

Law Services News



LSC

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LAW SERVICES ANNOUNCES NEW "SANDY" PROJECT

Our newest initiative, the Sandy Disaster Relief Project, is now providing free legal assistance to residents of Nassau and Suffolk counties to support homeownership retention and foreclosure prevention in the wake of hardships caused by Superstorm Sandy. The initiative is supported with funds from the State Attorney General's office and AARP to fund an attorney to represent Long Islanders in disputes and matters caused by the Sandy Superstorm. Case acceptance is prioritized based on income and program capacity.

The Project's services assist homeowners who face difficulties in meeting mortgage payments and problems in effecting necessary repairs caused by the storm. The Project works in partnership with our Foreclosure Prevention Project in order to assist individuals who are facing foreclosure as the result of arrears and hardships caused by Superstorm Sandy. The Project also works in close collaboration with other Superstorm Sandy Legal Services Providers, the local Bar Associations, and law schools, to help spot trending issues in the disaster recovery effort. We are commonly seeing cases where low income or middle class homeowners are forced to use monies, otherwise intended to make the monthly mortgage payments, for emergency repairs because the holder of the mortgage note has refused to endorse the insurance checks prior to completion of all of the work. We are also helping homeowners who seek to utilize mediation services in order to come to a satisfactory resolution without going to court. We hope to add additional staff in order to meet the demand for services to represent in cases which can get quite complicated.

Referrals to the Project can be made by calling **Michael DeTrano** at 631 232-2400 or 516 292-8100. **Other Sandy News: The FEMA and SBA deadlines for Sandy victims were extended to 4/13/13 as of publication of this newsletter. Check our website for further deadline extensions. More on p. 2**

Sandy Survivor Overcomes Obstacles

The Sandy Superstorm displaced many Long Islanders without discriminating on the basis of a family's economic status, disability or other existing hardships. For clients like Ms. P. who struggled with affordable housing and financial hardship before the storm, the devastation just added insult to injury for families like hers.

Ms. P. receives SSI for a mental disability and public assistance for herself and her 2 minor children. She lived in Section 8 housing in Inwood when the storm wreaked havoc on her world. Damage from the storm was so severe that her house was destroyed and had to be bulldozed. Despite being rendered homeless, she did not apply to DSS for emergency housing but instead stayed with various friends while she searched for alternative housing in an already tight market. She received FEMA assistance to help her defray her temporary housing costs. After locating new, approved Section 8 housing two months later, she submitted an emergency request to the Department of Social Services (DSS) for moving expenses including the first month's rent, security deposit, and brokers fee. Although emergency grants such as Emergency Assistance to Adults (EAA), Emergency

We're on the Web

www.nslawservices.org

SPECIAL POINTS OF INTEREST:

- *Volunteer Attys Recognized for Their Work*
- *Important Announcements*
- *Legal Resources for Mental Health Housing*
- *All About LSCA*
- *NSLS in the Community*
- *NSLS 2013 Spring Training Schedule*
- *Staff Anniversaries, New Hires & Thank You*
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DISPLACED SANDY SURVIVORS

Assistance to Families (EAF) and Emergency Safety Net Assistance (ESNA) are available for this purpose, her request was denied. DSS claimed that FEMA was providing sufficient assistance to meet her needs and that any further assistance would be a duplication of FEMA funds received for disaster assistance. Her Section 8 housing was ready to be occupied, but she continued to live in temporary quarters because DSS would not approve the cost of moving. In January, 2013, Ms. P. requested a fair hearing to appeal this decision, and then turned to **Jane Reinhardt**, Senior Staff Attorney in the Mental Health Law Project, for representation.

At the hearing, DSS contended that Ms. P should use the FEMA grant for her moving expenses. Ms. P. had exhausted the funds in the months since the October storm to pay her share of expenses to the persons who had provided her housing. DSS was not moved by this claim and then insisted that, pursuant to the FEMA notice, she should have pursued an additional FEMA grant if the first grant was insufficient. In fact, the client had applied to FEMA for a second grant which was denied on the grounds that she was approved for another form of Federal assistance, Section 8, even though the housing subsidy program does not include moving expenses! FEMA notices clearly stated that the client was responsible for finding her own housing without FEMA assistance. Where would the buck stop?

Ms. Reinhardt responded by arguing that as an SSI recipient, her client was entitled to be considered for eligibility under EAA. This emergency program does not count as income assistance received through disaster relief. Also, FEMA rental assistance was intended to cover housing during her period of displacement, and this assistance was not duplicated by DSS in the form of emergency housing assistance. Ms. Reinhardt cited DSS directive 12 INF-07 which requires DSS to first consider eligibility for EAA when the caretaker relative is eligible for SSI.

The Administrative Law Judge agreed. It was not apparent that DSS had considered Ms. P's eligibility for EAA as required. The fair hearing decision directed DSS to make a determination of eligibility under EAA, or other emergency programs, in order to finance her family's moving expenses to permanent housing and to

advise her if additional documents were needed in order to receive the grant. Attorney Reinhardt says she is optimistic that DSS will comply with the decision and ensure a favorable result for the displaced household.

HELPFUL RESOURCES FOR SANDY SURVIVORS

Why bother applying for FEMA? People who sustained losses due to Hurricane Sandy should register with FEMA *even if they have insurance*. Applying by the deadline may help survivors avoid a funding shortfall if they later find that they are underinsured or have additional damages!

Survivors who register may be eligible for federal grants to help cover various disaster-related expenses, including rent, essential home repairs, personal property losses and other serious disaster-related needs not covered by insurance. For more information on FEMA Applications See After Sandy: The FEMA Application on p.9

- For a FEMA Appeal template go to: http://www.probono.net/ny/nyc/hurricane_sandy/tem.4177-FEMA_Appeals_Templates
- Governor Cuomo announced DFS Mediation Program for disputed or denied insurance claims for Storm Sandy homeowners. See

<http://www.dfs.ny.gov/about/press2013/pr1302252.htm>

- For more Sandy resources go to our website at www.nslawservices.org.



It Ain't Over Til It's Over

Sometimes celebrating a favorable fair hearing decision is premature and we discover that further efforts are required to make the victory a reality. In our last newsletter, we discussed the "143-b remedy" as a valuable tool to pressure landlords to effect necessary repairs (See Dec.2012/Jan, 2013 newsletter Welfare Unit Fights at <http://nslawservices.org/wp/wp-content/uploads/2011/03/dec2012for-pdf-2.pdf>

. Under Social Services Law 143-b, an official inspection report of substandard housing when presented to DSS, affords DSS the authority to withhold the rent being paid with public assistance funds to a landlord until necessary repairs are made. This is an important legal "incentive" to improve housing conditions and can avoid having a family in uninhabitable housing resort to emergency housing placement which imposes considerable financial burden on the county.

In the case of our client, Ms. T, DSS refused to enforce a 143b remedy, or in the alternative, to place this large family in emergency housing. As they could not continue to live in the deplorable conditions, Ms. T, represented by Douglas Ruff, pursued the case to a fair hearing. She prevailed at the hearing and the State OTDA (Office of Temporary and Disability Assistance) ordered DSS to provide emergency housing and to evaluate the 143 b request. The decision was issued December 10, 2012 and Mr. Ruff requested immediate compliance. But even with the favorable decision, DSS was recalcitrant and failed to comply on a timely basis. A DSS inspector went out to the client's house, and despite the deplorable conditions described at the hearing, **again** determined it was habitable. The Village of Hempstead inspector who visited the premises during the same week strongly disagreed. DSS was not swayed and took no action to place the family in emergency housing as directed by the OTDA, nor withheld the public assistance rent it was paying to the landlord. DSS made housing referrals for the family which did not pan out, and the family remained in the housing for weeks until Mr. Ruff was compelled to file an Article 78 proceeding in court on January 9, 2013 to demand immediate compliance.

As a result, the judge granted a temporary restraining order directing DSS to place the family in appropriate alternative housing. Soon thereafter, DSS located housing for the family and Ruff withdrew the petition. The family finally moved out of the substandard housing to the new residence over

a month after the initial fair hearing decision was rendered. Unfortunately this only occurred after additional hours were spent on litigation which might have been avoided. Congratulations to Douglas Ruff for keeping the pressure on to ensure the family could finally settle in decent housing.

MENTAL HEALTH HOUSING SAVED

In a recent pair of cases against the same landlord, Nassau Suffolk Law Services successfully saved two disabled clients from being evicted from their homes. The cases involved a nonprofit agency that provides housing and other services to individuals with intellectual disabilities, mental illness, and traumatic brain injury.

The first case, handled by Nassau Suffolk Law Services attorney **William Stuber**, involved a tenant with a psychiatric diagnosis. In the second case, attorney **Rezwanul Islam**, represented a tenant with a traumatic brain injury. The agency commenced a holdover proceeding to evict the tenants. Stuber and Islam argued that the housing agency failed to properly show good cause for the eviction as required under federal and state law. The agency first claimed it did not have to show good cause because it did not receive governmental funding for housing the disabled. It then tried to amend its petition to add good cause and also to add a party that it claimed was the real owner of the property. However, the judge ruled against the agency as the amendment was unacceptable.

Both cases reveal unique, but persistent problems in housing for mentally disabled individuals by such organizations. For example, tenants are unusually vulnerable because of their condition. They may have behavioral issues that may be manifestations of their illness. Also the housing manager may be acting as a case manager for the tenant and providing other services complicating the landlord-tenant relationship. Essentially this is not a typical landlord-tenant situation and conflicts can arise. In addition, landlords have unique obligations to these tenants and should be aware of what constitutes cause to evict, what are their obligations to accommodate a tenant, and the steps they need to take before eviction. In general, evictions should be reserved for severe cases. An example includes where the tenant acted in a manner that constituted a safety threat to them or other tenants, and the behavior cannot be addressed in another way, such as through working with the tenant and treatment provider.

Congratulations to William Stuber and Rezwanul Islam for protecting their clients from being evicted and reaffirming the need for landlords to understand and take appropriate steps before seeking such evictions in the future.

By Edie Reinhardt, Esq. The author heads the U.S. office of LID

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The PADD Project Works Overtime

Accessing health care services:

Law Services' **PADD Project** (Protection and Advocacy Project for Persons with Developmental Disabilities) received three separate complaints from developmentally disabled individuals against the same Certified Home Health Care Agency (CHHA) about the reduction in service hours for home health aides, occupational therapy and physical therapy hours. The clients were clearly upset about the changes and sought the help of the Project which provides legal assistance to persons with developmental disabilities.

Farwah Raza, the PADD attorney, determined that the CHHA did not send a termination letter or inform any of the individuals of their due process rights. The home health agency relied on a Department of Health (DOH) mandate which required reductions in services, but failed to note that the same mandate prohibited such cuts to clients who are determined to be developmentally disabled and receiving services through the Office of Persons with Developmental Disabilities (OPWDD).

In one of the cases, a call to DOH explaining that the clients were receiving services through OPWDD, and thus clearly met the exceptions, resolved the issue. However, in the other case, Farwah had to file for a Fair Hearing to appeal the decision on behalf of the client. The Administrative Law Judge agreed with our position and ordered that the services be resumed at the same level.

In another case, the CHHA claimed that they were following the doctor's instructions approving the reduction in hours. However, upon further investigation it was discovered that the doctor in question only consented to the new hours because of misinformation about the DOH reduction mandate. The PADD attorney acquired a statement from the doctor clarifying that but for the misinformation he received from the CHHA, the doctor would not have consented to reducing the hours, as the care needs of the patient had not changed. With this documentation in hand, the attorney convinced the CHHA to agree to resume services, without the need for a fair hearing.

Law Services' PADD Project reminds advocates that should CHHAs terminate or reduce services for clients receiving OPWDD services, they should contact us immediately.

Advocating in Education Cases:

Another important PADD service includes education advocacy for students with developmental disabilities. In one such case a disabled student was refusing to go back to school because he was being bullied. His mother called Law Services asking for representation and complaining that the school declined assistance in the matter. We called the school district attorney, cited DASA, the Dignity for All Students Act, and came up with a plan to help get the student back to school. The school district was very cooperative, and was willing to do everything necessary to make the environment safe for the student. This included having a staff person monitor the lunch room, where a lot of the teasing and bullying was taking place. Also the class teacher was asked to be more vigilant, and a "safe place/ person" was set up so that the student had somewhere to go and safely talk about any bullying incidents.

Teaming up on a Benefits Matter:

CM first sought the assistance of our Hempstead Welfare Unit because of the discontinuation of her public assistance and SNAP benefits. She met with **Regan Serlin**, who agreed to take her case. After interviewing CM, Regan surmised that she may have intellectual limitations and referred her for additional assistance and evaluation to our PADD unit. **Marcia Vogel**, the advocate in the PADD unit, met with CM who shared that she had been in special education when she was young but dropped out of school in the 9th grade. She had lived with her mother until her death and then ended up homeless and living on the street. Recently, a childhood friend saw her and took her in. She had been living on public assistance until the recent termination of the case. Marcia sent the client for an updated psychological evaluation which was then used as evidence in the Welfare appeal.

This evaluation was also given to **Kathryn Twomey**, the social work intern. Kathryn used this information to assist the client in applying for eligibility for services and supports through OPWDD. She was approved and Kathryn is continuing to help the client to set up supports. Recently, CM's benefits were restored through the efforts of the Welfare Unit. CM was able to receive much needed support through the coordinated efforts of three units at Nassau/Suffolk Law Services to provide a timely and efficient outcome.



Volunteer Attorneys Recognized for Their Work

Gregory S. Lisi, Esq.

Regina Brandow, Esq.

Pro Bono Attorney of the Month - Nassau County

Nassau Suffolk Law Services and the Volunteer Lawyers Project (VLP) are pleased to recognize Gregory Lisi as Pro Bono Attorney of the Month for his years of service with the Landlord/Tenant Attorney of the Day Program. Through the program, Mr. Lisi has represented countless low income residents facing eviction in landlord/tenant cases.

Mr. Lisi has been involved in pro bono work since his law school days at Georgetown University Law Center. He began working with the Volunteer Lawyers Project over 15 years ago when he started his own law firm. He wanted to volunteer and had time to devote as he grew his practice. However, he found the experience so gratifying that he has continued to make time to volunteer even with his busy schedule. Mr. Lisi now heads the Employment and Labor Practice at Forchelli, Curto, Deegan, Schwartz, Mineo & Terrana LLP where he focuses on discrimination, sexual harassment, wage and hour law, management/union issues, and other related matters. Mr. Lisi also volunteers at the U.S. District Court for the Eastern District of New York and with various programs of the Nassau County Bar Association. His firm has been very supportive of his pro bono work.

Mr. Lisi speaks passionately about the benefits of pro bono work, most of all how good it feels to give back to others. The tenants he sees are scared of losing their homes and feel they have nowhere else to turn. They are so appreciative that someone is helping them and they are getting quality representation that they would not otherwise have been able to afford. "When you see the look on their faces it is so gratifying. Pro bono work is intellectually and emotionally rewarding," he says. His advice to attorneys thinking about doing pro bono work is to find an area you are interested in and would like to try even if it is not your normal area of expertise. "It is exciting to try something new and at the same time to help people who really need help." Especially for those starting a firm, he feels it is a good way to experience new areas of law, expand your client base and expertise while giving back to others. He stressed though that the people who do pro bono work are not doing it to help themselves, but to help others.

Roberta Scoll, Staff Attorney with Nassau Suffolk Law Services and coordinator of the Landlord/Tenant Attorney of the Day Program praised Mr. Lisi as "cheerfully volunteering his time and always willing to help out the Attorney of the Day Program." For his continuing dedication to VLP, we honor Greg Lisi as Pro Bono Attorney of the Month.

By Susan Biller, Staff Attorney, VLP

Pro Bono Attorney of the Month— Suffolk County

Nassau Suffolk Law Services is pleased to recognize Regina Brandow as Pro Bono Attorney of the Month for her long-standing commitment to helping families in guardianship, disability, special needs, and education matters. Ms. Brandow has consistently dedicated her time and expertise to these cases for over 12 years.

Brandow came to the practice of law after a successful career in finance. Her first position as an attorney was in an insurance fraud and consumer reporting agency. She then began a private practice, concentrating in elder law and corporate law and was of counsel to several corporate firms. She worked with the Long Island Advocacy Center, where she represented students with disabilities in impartial hearings and other education law issues

Ms. Brandow's first experience with pro bono was in law school where she participated in the Immigration Law Clinic at Touro School of Law. After law school, she volunteered with the Legal Aid Society in Bay Shore helping senior citizens. She later started volunteering with Nassau Suffolk Law Services where she has handled a wide array of cases, often involving families with developmentally disabled children.

Whether working in private practice or for a non-profit, Ms. Brandow has continued to set aside time for pro bono and she extols the tremendous value of doing this work – both personally and professionally. In her experience, the attorneys, judges, clerks and other court personnel that she has met through her pro bono work go out of their way to help a pro bono attorney. She feels that especially when you are starting out, it is invaluable to have the opportunity to manage an entire case, to learn from experienced and helpful people, and to make connections and build your confidence and reputation.

Ms. Brandow feels strongly that everyone can find time to do pro bono work. She adds that Nassau Suffolk Law Services is very sensitive to the stresses of practicing law, especially for solo practitioners. "As a solo practitioner and parent, I have to make a living, eat and support my family, but I can still find time. There is nothing special or extraordinary about doing that. Imagine if every lawyer in Suffolk handled just one case," she says.

For her consistent and devoted service to Nassau Suffolk Law Services and the families she represents, we honor Regina Brandow.

By Edie Reinhardt, Esq. The author heads the U.S. office of LID Publishing, an international communications and publishing company that works with professionals to develop content to promote their brand. She also provides her services pro bono to NSLS.

SOCIAL SECURITY NEWS

Social Security & Other Federal Benefits Now Require Direct Deposit

Effective March 1, 2013, the Social Security Administration, as well as other federal agencies, have switched to a form of electronic payment of benefits. For those who have not yet signed up, they will continue to get paid by check, but the U.S. Treasury Dept. will contact them directly about complying with the requirement. For more information regarding switching to an electronic payment, refer to the U.S. Department of the Treasury's Go Direct Website at <http://godirect.org/> or call the helpline at 1-800-333-1795.

Waivers of this requirement are available to beneficiaries over the age of 90, those with mental impairments, or those who live in remote locations. Call the number above to apply for a waiver.



Treasury Offers Greater Protections from Creditors for Electronic Deposits.

The National Consumer Law Center has produced a new Consumer Concerns for Elder Advocates regarding Treasury's switch from paper checks to direct deposit or prepaid cards for recipients of Social Security, Veterans Affairs, and other federal benefits. The issue brief includes information on obtaining waivers and **tips on how electronic payment of benefits can protect bank accounts from garnishment by debt collectors.** The issue brief is available at http://www.nclc.org/images/pdf/older_consumer/consumer_concerns/cc-electronic-payments-feb-2013.pdf.



Need proof of Social Security or SSI benefits?

A benefit verification letter can be retrieved online instantly by going to www.socialsecurity.gov/myaccount. Registration online can also help with arranging for or changing direct deposit information, getting earnings record information, and estimating benefit payments.



HOW THE PATIENT PROTECTION AND AFFORDABLE CARE ACT AFFECTS YOU

We've all heard a lot about health care reform. This article will summarize the practical aspects of how the Affordable Care Act will affect health care coverage for many of us.

What's happened so far? *

New consumer rights and protections:

Easy to understand summary of benefits and coverage. Starting September 23, 2012 (or soon thereafter), health plans must provide a standardized summary to help consumers compare plans.

Right to appeal denial of payment. Plans must provide the right to appeal a decision internally and the right to get an external review. (For more information on External Reviews see archived , June/July 2009 at <http://nslawservices.org/wp/wp-content/uploads/2011/05/News2009JunJul.pdf>

Free preventive care. Certain preventive services are covered without a copayment, co-insurance, or deductible. Also under original Medicare, consumers may qualify for a yearly wellness visit and certain preventive services are free.

No pre-existing condition exclusions for children. Plans cannot exclude coverage for a child under 19 because of a pre-existing condition.

[Pre-Existing Condition Insurance Plan](#) created for adults. Until 2014, adults with a pre-existing condition can get coverage under these plans. Premiums vary by state. For more information on the plan in NY, call 1-866-693-9277 or visit <http://www.ghi.com/nybridgeplan/index.html>.

Coverage for adult children up to age 26. Parents may add or keep children on their policy until they turn 26 years old except if the parent has a job-based plan and the child can get his/her own job-based coverage.

In NY, coverage may be available until age 29, see http://www.dfs.ny.gov/insurance/health/S6030_Age29.htm for more information.

No lifetime limits on insurance coverage. These are eliminated on most benefits.

Annual limits on insurance coverage are restricted and being phased out. Annual limits will be eliminated in 2014.

Review of rate increases. Insurance companies cannot raise rates by 10% or more without public review by the state or federal Rate Review program.

Medicare Part D rebates and discounts. Those en-

rolled in Part D who reached the coverage gap (the donut hole) in 2010 got a one-time \$250 rebate. In 2011, those in the donut hole automatically got a 50% discount on brand-name drugs and a 7% discount on generic drugs while in the donut hole. This discount gradually increases every year. By 2020, the discount will be 75% for both brand name and generic drugs.

Financial assistance for businesses:

Small business tax credits available. Businesses with less than 25 employees, who pay average annual wages below \$50,000, and provide health insurance, may qualify for a tax credit of up to 35% (up to 25% for non-profits) to help with the cost of insurance. For more information, see <http://www.irs.gov/newsroom/article/0,,id=223666,00.html>.

What's ahead?

Our next issue will summarize some of the key features of the Affordable Care Act which will go into effect in 2014 and later. Don't miss our Health Care Advocacy Training on May 9, 2013 in Islandia. See p. 11 for details.

More Resources :

For questions about health insurance in New York State, contact Community Health Advocates at <http://www.communityhealthadvocates.org> or (888) 614-5400 or cha@cssny.org

<http://www.healthcare.gov/> - the federal government website, established under the Affordable Care Act, provides information about coverage options and explains the new law.

<http://healthreform.kff.org/> - the Kaiser Family Foundation Health Reform Source website provides news, information and analysis about health reform.

<http://www.healthcarereform.ny.gov/> -the New York State website explains how federal health care reform affects New Yorkers, progress on implementation in the State, and information and contacts about insurance coverage and benefits in the state.

<http://healthbenefitexchange.ny.gov/> -the New York Health Benefit Exchange website has the latest developments and facts about New York's insurance exchange.

*Note: In some cases, these rights only apply to health plans created or purchased after 3/23/10. For information about rights under "grandfathered plans", see <http://healthcare.gov/law/features/rights/grandfatheredplans/index.html>

By Edie Reinhardt, Esq. The author heads the U.S. office of LID Publishing, an international communications and publishing company that works with professionals to develop content to promote their brand. She also provides her services pro bono to NSLS.



IMPORTANT ANNOUNCEMENTS

HEAP COOLING ASSISTANCE PROGRAM NOW OPEN

With summer right around the corner, The Office of Temporary and Disability Assistance announced the opening of The HEAP Cooling Assistance Program. This program will be making a limited number of home air conditioners available to those who suffer a serious documented medical condition exacerbated by heat. The HEAP Cooling Assistance Program benefits will be provided on a first-come first-served basis.

To be eligible, the household must meet the 2012-2013 HEAP income guidelines. Those households who already have a working air condition less than five years old, and households that have received a HEAP-funded air conditions within the past 10 years will not be eligible. Households determined to be eligible will receive one air conditioner that will be installed at no charge. The Department of Social Services will accept applications through August 30, 2013, or until funds run out. For more information and HEAP guidelines please visit <http://www.otda.ny.gov/>

EARNED INCOME DISREGARD REDUCED

Effective June 1, 2013 the earned income disregard for individuals on public assistance will be reduced from 50% to 49%.



Nassau Suffolk Law Services' Legal Support Center For Advocates

Nassau Suffolk Law Services' Legal Support Center for Advocates is a service for Long Island's "helping" community.

LSCA partners with Nassau and Suffolk community advocates by providing technical support and taking questions regarding public assistance, Medicaid, food stamps, homelessness, foreclosure, landlord/tenant, consumer debt, Social Security, etc.

Technical Support: We acknowledge the important role of our Long Island advocates and the critical part they play in providing services to our mutual clients. Because of limited resources, Law Services cannot always guarantee direct access to a free attorney. As an alternative in many cases, and experienced LSCA attorney or paralegal under attorney supervision, can provide individualized assistance by phone to an advocate in the form of legal information, referral and advocacy training to insure informed and effective advocacy services.

Trainings: Trainings on various legal topics are regularly conducted by the Legal Support Center for Advocates at our office sites. Our staff is also available for off-site trainings that can be tailored to an agency's clientele or service area. There is a nominal fee for this services. Law Services' website at www.nslawservices.org posts the current training schedule and is also a great source of substantive legal information.(see p. 11)

To contact the **Legal Support Center for Advocates** please call 631 232-2400 ext. 3324, 3369

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Publishing, an international communications and publishing company that works with professionals to develop content to promote their brand. She also provides her services pro bono to NSLS.

LEGAL RESOURCES FOR MENTAL HEALTH HOUSING

New York Office of Mental Health, Supported Housing Guidelines

<https://www.omh.ny.gov/omhweb/adults/SupportedHousing/supportedhousingguidelines.html>

Federal HUD Supportive Housing Guidelines (24 C.F.R. § 583.300)

<http://law.justia.com/cfr/title24/24-3.1.1.3.11.4.1.1.html>

Federal HUD Reasonable Accommodations under the Fair Housing Act

<http://www.hud.gov/offices/fheo/library/huddojstatement.pdf>

The Federal Emergency Management Administration (FEMA) is providing monetary assistance to residents who have suffered property damage as a result of Superstorm Sandy. This guide provides step-by-step instructions to help you use FEMA resources to begin the recovery process and get your life back in order. The deadline for applications for both FEMA and SBA loans was April 13, 2013 as of publication date. Please refer to our website for updates.

How to Obtain Relief from FEMA

BEFORE YOU BEGIN YOUR FEMA APPLICATION: Make sure that you have filed all possible claims with your insurance company. FEMA will request proof that you have filed claims under any insurance policies that cover your property. FEMA is not allowed to give you relief money for damages that your insurance policy covers.

- Visit www.disasterassistance.gov or call **(800) 621-3362** to begin your FEMA application. Be ready to provide FEMA with your Social Security Number, insurance information, financial information, and telephone number. Also make sure that you are able to describe the losses caused by the disaster and give the FEMA inspector directions to your property.
- As long as your losses are either uninsured or not covered by your insurance provider, a FEMA inspector should call you within 10 days of the initial application to schedule an inspection of your damaged property.
- If a decision on your homeowners insurance settlement has been delayed longer than 30 days from the time you filed the claim, you may write a letter to FEMA containing the following: (1) An explanation of the circumstances, and (2) Documentation from the insurance company proving that you filed the claim, or (3) If you filed your claim over the telephone, you should include A. the claim number, B. date when you applied, C. estimated time of how long it will take to receive your settlement. (Any help awarded to you by FEMA would be considered an advance and must be repaid to FEMA once an insurance settlement is received).
- The inspector will visit your property. You or someone 18 years of age or over who lived in or on the damaged property must be present for the inspection. Be ready to provide the inspector with identification and proof of ownership (homeowners) or occupancy (renters).
- Within 10 days of the inspector's visit, you will be mailed a decision letter from FEMA. If you are deemed eligible for assistance, the letter will be followed by a U.S. Treasury check or a direct deposit into your bank account.
- **You must use the money as instructed by FEMA.** If you do not spend the money in accordance with FEMA instructions, or if you "save" FEMA money by not spending it on your disaster relief needs, an "overpayment" may result and you will be required to return the money to FEMA.
- FEMA money is tax-free and does not have to be repaid as long as you use it in accordance with FEMA's instructions.

How to Appeal a FEMA Decision

- You are allowed to appeal any FEMA decision within 60 days of the date of your decision letter, including FEMA's initial determination of your eligibility for FEMA funds, the amount or type of help provided to you, or requests to return money.
- Explain in writing why you think the FEMA decision is incorrect. Include in your letter your full name, date and place of birth, address, and a copy of your government-issued identification (passport, driver license, etc.). Also include any documentation to support your case.
- Include your FEMA application number and disaster number (displayed at the top of your decision letter) in your letter of appeal.

The Letter must be signed and either notarized by a public notary (with a copy of the state issued ID enclose with the letter), or contain the statement "I hereby declare under penalty of perjury that the foregoing is true and correct." Mail or fax your appeal letter to: **FEMA National Processing Service Center, P.O. Box 10055, Hyattsville, MD 20782-7055, Attn: FEMA Fax: 1 800 827 8112**

*By James Kirdahy, Student Intern
and Michael DeTrano, Sandy Disaster Relief Project*



LAW SERVICES IN OUR COMMUNITY



Law Services continues its strong ties within the community, to collaborate with various agencies, and ensure that low income Long Islanders receive the services they so desperately need. If you happen to see any of our Law Services' staff at a community event, please stop by to introduce yourself and say hello. We'd love to meet you, and as always we thank you for your support!

On January 18, 2013, **Sheila Johnson**, Director of Development and Government Affairs attended The Suffolk County Martin Luther King Commission Luncheon held at the Hauppauge Windwatch Hotel. She networked with those in attendance and shared information about Law Services' work in the community.

Sheila also attended The Islip Town Branch's NAACP Women's History Month Celebration on March 20, 2013 held at the Brentwood Public Library, along with **Frank Gulas**, Staff Attorney in our Domestic Violence Project. Frank was part of a panel that discussed "New York Women's Equality Act 10 Point Plan."

On December 12, 2012, **Carolyn McQuade**, staff attorney in our Adult Home Project, was invited to a panel discussion sponsored by the Family Service League's Ombuds Program. She spoke on the effects of the Sandy storm on adult homes, and how the new regulations, which limit the number of mentally ill adults in homes with over 80 residents, will impact the homes and residents.



On February 5, 2013 **Denise Snow**, Staff Attorney in the PLAN Cancer Project, attended Stony Brook University Hospital's Palliative Care Seminar sponsored by the Medical Legal Partnership. Denise, along with health care providers, collaborated to assist patients and families to resolve legal matters relating to

patients' health.

Michael DeTrano, Law Graduate, Sandy Disaster Relief Project, participated in The Nassau County Bar Association's Superstorm Sandy Recovery Clinics held on March 11th and 18th. He provided brief counsel and advice to homeowners seeking guidance on their legal rights and obligations in the aftermath of Superstorm Sandy.

Rob Briglio, Staff Attorney in the PAIR Unit attended Touro Law School's Job Fair on February 5, 2013, where he represented Law Services at a forum for law students interested in interning and/or employment opportunities.

On March 11, 2013, **Patricia Caruso**, Staff Attorney in the Foreclosure Project, attended The Housing and Mortgage Expo sponsored by Congressman Tim Bishop. Approximately 60 people were in attendance. Patricia was there to review the steps in a foreclosure, and also shared legal information with Expo attendees

Climbing to the Top for Multiple Sclerosis: **Roberta Scoll**, staff attorney in our VLP Project did it again! She climbed sixty six flights to the top of Rockefeller Center on March 3, 2013 to raise money for MS. Among 1318 other climbers, this was Roberta's second time joining in this great charity event and she even placed third in her age group. Congratulations, Roberta!

On February 28, 2013, **Dan Okrent**, Staff Attorney in the Nassau Senior Citizens Project spoke on senior issues at the Economic Opportunity Commission in Roosevelt.

Dan was also invited on April 17, 2013 to help train a new class of nursing home Ombuds persons at Family & Childrens Association in Mineola.

Rose Caputo, Staff Attorney, Nassau Senior Citizens Project attended Hofstra's Career Fair held on March 11, 2013. Students interested in public interest law stopped by her table to find out about internships and career opportunities at Law Services.



Please share a copy of this newsletter with you colleagues or invite them to visit our website at www.nslawservices.org to download a copy.

LAW SERVICES SPRING 2013 TRAINING SCHEDULE



Trainings will be held at our Islandia office: 1757 Veterans Hwy, Suite 50, Islandia and our Hempstead Office: One Helen Keller Way Hempstead NY 11550 . To pre-register, please call the Training Line at 631 232-2400 x 3357, fax 631 232-2489 or email Cathy Lucidi at clucidi@wnylc.com. The fee is \$35 for each training, please make check payable to Nassau Suffolk Law Services and mail your payment in advance to confirm pre-registration.

Heath Care Advocacy, Islandia office, Thursday May 9, 2013, 9:30—12:30 – Topics will include Health Insurance appeals, Managed Long Term Care Issues, and the imminent Health Care Reform changes and how they will affect clients. Denise Snow, Esq in our PLAN Cancer Project will present. We are also fortunate to have David Trueman, Esq. joining the training as a co-presenter. Mr. Trueman is an adjunct professor at Columbia School of Law, and his practice focuses on health care coverage and reimbursement and long-term disability. Don't miss this training!

Consumer Debt—Islandia office, Friday May 17, 2013 9:30-12:30 A review of the most common debt situations experienced by our clients with some suggestions for debt relief, asserting debtor's rights, and curing defaults. Also to be discussed: student loans, cease dunning letters, frozen bank accounts, bankruptcy, hospital debts and exempt income. Jonathon Schwartz and Carole Burns will present.

Senior Citizen Issues- Hempstead office. Wed May 29, 2013 10-12:30 Overview of issues of particular interest to seniors' advocates including advance directives, nursing homes, Medicaid, Medicare, Social Security, EPIC, Reverse Mortgages, etc. Daniel Okrent, Esq. of our Nassau Senior Citizen Project will present. **Please call ahead for parking directions to our Hempstead office.**

Training Registration Form

Name _____

Agency Affiliation _____

Phone Number _____

Email Address _____

Title of Training(s) _____

Amount Enclosed _____

Please check if payment will be sent at a later date or on the date of the Training

Please return with applicable fee to: Nassau/Suffolk Law Services, 1757 Veterans Highway, Suite 50, Islandia, N.Y. 11749

Attn: Cathy Lucidi. This form may also be faxed to Cathy at (631) 232-2489

Nassau/Suffolk Law Services Committee, Inc.
 1 Helen Keller Way, 5th Fl. Hempstead,
 N.Y. 11550
 (516) 292-8100
 1757 Veterans Memorial Hwy., Suite 50,
 Islandia, N.Y. 11749
 (631) 232-2400
 313 W. Main St., Riverhead, N.Y. 11901
 (631) 369-1112



Congratulations to the following staff members celebrating their milestone employment anniversaries :

Staff Member	Dedicated Years of Service
Pat Caruso, Staff Attorney	5
Karen Corley, Director of Finance	20
Vicki Davies, Staff Attorney	5
Maria Dosso, Dir. Of Comm. & Vol. Services	25
Maria Harty, Bookkeeper	15
Lynn Iacona, Staff Attorney	5
Sheila Johnson, Director of Dev. & Government Affairs	5
Diane McClernon, Staff Attorney	5
Meredith Nadler, Staff Attorney	20
Dan Okrent, Staff Attorney	15
Victoria Osk. Senior Staff Attorney	25
Gabrielle Quinn, Paralegal	20
Nancy Rangel, Receptionist	5
Kim Ritchie, LMSW, Social Worker	5
Pat Salzer, Bookkeeper	10
Roberta Scoll, Staff Attorney	5
Jonathan Schwartz, Staff Attorney	5
Mike Wigutow, Senior Staff Attorney	25

*“Equal Justice
 Under Law”*

We're on the Web
www.nslawservices.org

WELCOME TO NEW STAFF:

- Michael DeTrano**, Law Graduate, Sandy Disaster Relief Project
- Maria Ramirez**, Secretary Hempstead Office
- Aurora Hurtado**, Paralegal, Foreclosure Prevention Project
- Rezwanul Islam**, Staff Attorney, Health Law Project
- Welcome back **Debra Petrillo**, Staff Attorney, Foreclosure Prevention Project.

Make sure to give us your email address by going to www.nslawservices.org and look for the “Sign up for our newsletter field”. Tell your friends and colleagues!



Law Services would like to thank **The New York Bar Foundation** for awarding us a grant in the amount of \$7,500 to be used for our Permanency Legal Assistance (PLAN) Project. The PLAN Project provides legal assistance to individuals and their families living with cancer in Nassau and Suffolk County.

WE NEED YOUR SUPPORT!

You now have the ability to support Nassau Suffolk Law Services by making a donation online! Go to our website: <http://nslawservices.org/donations.html> (cut and paste the url if link does not work) and show your support for the critical legal services we provide. You can also use the online donation form to email your friends and family directly and invite them to join us as a supporter! Or, you can mail this form with your donation to Nassau/Suffolk Law Services, One Helen Keller Way, 5th Flr. Hempstead, NY 11550, Attn: Maureen. Thank you!

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From the Executive Director, Jeffrey A. Seigel



March 18, 2013 marked the 50th anniversary of Gideon v. Wainwright which ruled, as we know, that those accused of a crime have a constitutional right to a lawyer. Civil matters, such as foreclosure and eviction prevention, were not covered by the decision. To my mind, one of the biggest obstacles to the provision of access to justice is the failure to acknowledge that the right to an attorney in civil matters is just as critical as the right to an attorney for those accused of a crime. The ability to sufficiently fund the provision of civil legal services has always been a challenge and always will remain so despite our best efforts to obtain such funding. It is made more difficult by the fact that the provision of civil legal services is often considered and treated as just another government program when it is not. In fact, it is a question of justice no less essential to a fair and just society than the right to counsel set forth in Gideon v. Wainwright.

Thanks to the ongoing efforts of Chief Judge Jonathan Lippman and his task force to provide access to justice in civil matters, Judiciary Civil Legal Services funding has increased by \$15 million in this year's recently enacted state budget. In addition, we recently received State funding to support our landlord/tenant initiatives while Suffolk County, as a conduit for Federal funding, has similarly extended us a grant to support this critical housing work in Suffolk. We are fortunate that the rest of our state funding streams appear to have avoided any cuts.

Unfortunately, our Federal funding will not do as well. As a result of the "sequester," we have already seen a reduction for calendar year 2013 in our Legal Services Corporation (LSC) funding due to its implementation. Along with a secondary reduction resulting from the 2010 census, we could see as much as a 20% reduction statewide as poverty rates seem to have increased at a much faster rate in other parts of the country, reducing New York's proportional share of the funding.

On a more positive note, our Foreclosure Project is back up and running after experiencing a brief but disruptive interruption in funding. We have also received funding to support our new Sandy Disaster Relief Project (see p. 1). Restoring services and adding these new significant initiatives ensures that Law Services maintains its vital position in the Long Island legal community.