

Selendy Gay Elsberg PLLC  
1290 Avenue of the Americas  
New York NY 10104  
212.390.9000



Faith Gay  
Partner  
212.390.9001  
fgay@selendygay.com

October 11, 2023

**Via E-mail**

The Honorable Gerald Lebovits  
Supreme Court, New York County, Part 7  
60 Centre Street, Room 345  
New York, New York 10007

**Re: *Callahan v. Carey*, Index No. 42582/1979**

Dear Justice Lebovits,

On behalf of Kathy Hochul, Governor of the State of New York (the “State”), and Barbara Guinn, Acting Commissioner of the New York State Office of Temporary and Disability Assistance (together, the “State Defendants”), I write to express the State Defendants’ support for the City of New York’s (the “City”) letter, dated October 3, 2023, seeking leave to move for a modification of the August 26, 1981 Final Judgment by Consent in the above-referenced matter (the “Consent Decree”).

The City is facing a significant humanitarian challenge with the arrival of over 122,000 migrants seeking shelter since the Spring of 2022. Many have come to the City knowing that the City will provide them with shelter. According to the numbers last provided to the State, the City is now sheltering more than 63,000 migrants. This count of migrants housed far exceeds the total number of individuals sheltered by the City Department of Homeless Services in May 2022. Moreover, the pace of migrants arriving in the City has been increasing, and in the week from September 24, 2023 to October 1, 2023, the number of migrants under the City’s care increased by more than 1,500 people.

The City entered into the Consent Decree over forty years ago. The parties to the Consent Decree could not have contemplated that the City would experience the influx of so many migrants in such a short period of time. The Consent Decree is now placing unforeseen operational constraints on the City as it works to manage this challenge. Despite unprecedented resources deployed by the City and the State to assist the newly arrived migrants, the current situation is not sustainable. The State Defendants agree that flexibility is imperative to address the surge of migrant arrivals.

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The City has proposed a measured and appropriate modification to the Consent Decree. The State Defendants support the City's letter application for leave to move for a modification of the Consent Decree.

Respectfully submitted,

*/s/ Faith E. Gay*

Faith E. Gay

Cc: Counsel of Record