

**LOCAL LEGISLATIVE ADVOCACY:  
Making an Impact in  
Increasing Resources for  
Legal Aid and Pro Bono Programs**

**WEDNESDAY, MAY 7, 2008  
1:30 P.M. - 3:00 P.M.**

2008 EQUAL JUSTICE CONFERENCE  
MAY 7-9, 2008

**PRESENTERS**

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LEGAL SERVICES FOR NEW YORK CITY

## 2007 LSNY Orientation

### PR & ADVOCACY TRAINING

#### **I. Advocating for Legal Services**

1. **LSNY's Funding is made up of**
  - i. LSC funds
  - ii. IOLA and statewide legal services
  - iii. citywide legal services
  - iv. government grants and private grants
  
2. **Be very careful of the LSC restrictions on lobbying when engaging in legislative advocacy:**
  - i. The LSC restrictions allow staff of LSC-funded programs to advocate for their direct funding.
  - ii. Staff of LSC-funded programs are allowed to testify with respect to proposed bills and legislative items not directly related to the funding of their program if they are invited to do so by a legislator; the invitation should be in writing.
  - iii. **Beware:** An employee of a LSC-funded program cannot tell a legislator to write to him or her to invite him or her to testify; it is okay, however, to let them know of the restrictions.
  
3. **Reasons for elected officials to fund civil legal services:**
  - i. Access to justice – everyone's district has people who need legal services
  - ii. Cost effectiveness – legal services funding represents only a tiny fraction of the federal, state and city budgets; and, legal services saves the government money – in reduced shelter and foster care costs; in moving people from welfare to SSI/SSD; in assuring that those who are qualified receive UI.
  - iii. Labor support – most of our employees are union members.

#### **II. Pointers on Advocacy**

- **Lobbying:** Lobbying is presenting clear, persuasive information to legislators to convince them to support your point of view during budget negotiations or when legislation is being considered. Each of us works for our clients, but it is important that we assist our lobbyist in advocating for our funding from the City and State.
  
- **Professionalism:** (a) Be on time; (b) dress appropriately – business or business casual; (c) carry your business card; (d) be patient and willing to educate; don't argue, persuade; (e) stick to the subject of your visit – don't talk about other legislators or groups unless you are asked a specific question (i.e. – "Is Assemblyman XXX supporting your position?" or "Doesn't Legal Aid have a

program that provides the same services?”).

- **Lobby Team:** The team should be a cross-section of labor-management. Whenever possible, have someone who lives in the legislator’s district as the team leader. The team leader should explain that the group is representing LSNY and give each member a chance to introduce her/himself, say what they do at LSNY, and indicate that they are either management, staff or a union representative. Decide in advance who will be responsible for keeping track of necessary follow-up.
- **Fact Sheet:** Quickly go over the fact sheet you are giving the legislator - this document should concisely present the issues you are there to discuss. (2005 Lobby Sheets are attached).
- **Know the Legislator’s Profile:** Information about legislators is available on-line:

For New York State:

Executive branch  
<http://www.state.ny.us/governor/>

Legislative branch  
<http://assembly.state.ny.us/mem/>  
<http://www.senate.state.ny.us/>

For New York City:

Executive branch  
[http://www.ci.nyc.ny.us/portal/site/nycgov/?epi\\_menuItemID=beb0d8fdaa9e1607a62fa24601c789a0&epi\\_menuID=27579af732d48f86a62fa24601c789a0&epi\\_baseMenuID=27579af732d48f86a62fa24601c789a0](http://www.ci.nyc.ny.us/portal/site/nycgov/?epi_menuItemID=beb0d8fdaa9e1607a62fa24601c789a0&epi_menuID=27579af732d48f86a62fa24601c789a0&epi_baseMenuID=27579af732d48f86a62fa24601c789a0)

Legislative branch  
<http://www.nyccouncil.info/>

- **Make the most of your visit:** Agree in advance on who will talk about the issues you are addressing, but be flexible; if the legislator you are meeting with seems to connect to someone on your team, let that person take the lead. If you are seeking to have proposed funding cuts restored, describe the impact such cuts would have on CLIENTS that need our help. If you are seeking new funding for a specific project, have the person in your group who is most knowledgeable about the issues make the case. If it is feasible, always make the point that the services we provide save the City or State costs in terms of shelter, accessing federal benefits, etc.

Know your subject, but don’t be afraid to say, “I don’t know – I will get back to you with an answer.” (Pass on that request for information to Edwina Frances Martin, Director of Communications and Government Relations (646-442-3586). [emartin@lsny.org](mailto:emartin@lsny.org)) Have a union member point out that cuts could mean job losses, too. You can also talk about educating neighbors and others about the need for legal services, and stress that we are: (a) legal workers who know the impact of these budget cuts on our clients, the justice system, and communities we serve; (b) members of UAW, whose jobs will be in jeopardy if funding cuts are approved; (c) New York State residents and (d) taxpayers.

- **Ask for Action:** Don’t just ask for support; ask for action, too. Request that the legislator send a

letter to the leader of her/his legislative house leader indicating his/her support for legal services and requesting that the leader make it a priority this year. Bring a sample letter with you, if possible. In the event the legislator seems unwilling to commit to taking this action immediately, let him/her know that you will follow up soon.

- **Give Recognition:** Say thank you – let the many legislators have supported our programs over the years know that we appreciate their help. Let newer legislators know that we have enjoyed support from their legislative house in the past and that we hope they will join their colleagues in continuing the practice going forward.
- **Feedback Form:** A copy of our feedback form is attached. The responses submitted will help us to make specific determinations about our lobbying effort.
- **Have Fun:** Lobbying is democracy in action!

### **III. Other Lobbying Strategies**

1. **Relationship Building:** An important aspect of lobbying is relationship building – building a relationship with the legislators, and building relationships and coalitions with other organizations to help achieve your goals.
2. **Building relationships with legislators:**
  - i. Contact, contact, contact: a lobby day. It requires constant contact with the legislator, so that they understand how you help their constituents, and also so that they come to see you as the “go to” organization for help.
  - ii. This contact can take several forms: newsletters; periodic meetings; annual legislative breakfasts; and letters either to thank them for assistance in securing funding, or to inform them of any new developments in your program.
3. **Coalition Building:**
  - i. It is increasingly important to legislators to see that you work with other organizations – legal services, social services, government agencies, etc. – so that they feel that you are “leveraging” the dollars you receive from them.
  - ii. In addition, it is increasingly important for legal services to build coalitions to give heft and momentum to a funding proposal.

### **IV. General Media Concepts**

1. Another important aspect of lobbying is communicating the good work you do with the funding you receive from the City and State.
2. **Define the message:** When developing your public relations plan, the more specific goals you have the more effective you'll be. You need to define who your audience is and what message, carried in what format, has the greatest likelihood of reaching them. Once you've

defined whom you need to talk to and what you want to say, you're in a position to make the best choice of a communications medium.

- your mission statement should convey why legal services are valuable;
- fact sheet: resources; statistics
- make clear, simple, and unambiguous.

### 3. **Speaking with the media:**

- Always stay “on message” – do not wander, do not volunteer unrelated information.
- Do not “trust” reporters – they are interested in getting a story in the paper, and it isn't always the story you want to go in. Remember that once the story is out of your hands you lose “control” over how it will be reported.
- Do your due diligence – be able to verify your information.
- Remember your ethical obligations to your client when speaking with the media.

### 4. **Make it Newsworthy:** Reporters try to generate news and feature stories that they believe will interest a mass media. So should you. Many papers and other news medium have a rule of thumb limiting feature stories about any group to once a year. Hard news coverage, however, which includes events, isn't included in the once-a-year limit. So, hard news is what you should strive for to create the greatest mass media exposure. “Packaging” can make all the difference in whether your story intrigues a reporter or gets tossed.

- Always fit in a human-interest element – create a human image to sell to the world. Focus on message, not the organization – it is more important to get the issue out there than the organization.
- Create a story – use media for release of reports. Make yourselves a clearinghouse of information.
- Develop a brochure for a new, innovative program or service.

### 5. Contact Edwina Frances Martin, LSNY's Director of Communications and Government Relations, at (646) 442-3586, [emartin@lsny.org](mailto:emartin@lsny.org).

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## **LEGAL SERVICES FOR NEW YORK CITY**

*BEDFORD-STUYVESANT COMMUNITY LEGAL SERVICES \* BROOKLYN LEGAL SERVICES CORPORATION A \* SOUTH BROOKLYN LEGAL SERVICES \* LSNY-BRONX \* THE BROOKLYN FAMILY DEFENSE PROJECT \* LSNY BROOKLYN BRANCH \* MANHATTAN LEGAL SERVICES \* LEGAL SERVICES FOR THE ELDERLY \* THE LSNY LEGAL SUPPORT UNIT \* LSNY STATEN ISLAND \* QUEENS LEGAL SERVICES*



## **The Mortgage Foreclosure Emergency Prevention Program**

### Proposal for a Legal Services Component

Foreclosure rates have skyrocketed in New York City, largely due to unsuitable mortgage products that have been promoted in the sub-prime market in the past several years.

- In 2007, foreclosure rates in New York City are expected to almost double.

Many low- and moderate-income homeowners will be placed at risk of foreclosure because of predatory lending practices by lenders, brokers, real estate speculators, and home improvement contractors.

- Predatory lending practices in New York City range from loans with high costs and fees to foreclosure rescue scams which strip unsuspecting homeowners of the deeds to their homes and hundreds of thousands of dollars in equity.

The financial impact of predatory lending and high foreclosure rates on low- and moderate- income New York City homeowners and on the City economy is staggering.

- A 2001 study by the Center for Responsible Lending estimates that abusive loan terms cost borrowers \$435.6 million in New York State and \$9.1 billion nationally.
- Predatory lending leads to foreclosure, homelessness, financial devastation and loss of hard-earned equity (which is the sole source of wealth for many lower income homeowners), displacement of long-time residents, and destabilization of neighborhoods.

Most homeowners do not defend themselves in foreclosure because they are unaware of their legal rights, cannot afford an attorney, or do not know about the legal assistance that might be available. The New York Times recently called for funding legal services programs to help individuals facing foreclosure, citing a recommendation by the Center for American Progress. Legal services help people save their home and retain their hard earned equity.

The Mortgage Foreclosure Emergency Prevention Program, an initiative of Councilmember Fidler, created a network of community-based foreclosure prevention

services throughout New York City. Eight organizations were funded to maintain on-site counseling services to assist homeowners at risk of foreclosure. The Parodneck Foundation is administering the program, and has contracted with the Neighborhood Economic Development Advocacy Project and South Brooklyn Legal Services' Foreclosure Prevention Project to provide training and support to the eight community-based organizations. There is currently no legal component to the program.

The need for legal services is apparent:

- *Half of all intakes* done by the City's PACE program (Preserve Assets and Community Equity), part of the City's 311 system, are referred to legal services organizations, including South Brooklyn Legal Services and LSNY Staten Island.

Legal Services for New York City (LSNY) proposes to provide city-wide legal assistance to homeowners in the Mortgage Foreclosure Emergency Prevention Program. The project aims to:

- ❖ Provide legal assistance, including advice, advocacy and litigation services, to homeowners.
- ❖ Collaborate with the Parodneck Foundation and the Neighborhood Economic Development Advocacy Project to provide on-going training and support for the eight community-based organizations;
- ❖ Provide advice and assistance to community-based organizations on specific cases;

For an appropriation of \$750,000, the project would include four full time staff attorneys, one coordinating attorney, and three paralegals.

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## **LEGAL SERVICES FOR NEW YORK CITY**

*BEDFORD-STUYVESANT COMMUNITY LEGAL SERVICES \* BROOKLYN LEGAL SERVICES CORPORATION A \*  
LSNY-BRONX \* LSNY BROOKLYN BRANCHII \* LEGAL SERVICES FOR THE ELDERLY \* THE LSNY LEGAL  
SUPPORT UNIT \* LSNY STATEN ISLAND \* MANHATTAN LEGAL SERVICES \* QUEENS LEGAL SERVICES \*  
SOUTH BROOKLYN LEGAL SERVICES*

**LSNY** 350 Broadway, New York, New York 10013 · [WWW.LSNY.ORG](http://WWW.LSNY.ORG)

**Support \$3 Million for:  
EARNED INCOME TAX CREDIT (EITC)  
LEGAL ASSISTANCE PROJECT**

Civil Legal Services Programs Save the City Money

Legal Services for New York City (LSNY) and the Legal Aid Society (LAS) propose to create a joint Earned Income Tax Credit (EITC) advocacy project to help low-income New York City families qualify to receive the EITC refund. *For a City expenditure of \$3 million, our project could return more than \$10 million in federal and state dollars to low-income families and communities throughout the City.*

While the EITC can be enormously beneficial to low-income households and communities, *the IRS contends that 30% of the people who claim the EITC are not eligible for it and has increased scrutiny of EITC filers.*

As a result, **households that apply for the EITC are much more likely to be audited than those that do not.**

**❖ Protect Low-Income Families from Unfair Auditing Practices**

Many households that apply for the EITC are eligible to receive it, but unless they get legal advice and representation during the audit and appeals process and Tax Court, most will not get the tax refund; many more will pay increased taxes.

LSNY and the LAS are highly experienced in EITC work and succeed in getting refunds for our clients in more than 90% of our cases. Between us, we have more than 25 locations throughout New York City's low-income communities.

**The EITC Legal Assistance Project** will complement the work done by the City Council in promoting outreach, education, and free tax preparation services for low-income, working families who are applying for the EITC, and **will help ensure that families who apply for the refund get it.** Other services will include: a hotline to provide easy access to legal assistance for potential clients; legal representation when a client is being audited or threatened with a disallowance notice, or in garnishment and other matters related to audit and tax liability; advice and brief services where this is sufficient to resolve problems; and policy work when needed to address systemic issues that prevent low-income families from taking full advantage of the EITC.

**❖ Increase Benefits for the Most Vulnerable New Yorkers**

We estimate that **the average total EITC recovery per client would be approximately \$5,420** and in many cases will exceed this amount. We conservatively estimate that the comprehensive package of services outlined above will result in receipt of benefits for at least 2,000 families, for a **total cash benefit to the City and its low-income families of at least \$10.8 million.** Thus, for a \$3 million project, the City will reap ***more than three times*** that amount for its low-income taxpayers and communities.

April \_\_, 2007

Dear Council Member \_\_\_\_\_,

Legal Services for New York (LSNY) has provided free civil legal assistance to low-income communities in New York City for more forty (40) years through branch offices and affiliated programs in *every borough*.

Every year for more that a decade, the City Council has helped to save these services by restoring budgetary funds that have been cut by successive Mayors. So, once again this year, we seek your support to restore critical programs cut by Mayor Bloomberg; and to enhance several programs that keep people in their homes and help them to economically stabilize their lives.

So that you may be better informed about how well the money you allocate is and will be used, we have enclosed several documents that provide you with information about LSNY and our programs. These include:

- The 2007 Report to the Council explaining who we are, and what we do;
- Our FY 08 Budget Flyer outlining our program restoration and enhancement requests; and
- A list of the community partners we work with and that are located throughout your borough.

We are enormously grateful to the Council for consistently supporting civil legal assistance for the poor. If you have any questions, please feel free to contact us, or Edwina Frances Martin, Director of Communications and Government Relations, at 646-442-3586, [emartin@lsny.org](mailto:emartin@lsny.org). We look forward to seeing you on this year's budget trail.

Sincerely,

Andrew Scherer  
Executive Director and President

\_\_\_\_\_  
Project Director  
[OFFICE]

# 2008 ANNUAL REPORT TO THE NEW YORK CITY COUNCIL

The logo for Legal Services NYC features the words "Legal Services NYC" in a white, sans-serif font. The text is arranged in three lines: "Legal" on the top line, "Services" on the middle line, and "NYC" on the bottom line. The text is set against a dark, textured background that resembles a brick wall or a similar pattern.

## Who We Are

*Legal Services NYC* makes access to the legal system a reality for low-income people throughout New York City who have no where else to turn.

Legal Services NYC, the **largest** provider of free civil legal services to low-income persons in the United States, has provided high quality legal help to people who have no where else to turn for 40 years. Each year, Legal Services NYC provides direct legal assistance that benefits approximately **50,000** low-income persons throughout New York City in the full range of their civil legal needs, keeping over **4,281** families in their homes, producing over \$11 million in back benefits and \$835,331 in ongoing monthly benefits for clients, and saving New York taxpayers more than **\$76 million** dollars. Our work not only helps our clients, it saves public money – for example, **every \$1 spent on our homelessness prevention work saves the public \$4 in shelter costs and emergency welfare grants!**

Our programs and offices are located in transportation hubs and low-income communities throughout New York City. Our offices serve people based upon their zip-code, although several programs and projects are citywide. Legal Services NYC's local offices include **Bedford-Stuyvesant Community Legal Services, The Brooklyn Family Defense Project, Brooklyn Legal Services Corporation A, Legal Services NYC-Brooklyn Branch, Legal Services NYC-Bronx, The Legal Services NYC Legal Support Unit, Manhattan Legal Services, Queens Legal Services, South Brooklyn Legal Services, and Staten Island Legal Services.**

## What We Do

Legal Services NYC's programs handle cases in the following categories: **Consumer** (including bankruptcy, debt relief, collections, and utilities); **Education: Employment** (including unemployment insurance benefits advocacy, the Earned Income Tax Credit (EITC), job discrimination, unsafe worker conditions, and wage claims); **Family** (including adoption, custody/visitation, divorce, guardianship, termination of parental rights, paternity, spouse abuse, and support); **Health** (including Medicaid/Medicare); **Housing** (including federally subsidized housing, homeownership, landlord/tenant, and other public housing); **Government Benefits** (including TANF, other welfare, food stamps, social security, SSI, veterans benefits, and worker's compensation); **Individual Rights** (including immigration and naturalization); and **Permanency Planning** (including guardianships, wills and estates).

We have a wide range of special projects that address the needs of particular communities or client populations, including South Brooklyn Legal Services' Foreclosure Prevention project, which assists low-income elderly homeowners threatened with foreclosure; Brooklyn Legal Services Corporation A's community economic development project; HIV advocacy projects in several of our offices; disability advocacy and eviction prevention projects at all of our offices; projects that assist victims of domestic violence at the Harlem office of Manhattan Legal Services and in most of our other offices; an EITC Advocacy Project; an Unemployment Insurance Advocacy Project; projects geared to Russian immigrants at Legal Services NYC-Brooklyn Branch, Asian immigrants at Queens Legal Services, and youth at risk at Bedford-Stuyvesant Community Legal Services; the New York City Bankruptcy Assistance Project, which uses pro bono assistance from over 25 law firms to help low-wage New Yorkers get relief from crushing debt; and our Single Stop Project, which provides legal assistance on-site at Community Based Organizations throughout the City.

**How We Help People**

- We represent our clients in courts and administrative tribunals;
- We provide advice or referral information when we can't provide representation;
- We assist clients with community-based economic development;
- We provide legal education through community workshops, *hotlines* and written materials; and
- We provide professional training in poverty law for attorneys, advocates and others.

**How Many People We Help**

Last year, we closed 22,176 cases, helping over 50,000 New Yorkers with their civil legal services needs.

**Our Funding**

In addition to the City Council, funding sources for our work include the Federal Legal Services Corporation, the IOLA Fund of the State of New York, the New York State Legislature, foundations, corporations, and individuals.

**Our City Council Funding:**

The programs below are not included in the Mayor's FY2008 Budget. The total amount of these programs is \$10,441 million; Legal Services NYC's share is \$5,056,586.

Program Name and Allocation	Program Description	Legal Services NYC's Contract Goals and Cost Per Case (where available)	Sample Case Narrative
<b>City-wide Civil Legal Services</b> Total Grant: \$3.676 million Legal Services NYC's share: \$1.838 million	For over a decade, the City Council has allocated this funding to provide civil legal services for the most vulnerable New Yorkers: senior	Number of Cases -- * 22,176 cases  Number of People Served -- *	When Ms. X came to Legal Services NYC seeking assistance, she was on public assistance and in school seeking a degree in physical therapy. She had previously received a Section 8 voucher to enable her

Program Name and Allocation	Program Description	Legal Services NYC's Contract Goals and Cost Per Case (where available)	Sample Case Narrative
	<p>citizens, survivors of domestic violence, disabled and chronically ill children and adults, unemployed workers, immigrants fleeing oppression, persons living with HIV/AIDS, and homeless or imminently homeless children and adults. Staffs of City Council Members and City agencies refer substantial numbers of these New Yorkers to Legal Services and Legal Aid offices.</p>	<p>50,000</p>	<p>and her young child to move from a domestic violence shelter. Her Section 8 assistance was terminated approximately six months before she came to us and her landlord had commenced a non-payment case against her. Her rent was too high to be paid by any other subsidy program. We brought an Article 78 proceeding challenging the termination of her subsidy and got a favorable decision from Supreme Court. The Housing Authority appealed the favorable decision, which automatically stayed the Judge's order. As a result, we were back in housing court with a favorable decision on the subsidy termination that could not be implemented because it was under appeal. We filed a motion in housing court alleging that the landlord had overcharged the tenant and settled our motion with an agreement that the landlord would accept a lower rent until the appeal on the subsidy termination was decided. She was able to apply for an alternative subsidy program based on the lower rent. The Housing Authority eventually withdrew the appeal and agreed to reinstate her Section 8 subsidy retroactively. She is now reinstated to the Section 8 program and is working as a physical therapist.</p>
<p><b>HPD Anti-Eviction Program</b>  Total grant: \$3.0 million  Legal Services NYC's share: \$1,111,086 million</p>	<p>The HPD Anti-Illegal Eviction and SRO (single-room-occupancy) program is a critical part of Legal Services NYC's services, helping to provide legal assistance to low- and moderate-income families faced with illegal evictions from their homes and substandard housing conditions, as well as services for SRO tenants.</p>	<p><i>Full Representations</i> – **  651 cases</p> <p><i>Brief Advice and Service</i> – **  1314 matters</p> <p><i>Community Education</i> – **  724 persons trained</p>	<p>Legal Services NYC is representing a group of tenants fighting to prevent the Salvation Army from evicting them from the Parkside Evangeline and Ten Eyck Troughton, two single room occupancy hotels for women operated by the Salvation Army for more than five decades on the East side. Both buildings are expected to sell for millions of dollars. The tenants are all women of low and modest means, some of whom have disabilities. The Salvation Army has been exempt from coverage of State and City rent laws at these buildings because they operated them for charitable purposes. Now that they have decided to sell them and evict the remaining tenants, we are arguing that the Salvation Army is no longer entitled to this exemption and that the tenants should have the same protection</p>

Program Name and Allocation	Program Description	Legal Services NYC's Contract Goals and Cost Per Case (where available)	Sample Case Narrative
<p><b>Supplemental Security Income (SSI)/Unemployment Insurance (UI) Advocacy Program</b>            Total grant: \$2.5 million            Legal Services NYC's share:            SSI – \$625,000            UI – \$625,000            Total – \$1,250,000</p>	<p>The City Council implemented the SSI/UI program two years ago to (i) help low-income disabled children and adults initially denied Social Security get their benefits on appeal and move off of Public Assistance, and (ii) help welfare-eligible people initially denied UI get their benefits on appeal.</p> <p>Both SSI and UI shift costs off of the City to other entities – in the case of SSI, the program shifts the costs of cash benefits and Medicaid to the Federal government and secures Federal refunds for the City, which covers the cost of benefits paid for the duration of SSI applications. UI benefits cost the City and State nothing because they are paid from a special fund created through payroll taxes. Each welfare-eligible person who gets UI saves the City not only their 25% portion of cash public assistance but also Medicaid and administrative costs.</p> <p>Last year, our UI advocates won approximately 70 percent of their cases, winning an average recovery</p>	<p><i>Full Representations</i> – 333 cases at \$3,000 per case  <i>Brief Advice and Service</i> – 669 cases at \$375 per case  <i>Community Education</i> – 5 trainings</p>	<p>against losing their homes that other New York City tenants have. <i>See Tenants To Sue the Salvation Army Over Plans To Sell Residences</i>, Juliet Lapidus, The New York Sun, February 16, 2007, <a href="http://www.nysun.com/article/48801">http://www.nysun.com/article/48801</a>; Metro Section, New York Times, February 16, 2007, <a href="http://www.nytimes.com/2007/02/16/nyregion/16mbrfs-tenants.html?_r=1&amp;oref=slogin">http://www.nytimes.com/2007/02/16/nyregion/16mbrfs-tenants.html?_r=1&amp;oref=slogin</a>.</p> <p><b>SSI:</b>            We represented Mr. C.C., a 21-year-old man with severe mental and physical impairments, in a claim for Social Security benefits. He is unable to communicate in English, and he had participated in a special education program but did not graduate. He had lost his appeal at the administrative hearing, and we appealed to the Appeals Council, which granted our request for a new hearing. At the new hearing, we presented substantial medical evidence of the client's mental retardation, congenital cataracts and migraine headaches. The claim was approved and he received retroactive benefits of \$8,644 and as of January 2007 is receiving a monthly benefit of \$646.</p> <p><b>UI:</b>            Ms. B called the Legal Services NYC Unemployment Insurance helpline from a homeless shelter. After working for her employer for 19 years, she was terminated when she was physically unable to return to work after an approved medical leave. Ms. B had given her employer documentation from her doctor stating that she was recuperating from surgery and could not work, but her employer denied her request for additional leave and terminated her employment. When Ms. B applied for unemployment, her employer told the Department of Labor that she was ineligible for benefits because she had violated the company's attendance policy when she failed to report to work at the end of her medical leave. Legal Services NYC represented Ms. B at her hearing and produced evidence that her</p>

Program Name and Allocation	Program Description	Legal Services NYC's Contract Goals and Cost Per Case (where available)	Sample Case Narrative
	rate of \$6,706 per client; our success rate with our SSI funding from the council was approximately 80 percent.		employer had notice that Ms. B's doctor did not clear her to return to work. The Administrative Law Judge found Ms. B eligible for benefits, and the recovery of \$10,530 in unemployment insurance benefits allowed Ms. B to move out of the shelter and get back on her feet.
<b>Earned Income Tax Credit Legal Assistance Project</b> Total grant: \$765,000 Legal Services NYC's share: \$357,500	The EITC Legal Assistance Project complements the work done by the City Council to promote outreach, education, and free tax preparation services for low-income working families who are applying for the EITC. Each family that is represented by Legal Services NYC and Legal Aid can receive an EITC refund of nearly \$6,000 from the federal and state governments. Our help line provides easy access to legal assistance when a client is denied, disallowed or not receiving the credit, and information about eligibility and referral services for those clients who need help applying for the EITC.	<b>Full Representations</b> – 65 cases at \$3,750 per case  <b>Brief Advice and Service</b> – 304 cases at \$375 per case	We represented a 22-year-old who was denied his 2005 EITC dependency exemptions and head of household filing status leaving him with a \$6,337.20 tax liability. By proving that he left college and returned home to live with and support his mother and younger brothers and sisters after they became homeless, we reversed the disallowance and secured his EITC and refund of \$6,785. We provided proof that his father was deceased, that his mother received Food Stamps and had a Section 8 voucher but no other income, and that he had withdrawn from college in Buffalo and was working as a prep cook at Lutheran Medical Center. Significant advocacy was needed to prove that he satisfied the residency test to receive the credits because the family had been living in a homeless shelter, making gathering documentation more complicated.
<b>Keeping Families Together</b> Total grant: \$500,000 Legal Services NYC's share: \$500,000	The Keeping Families Together program <i>saves the City and State money</i> by avoiding or shortening costly foster care and group home placements, avoiding adoption subsidies, and decreasing the likelihood of juvenile justice system involvement. By securing services for families, the program helps keep families together and children out of foster care. averting annual foster	<b>Full Representations</b> – 75 cases at \$3,840 per case  <b>Preventive Services</b> – 56 cases at \$1,920 per case  <b>Brief Advice and Service</b> – 222 cases at \$398 per case  <b>Community Education</b> –	Ms. W came to Legal Services NYC almost a year ago seeking advice regarding an ACS investigation. ACS had repeatedly come into her home and made explicit threats to remove her 13 year old son. The main complaint was the condition of the apartment – entering the front door was difficult; accessing the bedrooms or fire escape was nearly impossible. No repairs had been done in over 20 years, and, in fact, no repairs could be done until the apartment was “deep cleaned.” Like many “compulsive hoarders,” Ms. W and her family were resistant to the idea of strangers coming in to go

Program Name and Allocation	Program Description	Legal Services NYC's Contract Goals and Cost Per Case (where available)	Sample Case Narrative
	<p>care costs of \$15,000 per child and group home costs of \$54,000 per child.</p> <p>While the City's creation of institutional providers in 3 boroughs is a wonderful step, this program is still vital for low-income families because the new City contracts do not fund: work in Queens or Staten Island; pre-litigation advice and counsel; representation of relatives who want to get children out of foster care; or community education. Until all 5 boroughs are funded to do this type of comprehensive work, KFT is still a necessary and relevant program.</p>	<p>16 trainings at \$1,000 per training</p>	<p>through their personal belongings and discard their possessions. Ms. W and the child's elderly father were also both suffering from multiple serious health conditions which prevented them from doing the work themselves. The family was in crisis.</p> <p>Over the past year, a family law attorney and social worker from Legal Services NYC counseled Ms. W through accepting preventive services, working with the agency to get the home in a livable condition, the landlord-tenant issues she potentially faced, and through the death of the child's father this summer. Social work support was crucial in this case – an intern was able to make home visits and document progress in the apartment, and to help the client navigate the child welfare system and the various and competing demands that were being placed on her physically and emotionally. We also helped Ms. W with debt issues, an application for the disability rent exemption program, and various benefit issues that arose with the death of the child's father.</p> <p>Today, ACS and the preventive agency are ready to close Ms. W's case. The agency's assessment is that her son is no longer in any danger of foster care placement.</p>

*\* This funding provides general support to Legal Services NYC to provide legal services to low-income populations for whom no other services are available. It is not assessed on a "cost per case" analysis, but instead provides general back-up funding for all of the work that Legal Services NYC performs.*

*\*\* The scope of services provided for under our HPD contracts is very broad, ranging from counseling and advice for individuals and families, to full representation of a family in court, to representation of groups of SRO tenants challenging illegal eviction by landlords.*



# The Civil Justice Journal



March 26, 2008

## Administration Cuts Legal Services Funding

### Council Must Again Provide Low-income New Yorkers with Access to Justice

The City's FY'09 Preliminary Budget once again cuts out funding for civil legal services for low income citizens that has been put in every year by the City Council. *Citywide Legal Services Assistance, EITC Legal Assistance, HPD anti-eviction, UI / SSI Advocacy, and Keeping Families Together* - all programs that help the neediest New Yorkers - have been completely cut out of the Mayor's Budget.

Here are some stories of help provided with the Council's crucial assistance

- **Brooklyn Legal Services Corp. A (a program of Legal Services NYC)** managed to keep an elderly woman from being evicted by her co-op board. The board complained of odors, debris and a cockroach infestation. However, the court found that the apartment was clean, but needed an exterminator and repairs. The co-op board eventually settled, agreeing to renovate the apartment in exchange for a slight increase in rent. Brooklyn A was able to represent the woman because of **the City Council's support of HPD Anti-Eviction funding.**
- **Legal Services NYC-Bronx** won a case for a tenant that significantly reduced the tenants' rent. A Bronx court found that the landlord was overcharging rent by over \$400 a month. In the decision, the rent was

reduced from \$1,001 per month to \$597.19 per month, and the tenant was awarded the overcharge and treble damages. Without **the Council's funding of Citywide Legal Services Assistance**, Legal Services NYC-Bronx would not have been able to represent the tenant.

- **Legal Services NYC** represented a 55 year old woman with diabetes, arthritis and circulatory problems who had waited 10 months for a hearing on her disability claim. Given delays at the hearing office, she could expect to wait another 14 months for her hearing. Because of the severity of her disability, Legal Services NYC took the case and requested an on-the-record decision from the judge to expedite the process. The judge paid the claim without ever holding a hearing, shortening her waiting period by a year. Legal Services NYC's assistance was **funded by the City Council's UI / SSI Advocacy program.**
- **Legal Services NYC** also represented a single mother who was the victim of identity theft. Because of this, the IRS denied her 2005 and 2006 EITC applications, saying that she was already refunded. By the time Legal Services reached her, she was facing eviction. Legal Services NYC contacted the IRS and managed to help the mother receive her EITC refund, totaling \$8,000, which allowed her to avoid eviction. Legal Services NYC's help was **funded through a City Council appropriation to EITC Legal Assistance.**



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