

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

1. Do you live in New York City?
2. Are you eligible to receive rental assistance through the Family Homelessness and Eviction Prevention Supplement program (“FHEPS”) or the City Fighting Homelessness and Eviction Prevention Supplemental program (“CityFHEPS”), or were you eligible at any time from April 15, 2020 onward?

If you answered yes to Questions 1 AND Question 2, a proposed class action settlement may affect you. Please read this entire notice for details.

What Is This Case About?

A settlement has been reached in a class action lawsuit against the New York State Department of Social Services (“DSS”) and New York City. The lawsuit alleges that DSS violated its own procedures, New York Social Services Law, and State and Federal due process requirements by terminating FHEPS or CityFHEPS benefits for families that were eligible for continuation or renewal of those benefits. The lawsuit is called *Toliver v. New York City Department of Social Services*, Index No. 450926/2023. The case is pending in the Supreme Court of the State of New York. The parties have submitted the settlement agreement to the Court for approval.

Who Is Affected By The Settlement?

The Court has conditionally certified a class of all individuals residing in New York City who are eligible for a CityFHEPS or FHEPS rental subsidy or were eligible for a CityFHEPS or FHEPS rental subsidy from April 15, 2020 onward (“Class Members”).

Hughes Hubbard & Reed LLP and The Legal Aid Society represent the Class Members.

What Are The Terms Of The Settlement?

The key terms of the proposed settlement are as follows:

1. DSS will review cases where a family’s FHEPS benefits were terminated to determine whether the termination was correct. If the termination was not correct and the family is still eligible for FHEPS, DSS will restore the family’s FHEPS benefits, retroactive to the date of termination.
2. DSS will allow families who previously received CityFHEPS subsidies and did not renew those subsidies in 2021, 2022, or 2023 to submit applications to renew their CityFHEPS subsidies. If the family still qualifies for public assistance or SSI benefits, DSS will restore CityFHEPS benefits to the family, retroactive to the date of termination.
3. DSS will change its procedures for processing FHEPS applications, restorations, and

modifications and its procedures for processing CityFHEPS renewals to ensure that (i) FHEPS benefits are not terminated if a family remains eligible for those benefits, and (ii) CityFHEPS renewal applications are processed within 30 days.

How to Object to the Settlement

This settlement is not yet final. If the Court approves it, all members of the Class will be bound by the terms of the settlement. If you are a Class Member, you can object to the settlement if you feel that it is not fair, reasonable, or adequate.

To object to the settlement, you must send to the Court and to counsel for the Class Members a letter containing: (i) your name, address, and telephone number; (ii) a statement of your objections to the settlement, and (iii) any documents or other evidence you want the Court to consider. **The letter must be postmarked no later than June 10, 2024 and sent to both of the addresses below:**

The Clerk of the Court
New York County
Attn: *Toliver v. New York City Department of
Social Services*, Index No. 450926/2023
60 Centre Street, Room 161
New York, NY 10007

Fara Tabatabai
Hughes Hubbard & Reed LLP
One Battery Park Plaza
New York, NY 10004

The Court will hold a hearing on June 20, 2024 at 2:30 p.m. to decide whether the settlement is fair. The hearing will take place before the Honorable Lyle E. Frank at the following address:

Supreme Court of the State of New York
60 Centre Street, Room 412
New York, NY 10013

How to Get Additional Information

For a copy of the proposed settlement agreement or to get additional information about the settlement, please call the attorneys for the Class Members at (212) 298-3240.