDSS will notify the appropriate code enforcement agency of the violation with a request that the agency use its authority to ameliorate the threatening condition and, if necessary, to recommend a Social Services Law §143-b rent withholding action. In those situations where a §143-b rent withholding is initiated, clients will be advised in writing of their rights under the law, and will be advised to contact their social services center for assistance.

D: TRANSPORTATION ASSISTANCE

1. SCDSS agrees to provide a general instruction to staff that transportation assistance may be appropriate as an immediate need to be determined on a case by case basis. Staff

will be instructed on specific examples of when such assistance would be available to meet immediate needs as a pre-investigation grant and to the extent such assistance is covered by other entitlements.

E. FOOD ASSISTANCE

1. SCDSS agrees to follow all state and federal application and processing standards for Expedited Food Stamps including the requirements that applicants be permitted to apply and have their eligibility for expedited food stamps determined on the day of application and that assistance be available the next business day following a determination of eligibility for expedited service.

F. PSA REFERRALS

1. In situations where an immediate needs applicant presents a history of mental illness, SCDSS will not consent to automatic PSA referrals unless the person otherwise qualifies for PSA or a PSA referral.

2. SCDSS agrees to train eligibility screening staff on the eligibility criteria for PSA to assist staff in determining when a referral is appropriate.

G. STAFF TRAINING

1. SCDSS will provide required training and updates to its staff.

2. SCDSS eligibility staff will be notified of the following:

A. Eligibility staff will apply the verification procedures for establishing eligibility for immediate needs assistance set forth in 86 ADM-7. The responsibility for providing documentation resides primarily with the client. SCDSS will provide assistance if required to obtain documents to the extent required by YYSDDS regulations. Collateral resources will only be utilized if the client can satisfactorily demonstrate that he/she is unable to secure the documentations on his/her own. Collateral resources will be utilized to help establish need and eligibility when an applicant is unable to produce minimal verification of identity, family composition and citizenship. When immediate need has been determined to exist, there are no resources available to meet the immediate need and verification of eligibility has not been completed

despite the applicant's cooperation, the immediate need will be met.,

B. Eligibility staff will provide assistance to all Home Relief applicants who have an immediate need (who are not found to be ineligible) on the same day they request assistance. An immediate need acceptance/denial, notice must always be provided on the same day that an applicant states that he/she has an emergency need.

C. Pursuant to 86 ADM-7, an immediate need is need resulting from an emergency situation that must be met that same day to ensure the health and safety of individuals. The, following situations are considered to be emergencies:

- The applicant has no food.
- The applicant has no shelter.
- The applicant has an eviction or a dispossession notice.
- The applicant has no fuel for heating during the cold weather period.
- The applicant has a utility disconnect notice and is scheduled for shut-off within 72 hours or their utilities have already been disconnected.
- The applicant has been without items necessary for the health and safety of individuals.

With respect to this last situation, the determination as to what items are necessary for health and safety of an applicant is to be made on a case-by-case basis. Even though the lack of such items as transportation, over the counter medicine (not prescription drug), personal sanitary items, etc. are not specifically enumerated emergency needs items, they are items which are normally covered by the basic allowance. If the lack of an item that is normally covered by the basic grant causes a health/safety emergency situation for a particular applicant, in the judgment of the D S examiner, provision of the basic allowance, or a portion of it, can be provided as an immediate need grant. When this is done, State/Federal reimbursement is available.

D. Since Home Relief applicants are not entitled to ongoing public assistance until the 45th day after their application, only assistance to meet an emergency need can be given during the 45 day wait. Any assistance to meet an emergency need given during this period cannot exceed an amount that would be

equivalent to the amount of a standard public assistance grant for the applicable time period. However, if the eligibility determination will take longer because of the exceptions listed in 18 N.Y.C.R.R. 5351.8(b), it may be necessary to provide assistance for a period beyond 45 days. In addition, assistance may be provided for items of special need not included within the normal basic needs allowance (e.g. necessary home repairs).

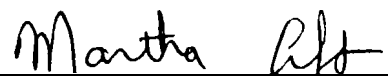
E. NYSDSS does not reimburse a social services district for items included in the basic needs allowance which are provided as emergency assistance in excess of the monthly basic needs allowance.

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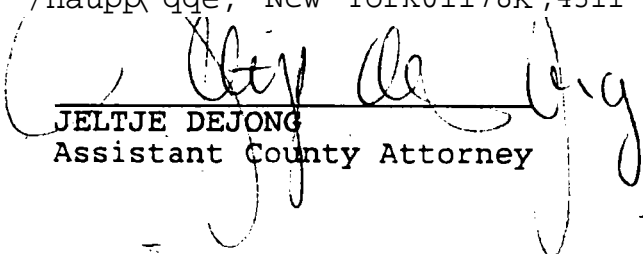
Dated 5-25-94

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Dated: 5/25/94

ROOMING HOUSE GUIDELINES

The purpose of developing the following Rooming House Guidelines is to provide some degree of assurances that occupants are residing in habitable facilities that are properly managed by Rooming House operators or their delegated management representatives.

1. Rooming Houses must be in compliance with the Suffolk County Health and Safety Code.
2. These facilities must adhere to local Municipality Building Regulations and Fire Codes related to the habitability of the structure. All DSS Housing Forms must be signed by the landlord or his representative to certify that the aforementioned statement is true.
3. All County Municipal Building Code violations must be corrected in the time specified by the violation notice.
4. If agreed to, management must provide clean linen at least once a week and issue clean linen to new occupants. If not provided, tenants are responsible for their own linen.
5. Where a kitchen is provided for the tenant's use, the operator shall provide adequate pots, pans and utensils for each occupant's use.
6. Owner shall allow valid representatives from the County and local municipalities access to the building during normal daily hours.
7. If room and board is included, the operator must provide 3 nutritious meals each day at regular meal times.