

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

JESSIE COMER, et al.,

Plaintiffs,

Civ. No. 89-1556C

STIPULATION AND ORDER

-vs-

**Alphonso Jackson, in his official capacity as
Secretary of the United States Department
of Housing and Urban Development;
Buffalo Municipal Housing Authority and
City of Buffalo, New York,**

Defendants.

This matter having come before the Court on the Plaintiffs' motion, dated June 4, 2004, to "Modify and Extend the 'Second Amendments to Stipulation of Settlement and Consent Decree' dated March 11, 2002" (Docket No. 510), and upon the cross-motion of Defendant Buffalo Municipal Housing Authority, dated June 14, 2004, to "Modify the 2002 Consent Decree as to BMHA," (Docket No. 514), and upon the additional cross-motion of the Defendant City of Buffalo, dated June 15, 2004 to "Modify the Consent Decree" (Docket No. 517) , and the parties having appeared before the Court on June 18, 2004; June 29, 2004; July 8, 2004; July 21, 2004; September 21, 2004; October 3, 2005 and November 14, 2005, and the Court having been fully advised of the premises, and the parties having stipulated to the following resolution thereof, now, upon the motion papers, affidavits and proceedings herein, it is hereby stipulated and ordered as follows:

STIPULATED, between Defendant City of Buffalo, Plaintiffs, and Housing Opportunities Made Equal, Inc., that, in full satisfaction of its obligations under Paragraph 59 of the 1997 Amended Consent Decree on file herein (Docket No. 479), as extended by the "Second Amendments to Amended Stipulation of Settlement and Consent Decree" of March 2002 (Docket No. 499), to provide \$500,000 in support of the Greater Buffalo Community Housing Center (GBCHC), the City of Buffalo will make the following payments to Housing Opportunities Made Equal, Inc. (HOME) for the administration of the GBCHC in addition to the \$132,000 which the parties acknowledge has already been provided:

- a) \$100,000 for the City's current federal Consolidated Grant Program Year ending April 30, 2006 (Program Year 31);
- b) \$134,000 for the Program Year May 1, 2006 to April 30, 2007 (Program Year 32);
- c) \$134,000 for the Program Year May 1, 2007 to April 30, 2008 (Program Year 33);

and it is further

STIPULATED between the Defendant City of Buffalo, Plaintiffs, and Housing Opportunities Made Equal, Inc., that, to secure the payment of said amounts, the City of Buffalo will enter a contract with Housing Opportunities Made Equal, Inc., (HOME) in a form sufficient to comply with the requirements imposed by any federal programs from which the funds for this program may be derived, and any other requirements imposed by law, including a scope of services agreement substantially the same as that approved by the Buffalo Urban Renewal Agency on

October 27, 2005, modified to describe the services to be provided by HOME through April 30, 2008. The term of the contract shall be from the date of execution through April 30, 2008, and will provide for a single advance payment of \$33,500 to be paid to HOME by June 1, 2006 from Program Year 32 funds, and shall further provide that, thereafter, HOME will be paid the full balance due on the contract in the form of quarterly payments to be made on a cost-reimbursement basis, said payments to be made in a timely manner upon submission to the City of quarterly reports by HOME which will include a line-by-line accounting of expenses incurred in the previous quarter; and it is further

STIPULATED between the Defendant City of Buffalo and Plaintiffs and Housing Opportunities Made Equal, Inc., that with respect to any Community Block Grant funding applied for by HOME, HOME shall apply through the city's Consolidated Planning Process and shall be treated the same as any other applicant and the City of Buffalo shall take no action to reduce in any manner its funding or support for the non-GBCHC programs administered by HOME, Inc. as a set-off for the funding required by this Order, and shall take no financial or other action to retaliate against HOME, Inc. for having assisted Plaintiffs in the enforcement of the City's consent decree obligations; and it is further

STIPULATED between the Plaintiffs and the Buffalo Municipal Housing Authority that the matters which were the subject of the motions relative to the Buffalo Municipal Housing Authority (BMHA) have been resolved, and that there should be no further extension of the consent decrees with respect to the obligations of the BMHA, and that by entering this Stipulation as an Order, the action is hereby DISMISSED with respect to said Defendant BMHA, it is further

STIPULATED between Defendant City of Buffalo, Plaintiffs, and HOME that they request that the Court retain jurisdiction of this action for the purpose of assuring the compliance of the Defendant City of Buffalo with the above provisions until such time as payment obligations described above have been paid in full, at which time the action will be dismissed in all respects and the Plaintiffs and HOME will make no further application to extend the consent decree;

DATED:

December 9, 2005

s/ Michael L. Hanley
Michael L. Hanley
Empire Justice Center
1 West Main St., 2nd Floor
Rochester, New York 14614
mhanley@empirejustice.org
Co-Counsel for Plaintiffs

December 9, 2005

s/ Joseph A. Kelemen
Joseph A. Kelemen
Western New York Law Center
237 Main Street
Buffalo, New York 14202
jak@wnylc.com
Co-Counsel for Plaintiffs

December 9, 2005

s/ Michael B. Risman
Michael B. Risman
Corporation Counsel
1100 City Hall
Buffalo, New York 14202
mrisman@ch.ci.buffalo.ny.us
Attorney for Defendant City of Buffalo

So Ordered
John T. Curtin
12/13/05

December 9, 2005

s/ Dan D. Kohane

Dan D. Kohane
Hurwitz & Fine, P.C.
1300 Liberty Building
Buffalo, New York 14202
(716) 849-8900
ddk@hurwitzfine

*Counsel for Housing Opportunities Made
Equal, Inc.,
(Appearance on motion by permission of
the Court)*

December 9, 2005

s/ Bryan E. Miller

Bryan E. Miller
Damon & Morey LLP
1000 Cathedral Place
298 Main Street
Buffalo, New York 14202
bmill@damonmorey.com

*Counsel for Buffalo Municipal Housing
Authority*

SO ORDERED,

Dated: December ___, 2005
Buffalo, New York

Hon. John T. Curtin
United States District Judge