

Law Services News

HOLIDAY ISSUE



Holiday Issue 2019

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Eva Jimenez, MSW

Social Work and Legal Collaboration Makes Great Strides

Ms. R. who was working with our Disability and Health Unit, presented with a variety of legal issues which included access to services for her 18 year old son. He was disabled, yet had been denied SSI and was not receiving the supports he needed. **Eva Jimenez**, our staff social worker, jumped in to help. Eva provided much needed guidance and advocacy on behalf of Ms. R. and her son,

“Ben.” She worked tirelessly, for over a year, to coordinate with other agencies to get appropriate evaluations completed, which ultimately led to an autism diagnosis for “Ben”.

With this belated diagnosis, **Jim Denson**, a paralegal in the Disability and Health Unit, was successful in winning Ben’s SSI appeal. Ms. Jimenez then submitted an application to OPWDD for much needed ongoing assistance. As a result of this successful collaboration between legal and social work teams, Ms. R. was able to secure income for her son, increase the child support she receives, and keep her family stably housed.



Jim Denson, paralegal



Regan Serlin, Staff Attorney

Thinking Outside the Box to Save Senior's Housing

Regan Serlin, Staff Attorney in NSLS' Disability and Health Unit, recently resolved a dire touch-and-go eviction case. Mr. P, a 76-year old cancer patient with mobility issues, was in danger of being evicted from his safe, rent-stabilized senior housing complex due to rent arrears totaling nearly \$7500. Mr. P had only managed to pay the \$1200 rent on an income of \$1000 per month by exhausting his savings, but now his prospects for paying the arrears and ongoing rent seemed hopeless.

Ms. Serlin learned that his apartment was actually a two bedroom unit, although his rent was the cheapest unit offered in the housing complex. His attorney proposed to Mr. P that he take on a roommate to share the rent. He had difficulty finding someone that would be approved by the Housing Management of the complex, and soon found himself in a District Court eviction proceeding. He agreed to pay the arrears by a date certain with a provision to extend the deadline if he found a viable roommate. Ms. Serlin reached out to the Nassau Office of Community Development for an Emergency Solutions Grant and they suggested a senior citizen who was in desperate need of housing. Luckily, the referral was a match and the potential roommate passed the strict residency requirements of the housing complex. Ms. Serlin then successfully negotiated with the Nassau Department of Social Services to assist with the rent arrears, and given her assurances of the likelihood that the

SPECIAL POINTS OF INTEREST:

- *Pro Bono Week Celebrated*
- *Commitment to Justice Reception Acknowledgements & Photos*
- *NSLS in the Community*
- *NSLS Receives Support from SCBA*
- *Access to Justice is Our Priority*
- *NSLS Receives Accolades, 30th Milestone Anniversaries, Congrats & Welcomes*
- *Message from the Executive Director*



(Continued on page 2)

MEET NSLS' Education and Disability Rights Project (EDRP)

For more than twelve years, the EDRP has worked to assist income-eligible families protect the educational rights of children with disabilities. We are very proud of our staff's accomplishments which includes advocacy at all levels.

Our Recent Cases:

The EDRP team of **Lynn Iacona, Esq.** and **Marcia Vogel, Disability Advocate**, recently represented a 7th grade student who had demonstrated a fundamental weakness in the area of reading and had been a struggling learner for years. As a classified "Learning Disabled" student, he fell further and further behind his peers as each year passed and the school never provided individualized reading support, even though his Individualized Education Program (IEP) indicated that he was performing well below grade level in the area of reading. His parents were very distraught and sought the assistance of the EDRP. Our advocate attended a Committee on Special Education (CSE) meeting and insisted that the CSE recommend comprehensive, specialized evaluations. After the School District failed to conduct the evaluations, we brought a Due Process Complaint. The parents were extremely pleased to have the matter resolved when the District finally agreed to provide 360 hours of one-to-one specialized reading instruction, to be delivered by a certified Wilson reading instructor at the student's home, and also immediately authorized a BOCES specialized evaluation.

In a case that highlights the impact of bullying on a child's education, the EDRP represented an 11th grade student who was classified as "Learning Disabled". The student's



*Lynn Iacona,
Sr. Staff Attorney*

attendance record indicated many absences over the course of two school years due to continuous bullying and threats at school, including threats of physical violence. His extensive absences negatively affected his academic performance and jeopardized his ability to earn a Regents/local diploma. The mother came to the EDRP because, although she had reported the instances of bullying to the School District, the District took no action to assist the student, but instead disenrolled the student without notice to him or his parent! At our direction, the student re-enrolled in the School District and a CSE meeting was requested which the District ignored. The EDRP filed a Due Process Complaint and as a result, the District agreed to provide an appropriate Alternative High School Program of the student's choosing, and 82 hours of home tutoring to make-up for the missed hours of schooling caused by the bullying. At last contact, the tutoring had commenced and the student was enjoying his new school.



*Marcia Vogel,
Disability Advocate*

We also assist homeless students in securing their educational rights and represent students who face residency issues. In addition, we help individuals with disabilities of all ages in the negotiation and appeal of adverse eligibility decisions pertaining to disability related services/programs funded by the Office of People with Developmental Disabilities (OPWDD). Individuals served by our unit must have a physical and/or mental impairment that substantially limits one or more major life activities (e.g. learning, self-care, living independently). For more information about the Project or to make a referral please call 516 292-8100.

(Continued from page 1) **Thinking Outside the Box**

arrears would be paid, the landlord agreed to let the roommate move in. With the new roommate's payment of his share of rent, Mr. P. was able to prove to DSS that he could pay the ongoing rent and as a result, DSS paid the landlord over \$7500 in arrears and saved the housing. Now Mr. P. is able to afford his safe, stable and affordable housing, and a senior looking for housing has a new place to call home.

For more on Seniors and Housing, see p. 3

Nassau's Aging Population Faces a Housing Crisis

(an excerpt from testimony given at the annual public hearing conducted by the Nassau County Office for the Aging on October 18, 2019" by Daniel Okrent, Esq. Senior Citizen Law Project



I represent seniors in NSLS' Senior Citizen Law Project which serves Nassau seniors age 60+. It is funded under Title III B of the Older Americans Act, with supplemental funding from Nassau County Office of the Aging.

The senior population in Nassau County continues to grow and represents some 300,000 people. In fact, more than 1 in 5 Nassau County residents are over 60!

We also have an acute housing crisis on Long Island. Finding affordable housing is a critical issue and a big problem for seniors. For many seniors living in single-family homes, the so-called American Dream has become a nightmare. The suburban single-family home was designed for younger families with children; it was not designed for elderly singles living alone.

The reality of a senior living alone, most likely a widow, often means she is living on Social Security or, she is lucky, maybe a pension. Maybe she's healthy... or maybe not. Even if the mortgage is paid off, there are still high property taxes and utilities to be paid, plus the cost of outside contractors to do home maintenance and repairs. This can result in unsafe and substandard living conditions and sometimes a condemnation proceeding.

The rental housing market on Long Island is also in crisis. Rents have spiked in recent years, making private rental housing unaffordable for many seniors. Long Island also has a lower percentage of rental housing than other suburban areas such as Westchester and northern New Jersey, so rental housing is in short supply.

To make ends meet, many homeowners are renting out rooms in their homes, even if they violate local zoning laws. I often represent sen-

iors in eviction proceedings. Some seniors are not aware of the pitfalls of being a landlord such as tenants who don't pay their rent, and tenants who willfully damage the property, or tenants who may become abusive to an elderly person. And for the senior tenant, even with a generous extension of time, many of my clients cannot find affordable housing. Some end up in shelters, some couch-surf with friends, some are taken in by family, and some leave Long Island altogether.

The affordable housing crisis on Long Island no longer affects just poor people; it now extends to middle-income seniors as well. There is an acute shortage of federally subsidized housing on Long Island, so the waiting lists are 5 to 6 years long. But for many people, the free market for housing is not working on Long Island, and low-income seniors are suffering as a result.

Foreclosure Obstacle Course Ends in a Win!



Ms. A. came to us in 2016 after receiving a notice from Suffolk County that it had taken a tax deed due to property tax arrears dating back from 2012. There were a handful of issues that contributed to her default: her parents' death, IRS delinquencies, title issues and a recent stroke.

After our paralegal, **Aurora Hurtado**, reached out to Suffolk County on behalf of Ms. A., it was explained that the owner may redeem the property by paying the amount of the lien, plus taxes and interest accrued, upon application to the County Comptroller. The County does not accept partial payment after a tax deed, so Ms. A. would have to make a one-time payment of over \$62,000.

Ms. A's NSLS advocate applied for the New York State Mortgage Assistance Program (NYS-MAP) on behalf of the client to help her gather a portion of the monies needed to redeem. (At the time, NYS-MAP was providing 0% interest mortgage loans of up to \$40,000 to eligible homeowners at risk of foreclosure). To be eligible, Ms. A. had to demonstrate a financial hardship and the ability to afford her future housing payments after receiving assistance. She received a conditional notice of approval from NYS-MAP, but she was unable to come up with the additional \$20,000 needed to settle the debt fully.

In August 2018, Ms. Hurtado received notice from Suffolk County that Ms. A.'s redemption application had expired. An alternative solution was to have her local legislator and submit a hardship application. Fortunately, it

(Continued on page 4)

(Continued from page 3) **Foreclosure Obstacle Course**



Aurora Hurtado,
Paralegal

was announced that NYS-MAP would be increasing their maximum loan to \$80,000 and Ms. Hurtado got started on submitting a new application. By this time, the tax arrears had increased to over \$92,000 and the outlook was not promising. But, Ms. A. had been saving her money and could cover some of the costs while NYS-MAP provided a conditional approval, pending approval from the legislature.

In October 2018, Suffolk County brought an eviction proceeding against Ms. A. for habitability concerns. **Stephanie Diemer**, attorney in our Civil Unit represented Ms. A. in the proceeding and the County agreed to adjourn the matter while Ms. Argo replaced the roof (a total out-of-pocket cost of \$9,000 for her). The County refused to withdraw the case until they received notice from Ms. A's local Legislator confirming that they would be sponsoring her.

NSLS met with Legislator Tom Cilmi's office in order to file an application which requires a legislator's submission to the Office of Legislative Counsel for a vote on the merits. The hardship criteria are very strict, and there must be detailed proof. We were delighted that the Suffolk County legal authorities approved the application in June, 2019 and a formal payoff letter was generated.

But there was yet another glitch. The property report flagged down an old mortgage from a third party where the Satisfaction of Mortgage had never been issued. We requested and were granted an extension from Suffolk County, while we worked to get a Satisfaction executed. With the signed Satisfaction of Mortgage signed, we were able to close on the MAP loan, and pay the County over \$90,000 in tax arrears within the 15-day grace period.

Fortunately, the deed has now been transferred back to our client's name, and the eviction matter has been withdrawn. This was a truly a team effort, and everyone's assistance contributed significantly to the outcome.



Stephanie Diemer, Esq.

PRO BONO WEEK CELEBRATED IN OCTOBER!



Photo by Hector Herrera Photography



Photo by Barry Smolowitz

Long Island attorneys joined in the national celebration of Pro Bono Week by offering free consultations, participating in an Open House, a Matrimonial Boot Camp, and a Veterans Clinic. Our pro bono heroes were also honored at a luncheon at the Suffolk County Bar Association. Thanks to our generous volunteers who deliver access to justice to the community during Pro Bono Week and throughout the year!

Information on Sealed Records



Carly Sommers, Esq.

NSLS' ReEntry Project helps low income, formerly incarcerated individuals, with civil matters relating to public benefits, food stamps, Social Security, housing and employment discrimination.

Carly Sommers, Staff Attorney in the Unit, offers this helpful information of Sealed Records:

After 10 Years (CPL 160.59) if you have no more than two misdemeanor convictions or one felony and one misdemeanor conviction, you may be eligible to have those convictions sealed.

- ◇ You are eligible if:
- ◇ You have been crime-free for at least 10 years since your conviction and/or release, and
 - ◇ You have 2 convictions or less on your criminal record. This means no more than two misdemeanor convictions OR one felony and one misdemeanor conviction.
 - ◇ The ten year period starts from the date of conviction or release from prison, whichever is later.
 - ◇ You cannot have had any new criminal convictions or have a current criminal case pending.
 - ◇ Courts have the discretion to seal up to two convictions, only one of which may be a felony.

If you have more than 2 convictions, you may still be eligible if your convictions are related to the same one or two incidents. For example, if you were charged and convicted of multiple crimes during one incident, the court may decide to treat the multiple convictions as one conviction.

For more information see NY Courts website: <https://www.nycourts.gov/courthelp/Criminal/sealedAfter10years.shtml>

Citizenship Clinic

Nassau Suffolk Law Services' Pro Bono Project will be assisting Legal Permanent Residents complete their application for citizenship. The Project promotes the value of citizenship which provides opportunities for increased access to benefits, jobs, and advancement for immigrants, their children, families and future generations to come.

WHAT THE PROGRAM PROVIDES:

- Limited legal assistance to complete the N-400 Naturalization application and Fee Waiver forms.
- Language interpreters
- Applicants **MUST** call for an appointment to be screened for income eligibility and appropriate status
- Call Nassau Suffolk Law Services for more information 631 232-2400



NASSAU SUFFOLK LAW SERVICES 2019 FALL COMMITMENT TO JUSTICE RECEPTION

"A Ray of Light for Justice"

Over 200 guests were in attendance at the beautiful Larkfield in Northport on October 30, 2019. NSLS supporters and well wishers enjoyed a fun-filled evening of good food, spirits, raffles and live music while toasting the honorees for this year's event, with special support from Ruskin Moscou Faltischek, PSEG LI, USI Insurance and Carole and Jim Burns. It all went to benefit the critical legal programs that NSLS provides, free of charge, to low income and disabled individuals in the Long Island community. The fundraiser is organized by dedicated volunteers, led by the Jacob S. Ivry, Advisory Council Chair and Cathy Lucidi, Director of Community Relations who led the NSLS staff team of volunteers.



NSLS Advisory Council



NSLS Board of Directors



Jeffrey A. Seigel, Executive Director presenting Commitment to Justice awards to Honorees: Douglas Ruff, Esq. (far-left), Maria Dosso, Esq. (center) and Ellen Birch of Realtime Reporting.





For more pictures, visit our website:

 www.nslawservices.org





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YOUR DONATION HELPS US TO DO WHAT'S LEGALLY POSSIBLE TO CREATE A JUST WORLD
FOR INDIGENT AND DISABLED LONG ISLANDERS.**

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Together we can make a difference.



LAW SERVICES IN OUR COMMUNITY



Law Services continues its strong ties within the community in an effort 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 October 29, 2019, **Dan Okrent**, Staff Attorney in the Senior Citizens Project attended Project Independence Senior Expo in Port Washington. Dan staffed a table and handed out brochures and gave out information about the services we provide.

On November 15, Dan also attended Stony Brook Medical Symposium and spoke on Medicaid issues. He also gave out information regarding Powers of Attorney.

On that same date, he also attended a Conference on Co-occurring Disorders at Hofstra University where he gave a discussion on many legal topics and handed out brochures.

Erika Verrill, attorney in the Adult Home Project, conducted a lively training for the Suffolk County Ombudsman Services at their In-Service Training. The



seminar, entitled "GET OUT!" focused on a comparison of eviction proceedings in Assisted Living, Adult, and Nursing Home facilities. One of Erika's frequent community trainings, this hour-long session included Q & A and was attended by about 45 people who benefited from the valuable legal overview.



On November 7, 2019 **Catherine Mendolia** and **Hailey Kantrow**, both Staff Attorneys in the Veterans Rights Project, attended the Veterans Resource Fair at the Middle Country Library, where they spoke to attendees about the type of representation provided through the Project.

On November 26, 2019 **Dolores Sclafani**, Paralegal in the Veterans Rights Project attended the Veterans Winter Stand Down at the Freeport Armory.

Dolores staffed a table and handed out brochures to the many veterans in attendance.

NSLS WORKS WITH COMMUNITY AGENCY TO HELP SANCTIONED CLIENT WITH DISABILITY

Mr. D. was on public assistance and missed an appointment that was scheduled to assess his employability. As a result, the Department of Social Services (DSS) notified him that they intended to stop his benefits for 180 days. He did not reach out to NSLS' Public Benefits Unit until after the 60 day statute of limitations had run on appealing the matter. He told **Robin Sparks**, his attorney, that the reason he missed the appointment was because, "I am mentally ill. I get such anxiety about appointments like this that I can't go. I pace in my room and cry instead. I feel overwhelmed about everything." He made this statement as he paced and cried in his attorney's office. He understood that the interruption in benefits for this length of time would be tragic because he lived in a sober house and would not be able to pay the rent and would soon be homeless.



Robin Sparks, Staff Attorney

Without the option of a fair hearing, Robin tried another strategy to help Mr. D. with this issue. She asked a therapist at the Family Service League to write a letter stating her impression of Mr. D's ability to comply with DSS' work requirements. The letter stated that the therapist had been treating Mr. D as his psycho-therapist for several months and his diagnosis of a severe anxiety disorder, and severe Major Depressive Disorder with recurrent episodes, greatly impacted his abilities. In her opinion, this included his functioning at work, making and keeping appointments, and other stressors. She substantiated that he was easily overwhelmed which results in confusion and lapses in memory and cognitive functioning. When severely anxious, she wrote, he may be completely unable to function.

NLSL STAFF RECEIVES SUPPORT FROM SCBA

Thanks to the **Appellate Practice Committee of the Suffolk County Bar Association** that conducted a moot court on Dec. 3 in preparation for Beth Zweig's argument before the Court of Appeals in January! Beth is well prepared and up to the challenge!



Access to Justice is our priority

Long Island has led the way in New York State to develop services to meet the community's legal needs and close the justice gap by providing meaningful access to justice for all. In **Nassau County**, a Community Legal Help Day offers bimonthly consultations to its residents. **Suffolk County's** Access to Justice Committee first spearheaded these efforts when it was formed last year as a result of input from Suffolk stakeholder agencies. Through direct and indirect legal assistance and a wide range of legal services, collaboration among legal service providers with the support of the courts, seeks to expand awareness about these services.

Help us spread the word about these [resources](http://www.nslawservices.org) found on our website, www.nslawservices.org, so that more people can find out about legal assistance available to residents of Suffolk County. Many of these resources are also available to Nassau County residents as its Access to Justice efforts expand.

(Continued from page 9) NLSL Works with Sanctioned Client

Ms. Sparks asked DSS to review the therapist's letter, and asserted that the assessment documents clearly showed that Mr. D. had been unable to keep the assessment appointment because of his mental impairment. As such, she argued that the imposition of the sanction would be a penalty in violation of the Americans with Disabilities (ADA). She asked that DSS lift the sanction as a "reasonable accommodation." In light of this compelling evidence, DSS advised NLSL that they agreed to lift the sanction retroactively. DSS's response was very gratifying given the limited options available for this disabled client. Congratulations to Robin Sparks for persevering in this compelling case.

Congratulations for 40 Years of Service to NSLS!



Nancy Green
Dir. of Office Administration and Information Technology

Congratulations for 30 years of service to NSLS!



Maureen Marmero
Executive Assistant



Carrie Vasiluthi
Staff Attorney



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!



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Congratulations to **Brenda Rumaldo** on her recent promotion to paralegal in the Nassau Volunteer Lawyers Project.

Welcome **Kathleen Maher**, Staff Attorney Nassau Foreclosure Prevention Project

Congratulations to **Nora Gonzalez**, paralegal in NSLS' Public Benefits Unit, who was awarded the *Unsung Hero* recognition at Long Island Business News' Leadership in Law Awards. She was joined by a table of NSLS colleagues who attended the gala on November 21, 2019 in support of this well deserved recognition!



Nora Gonzalez, on the right, receives her award

Congratulations to **Angela Lampe**, Social Worker in our Disability/Health Unit. On Dec 2, 2019, World AIDS Day, the NuHealth HIV Program honored her work in recognition of her community involvement with the David Project. Ms. Lampe was presented the award by Dr. Janice Verley, Dir. NUMC HIV Program.



Maria Dosso, Director of Communications and Volunteer Services, is retiring from NSLS after 30+ years of service. Maria practiced in our Mental Health Law Project during her early years and later focused on developing NSLS' Legal Support Center for Advocates, the agency's pro bono programs, and coordinates NSLS' community education initiatives, social media, and public relations. The Suffolk County Bar Association recently presented her with an award for her leadership in pro bono programs. We wish her all the best in her new endeavors.



Maria Dosso is presented with SCBA award by Hon. C. Randall Hinrichs, District Administrative Judge, Suffolk County

Photo by Barry Smolowitz

Nassau/Suffolk Law Services Committee, Inc.

1757 Veterans Memorial Highway, Ste 50

Islandia, NY 11749

Message From the Executive Director



Jeffrey A. Seigel,
Executive Director

As we approach the end of another year, I want to express my sincere appreciation to the Long Island community for all the support and goodwill that enables NSLS to serve our neighbors who are experiencing legal and personal turmoil in their lives.

During the past year we have worked diligently to advance the mission of access to justice in our community and have launched new initiatives and strengthened our existing collaboration with the courts, the local bar associations, the law schools, the public libraries, and community agencies. We are grateful to the NYS Office of Court Administration and the Permanent Commission on Access to Justice for their continuing support in insuring that Long Island's pilot projects are successful.

I am also pleased to report that our recent fundraiser exceeded our expectations and will help us to achieve our goals for next year as we continue to provide free, quality legal assistance to low income and disabled clients while expanding our services to new ventures in an effort to reach a greater number of people.

Finally, it is with much emotion that I congratulate Maria Dosso on her impending retirement (see p. 11). As Editor in Chief of the *Law Services News*, she has for many years produced a superb resource used by advocates throughout Long Island. I thank her for her hard work and dedication to our mission and wish her the very best of luck.

The staff, Advisory Council, and Board of Directors wish you all the best for the holiday season and the New Year.