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April 28th, 2023

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## ADVOCACY TIPS FOR APRIL

### ONE

**Student Loan Tip! Did you know the federal government does not need to take you to court to garnish your wages if you defaulted on paying your federal student loans?** They can do so administratively. If you are at risk of having your wages garnished for defaulting on your student loans, you will receive a notice 30 days before the garnishment begins. There is information in the notice about the amount being garnished, how to request a hearing, and possible defenses you may raise to stop the garnishment.

For more information on how to stop wage garnishments due to a student loan default, [please visit EDCAP's website.](#)

*Nassau Suffolk Law Services is a participating agency in the EDCAP (Education Debt Consumer Assistance Program) Network. EDCAP helps New Yorkers navigate the student loan system regardless of the type of education debt, federal or private. EDCAP offers free, one-on-one counseling with our student loan experts who only have your best interests at heart. Nassau Suffolk Law Services can also assist when a defendant is being sued on a higher education debt matter. Please contact the EDCAP helpline at (888) 614-5004 or be screened for legal services by Nassau Suffolk Law Services at (516) 292-8100.*

### TWO

#### Affordable Housing Updates!

**Town of Hempstead Housing Authority** will be accepting applications **between 4/3/2023 and 5/1/2023** for affordable housing for elderly (62 plus) and disabled adults (receiving SSD or SSI) in their 14 complexes as well as affordable housing for families available at 2 of their complexes. Please see the [Town of Hempstead website for more](#)

[information](#). Town of Hempstead residents can call 516-485-9666 starting April 1 to have an application mailed to them.

*Nassau Suffolk Law Services Civil Units assist Nassau and Suffolk residential tenants with Section 8 termination hearings. Please call the office closest to you to see if you are eligible for legal services. Interpreters are available. Suffolk residents west of 112 can call 631-232-2400 and east of 112 can call 631-369-1112. Nassau residents can call 516-292-8100*

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## THREE

The Emergency and Second Emergency HEAP benefit for 2022-2023 closed on April 28th, 2023. **The 2022-2023 Cooling Assistance benefit is scheduled to open on May 1, 2023.** If you or a client are eligible, you may receive one Cooling Assistance benefit per applicant household for purchasing and installing an air conditioner or a fan to help your home stay cool. When an air conditioner cannot be safely installed, a fan will be provided. Only one air conditioner or fan will be provided per applicant household, not to exceed \$800 with installation for a window, portable air conditioner, or fan and not to exceed \$1,000 for an existing wall sleeve unit. No additional HEAP cash benefits are available. [For more information, please visit the OTDA website.](#)

*NSLS' Public Benefits Unit provides legal assistance to persons who experience problems with public benefits programs that are administered by the local Departments of Social Services, including:*

- *Welfare (TANF and Safety Net)*
- *Medicaid*
- *Food Stamps (SNAP)*
- *Child Care Assistance*
- *HEAP*
- *Emergency shelter for the homeless*
- *Unemployment insurance appeals and overpayments*
- *Other emergency assistance programs*

*We also assist low-income households in establishing Supplemental Needs Trusts to eliminate the Medicaid spend-down and assist homeless families to obtain rent supplements from DSS to enable families to leave the shelters or retain permanent housing. Suffolk residents west of 112 can call 631-232-2400 and east of 112 can call 631-369-1112. Nassau residents can call 516-292-8100.*

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## FOUR

**Important Information for Non-Disability SSI Appeals!** On April 3, 2023, the Eastern District of New York approved a settlement agreement in *Amin v. Kijakazi*, a case filed against the Social Security Administration (SSA) for the harm caused to extremely low-income older adults and people with disabilities across the country who lost vital benefits because of the agency's failure to timely process appeals and follow its own rules for processing appeals. The settlement provides wide-reaching relief by extending the period from 10 to 60 days during which Supplemental Security Income (SSI) recipients can file a request for reconsideration and continue receiving benefits while their non-disability appeal is pending.

In October 2021, SSA issued a new policy (Emergency Message re: Goldberg Kelly Benefit Continuation Period) providing for an automatic presumption of good cause for late filing where a reconsideration request is made up to 60 days after receipt of the Notice of Planned Action to suspend or reduce their benefits, allowing for an SSI recipient to continue receiving their benefits while their request for reconsideration is pending. If an SSI recipient has filed a timely request for reconsideration but does not continue to receive their benefits while their appeal is pending, then their representative should first contact the manager of their local office and reference the **Emergency Message (EM-**

## FIVE

**OTDA ERAP portal CLOSED on January 20th, 2023 due to lack of funds.** OTDA (Office of Temporary and Disability Assistance) is currently processing eligible ERAP (Emergency Rental Assistance Program) applications submitted through December 31st, 2022. This means that if a tenant submitted an ERAP application through OTDA *before* December 31st, 2022, then OTDA will be denying or approving the application soon. Eviction proceedings should be stayed (temporarily stopped) if there is a pending ERAP application until there is a final decision including going through any appeals process. **The Towns of Islip, Hempstead, and Oyster Bay have a separate portal where residents can apply.** See the information below. For the New York State Program, applications from subsidized housing tenants whose rent is limited to a certain percentage of income (e.g. section 8) are not currently able to be paid. State law requires that these applications be paid after all other eligible applicants have been reviewed and paid. Therefore, at this time, none of the subsidized housing applications can be paid regardless of the date their application was submitted. For the Oyster Bay and Hempstead programs, subsidized housing tenants may apply but only to the extent of the tenant's paid portion of the rent and utilities that remain after adjustment by the subsidy provider for changes to household income. If you receive a decision on your ERAP application that you disagree with, make sure to appeal within thirty (30) days by calling 844-691-7368 or filling out the [OTDA online application form](#).

### **Residents of Hempstead**

ERAP program is **currently** accepting applications. For more information, visit [Town of Hempstead Emergency Rental Assistance Program \(lihp.org\)](#). Questions? Call 631-435-4710 or email [hempstaderap@lihp.org](mailto:hempstaderap@lihp.org).

### **Residents of Islip**

**Applications submitted after December 31st, 2022 will be placed on hold until further funding is available.** Apply through Town of Islip: [Community Development Agency \(islipcda.org\)](#). Questions? Call (631) 647-5683 or email [erap@islipcda.org](mailto:erap@islipcda.org)

### **Residents of Oyster Bay**

**The last day to submit an ERAP application will be May 19th, 2023 by 5pm.** For more information, visit [Town of Oyster Bay Emergency Rental Assistance Program \(lihp.org\)](#). Questions? Call (631) 435-4710 or email [oysterbayerap@lihp.org](mailto:oysterbayerap@lihp.org).

### **OTHER RENTAL ASSISTANCE PROGRAMS**

**Suffolk and Nassau County DSS-** The Department of Social Services has programs available to provide help with receiving shelter or rent arrears to prevent homelessness. Please visit <https://otda.ny.gov/workingfamilies/dss.asp> to find the contact information for your local Department of Social Services.

*Nassau Suffolk Law Services, in partnership with Empire Justice Center, can now assist Nassau and Suffolk residential tenants with housing-related legal problems (like eviction) and a household income of up to 80% of the Area Median Income. Services are available through this partnership regardless of immigration status. Please call the office closest to you to see if you are eligible for legal services. Interpreters are available. Suffolk residents west of 112 can call 631-232-2400 and east of 112 can call 631-369-1112. Nassau residents can call 516-292-8100. [Feel free to share our flyer in both English, Spanish, and Haitian-Creole](#)*

## UPCOMING PRESENTATIONS

**LEGAL SUPPORT CENTER FOR ADVOCATES TRAINING:**  
**An Overview of Mental Health Housing on Long Island**

**THURSDAY • MAY 25, 2023**  
**1:00PM-2:00PM**

May is Mental Health Awareness Month! The Legal Support Center for Advocates presents "**An Overview of Mental Health Housing on Long Island**" on May 25th, 2023 from 1:00pm to 2:00pm. Join Supervising Attorney, Paola Arango, in learning about the different types of mental health housing including an overview of the tenant application process and the rights of tenants in the event of an eviction. [Please register to attend the training.](#)

**PREVIOUS LSCA TRAININGS**

The Legal Support Center for Advocates Training: "**Let's Keep Kids Safe from Bullying: An Overview of the Dignity for All Students Act**" was held virtually on April 27th, 2023. Nassau Suffolk Law Services Supervising Attorney, Lynn Iacona, provided an overview of New York's Dignity for All Students Act (DASA) which seeks to provide the State's public elementary and secondary school students with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, a school bus and/or at a school function. [Check our website next week for the recording and slides!](#)

The **Social Security Overview: the Application and Appeal Process** LSCA training was held virtually on March 30th, 2023. Nassau Suffolk Law Services Supervising Attorney Sarah Kupferberg reviewed the process for applying for social security disability (SSD and SSI) benefits including the standard and appealing an unfavorable decision. [Please register to view the training.](#)

The **Know Your Rights about Consumer Debt and Consumer Protection** LSCA training was held virtually on March 2nd, 2023. The Nassau Suffolk Law Services Consumer Debt Unit hosted a "Know Your Rights" for consumer debt and consumer protection basics including new laws pertaining to consumer debt and what to do if you have been the victim of a scam. [Please register to view the training. The slides can be viewed on our website as well.](#)

The **Basics of SSI/SSDI Cessation and Overpayment** LSCA training was held virtually by Supervising Attorney John Batanchiev on December 2nd, 2022. This presentation gave an overview of when the Social Security Administration determines that a client does not qualify for SSDI or SSI resulting in an overpayment to the government. We discussed basic information about the SSDI and SSI programs, the income and resource limits for each program, what a cessation and overpayment issue is, and the ways to resolve it for a client. Please register to [view the training.](#)

The **Family Law Basics for Advocates** LSCA training was held virtually by Supervising Attorney Larry Tuthill, Domestic Violence Unit Staff Attorney Kayla Schunk, and Family Law Unit Staff Attorney Vicki Davies on October 27th, 2022. This presentation gave an overview of the basics of common family law topics including custody, support, and orders of protection and where you or your clients can go for more help. Please register to [view the training.](#)

The **Navigating Special Education in New York** LSCA training was held virtually by Danielle Leake, Education and Disability Rights Unit Staff Attorney, on September 8th, 2022. Ms. Leake gave a general overview of both federal and state special education laws, as well as provided a step-by-step guide on how to navigate and secure special education services for students with disabilities in New York State. Please register to [view the training.](#)

[Links to all of our prior trainings can be found on our website.](#)

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If your organization is interested in having Nassau Suffolk Law Services present on what services we provide or a specific area of law, please contact the Legal Support Center for Advocates at 631-232-2400 extension 3324 (advocates only).

## UPCOMING CLINICS, EVENTS, AND LEGAL HELP RESOURCES

### We recently updated our Education Fact Sheets:

[Beyond COVID-19 School Closures \(Questions for Families\) or](#)

[Beyond COVID-19 School Closures \(Students With Existing IEPs or Section 504 Plans\).](#)

Feel free to download and share. Other self-help legal resources in the area of Consumer Law, Family Law, Housing Law, Medical, Public Benefits, Social Security, and Veterans can be [found on our website.](#)



### Beyond COVID-19 School Closures: Questions for Families

#### Is the school mask mandate still in effect?

No. NY Governor Hochul recently announced that as of March 2, 2022, individual school districts can decide whether to lift the mask requirement. Individual students and staff members still have the option to wear masks. School districts and private schools can still require face coverings if they want to do so. The governor made the announcement after the CDC declared that, under its new guidelines, Long Island is now a "green zone" where mandatory masking is no longer needed in schools or indoor public places.

Schools that require people to wear a mask should consider the possibility of reasonable accommodation for individuals who are not fully vaccinated and/or who are unable to wear or have difficulty wearing certain types of masks because of a disability. (According to the U.S. Dept. of Education, reasonable accommodations in the education system may refer to related aids and services in the elementary and secondary school context or to refer to academic adjustments, reasonable modifications, and auxiliary aids and services in the postsecondary school context.)

#### What about remote learning?

So long as allowed by public health officials, schools should be open for in-person teaching and learning, and students should be in school.

- In case of school closure due to a declared public health emergency, schools must be prepared to provide remote instruction.
- While the Department of Education will not require schools that are open for full-time, in-person instruction to provide online or remote instruction, districts may work with students and families to offer remote options if it is deemed to be responsive to a student's needs.
- Where a student has a documented medical condition and is prohibited from in-person learning, remote instruction may be sought.

#### What if my family doesn't have access to the technology we need for remote learning?

School districts must determine home access to an appropriate device and reliable high-speed internet. They should work with families to provide devices and internet access as needed and provide students with multiple ways to participate in learning.

#### Have the Regents and other examinations changed? Recent Cancellation of Regents

In addition to the Regents exams that were canceled early on in the pandemic, the January 2022 administration of the High School Regents Examination Program was canceled, due to the ongoing COVID-19 concerns. This cancellation applied to all Regents Examinations that had been scheduled for the January 2022 Regents examination period. (continued on next page.)

- NYSED** - New York State Education Department
- CSOS** - Committee on Special Education
- GED** - Individualized Education Program
- HSE** - Due Process Complaint

1 of 4

<https://www.nslawservices.org>

### DO YOU NEED HELP WITH A LEGAL PROBLEM?

The Community Legal Help Project will have volunteer attorneys giving free legal information to Suffolk County residents ONLY. Dates and locations listed below.

<p><b>TUESDAY   MAY 2   3PM-5PM</b>  <b>BRENTWOOD PUBLIC LIBRARY</b>                  ATTORNEY WILL BE AVAILABLE TO DISCUSS MATTERS RELATING TO:                  Family Child Support, Visitation, Custody                  • Criminal                  • Immigration</p>	<p><b>THURSDAY   MAY 5   3PM-6PM</b>  <b>MIDDLE COUNTRY PUBLIC LIBRARY AT CENTEREACH</b>                  ATTORNEY WILL BE AVAILABLE TO DISCUSS MATTERS RELATING TO:                  • Family Child Support, Visitation, Custody, Order of Protection, CPS, Not Fair Hearings or Appeals                  • Matrimonial                  • Criminal (Traffic/Motor Vehicle, Boat, conviction)                  • Immigration</p>
<p><b>TUESDAY   MAY 9   2PM-5PM</b>  <b>BRENTWOOD PUBLIC LIBRARY</b>                  ATTORNEY WILL BE AVAILABLE TO DISCUSS MATTERS RELATING TO:                  • Family Child Support, Visitation, Custody, Order of Protection, CPS, Not Fair Hearings or Appeals                  • Matrimonial                  • Criminal (Traffic/Motor Vehicle, Boat, conviction)                  • Immigration</p>	<p><b>THURSDAY   MAY 11   3PM-6PM</b>  <b>MIDDLE COUNTRY PUBLIC LIBRARY AT CENTEREACH</b>                  ATTORNEY WILL BE AVAILABLE TO DISCUSS MATTERS RELATING TO:                  • Family Child Support, Visitation, Custody                  • Matrimonial                  • Bankruptcy and Foreclosure</p>
<p><b>TUESDAY   MAY 16   2PM-5PM</b>  <b>BRENTWOOD PUBLIC LIBRARY</b>                  ATTORNEY WILL BE AVAILABLE TO DISCUSS MATTERS RELATING TO:                  • Family Child Support, Visitation, Custody                  • Matrimonial                  • Criminal                  • Senior Citizen**</p>	<p><b>THURSDAY   MAY 18   3PM-6PM</b>  <b>MIDDLE COUNTRY PUBLIC LIBRARY AT CENTEREACH</b>                  ATTORNEY WILL BE AVAILABLE TO DISCUSS MATTERS RELATING TO:                  Family Child Support, Visitation, Custody                  • Criminal                  • Senior Citizen**                  • Landlord/Tenant</p>
<p><b>TUESDAY   MAY 23   2PM-5PM</b>  <b>BRENTWOOD PUBLIC LIBRARY</b>                  ATTORNEY WILL BE AVAILABLE TO DISCUSS MATTERS RELATING TO:                  • Family Child Support, Visitation, Custody                  • Matrimonial                  • Criminal                  • Immigration                  • Bankruptcy</p>	<p><b>THURSDAY   MAY 25   3PM-6PM</b>  <b>PATCHOGUE MIDDLE LIBRARY</b>                  ATTORNEY WILL BE AVAILABLE TO DISCUSS MATTERS RELATING TO:                  Family Child Support, Visitation, Custody                  • Matrimonial                  • Criminal</p>
<p><b>TUESDAY   MAY 30   2PM-5PM</b>  <b>BRENTWOOD PUBLIC LIBRARY</b>                  ATTORNEY WILL BE AVAILABLE TO DISCUSS MATTERS RELATING TO:                  • Family Child Support, Visitation, Custody                  • Matrimonial                  • Criminal</p>	<p><b>THURSDAY   MAY 31   3PM-6PM</b>  <b>MIDDLE COUNTRY PUBLIC LIBRARY AT CENTEREACH</b>                  ATTORNEY WILL BE AVAILABLE TO DISCUSS MATTERS RELATING TO:                  • Family Child Support, Visitation, Custody                  • Matrimonial                  • Bankruptcy and Foreclosure</p>

**Assisting residents over the age of 60 years old (Medical Applications, Wills, Living Wills, Power of Attorney, Healthcare Proxy, Medicaid Fair Hearing)**

**APPOINTMENT LOCATIONS:**  
**BRENTWOOD PUBLIC LIBRARY**  
 34 Second Ave.  
 Brentwood, NY 11717

**MIDDLE COUNTRY PUBLIC LIBRARY AT CENTEREACH**  
 101 Eastwood Blvd.  
 Centereach, NY 11730

**PATCHOGUE MIDDLE LIBRARY**  
 54-60 E Main St.  
 Patchogue, NY 11772

**Appointments preferred, walk-ins welcome.**  
 Call (631) 822-3272 for more information or to schedule an appointment with an attorney.

### Upcoming Community Legal Help Project dates

Our Community Legal Help Project will be at the Brentwood Public Library every Tuesday and the Middle Country Public Library (Centereach) every 1st, 2nd, and 3rd Thursday. **During the month of May, we will be at the Patchogue Library on the last Thursday of the month!** Appointments are preferred but walk-ins are welcome. To make an appointment or for other legal issues not listed, please call our hotline at (631) 822-3272.

Our Community Legal Help Project April Flyers are in both English and Spanish and can be found on [our website.](#)

The Community Legal Help Project is seeking volunteer attorneys with experience in matrimonial, family, and immigration law to give half-hour consultations during our library hours. If you are interested, please [email us](#) today!

## 2023 SPRING COMMITMENT TO JUSTICE GALA



# NASSAU SUFFOLK LAW SERVICES *is proud to announce our*

## 2023 COMMITMENT TO JUSTICE RECEPTION SPRING INTO ACTION FOR JUSTICE

BARBARA J. MEHRMAN  
COMMITMENT TO JUSTICE HONOREE



**Jeffrey M. Kimmel, Esq.**  
NSLS Advisory Council Member  
Managing Partner, CEO  
Salenger, Sack, Kimmel & Bavaro, LLP

COMMUNITY PARTNER  
IN JUSTICE HONOREE



**Joyce Lewis**  
Chief Operating Officer  
Visions To Opportunity

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## NSLS OPEN POSITIONS

**Are you looking to give back to the community while also getting paid?** We would love to have you apply for our currently open attorney, paralegal, and receptionist positions. To find out more, go to [our website](#).

## WINTER 2023 NEWSLETTER

Our Winter 2023 Newsletter is Here! If you did not receive a copy of your Winter 2023 newsletter in the mail, we are pleased to [offer you our digital version.](#)

The Winter 2023 Newsletter features stories from our ICAN Unit, Senior Citizen Law Project, Education and Disability Rights Project, Suffolk Civil Unit, Social Security, and the Community Legal Help Project. Find out about our engagement in the community and read client testimonials. Additionally, check out our special Pro Bono Attorney page, our "Profiles in Commitment," pictures from the 2022 Gala, and NSLS staff and Advisory Council News. Lastly, find out the details for our 2023 Gala. Thank you to everyone who contributed to the newsletter and thanks for reading!



## LAW SERVICES NEWS

WINTER 2023 NEWSLETTER OF NASSAU SUFFOLK LAW SERVICES

MESSAGE FROM THE EXECUTIVE DIRECTOR

*Victoria C. Osh, Esq.*



Nassau Suffolk Law Services has proudly provided free legal services to the community for over five decades. With the help of our supporters and staff, we have braved the public health crisis and continue to collaborate with our clients to find a new normal during these unprecedented times.

During this era of universal hardship, our clients' needs developed over time. For instance, during the pandemic, court access was minimized to curtail transmission of the virus. As a result, the policies in Nassau and Suffolk County courts shifted daily, which kept staff, clients, and advocates unsure how to proceed. Thankfully, with the help of the courts and other community stakeholders, Law Services' prioritization of aiding those in need prevailed through improvisation, informal advocacy, and administrative hearings. Law Services is proud of our deep commitment to ensuring all clients have their basic needs met throughout this period of uncertainty.

In continuing our mission to provide a holistic approach to civil legal services for our clients, we are excited to share great developments that are underway furthering our deep commitment to housing preservation. New York State is embarking on a new chapter to provide protections for those struggling to maintain safe, stable, and affordable housing outside of New York City. As the state continues to make historic investments in this area, Law Services staff is growing and working tirelessly to aid our neighbors in need. We have hired about fifteen more staff attorneys to assist with housing law matters, and we continue to hire more to keep up with the increasing demand. We plan to have Law Services staff members physically present in both Nassau and Suffolk County courts daily, assisting with housing matters.

In addition to developing our housing preservation practice, we will be prioritizing aid for individuals with disabilities and individuals struggling with consumer debt in our community, including student and educational debt issues. It is through the help of our staff, advocates, and supportive community members that we can continue to make a difference by doing what is legally possible to create a just world.



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## VOLUNTEER OPPORTUNITIES



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*we need you*

## Matrimonial, Family Law, and Immigration Volunteer Attorneys Needed

TO ASSIST WITH ACCESS TO JUSTICE BY:

GIVING 30 MINUTE CONSULTATIONS TO ASSIST OUR SUFFOLK COMMUNITY LEGAL HELP PROJECT (ALL AREAS)

AND/OR

PROVIDING FULL REPRESENTATION FOR NASSAU AND SUFFOLK DOMESTIC VIOLENCE VICTIMS AND LOW-INCOME RESIDENTS (MATRIMONIAL AND FAMILY)

Contact Sharon Campo at [scampo@nsls.legal](mailto:scampo@nsls.legal) or (631) 232-2400 ext. 3368.

**A little more about our volunteer needs:**

- Volunteer attorneys needed to assist pro bono clients with direct client representation in family, bankruptcy, matrimonial, and elder law
- Law Student / Paralegal/ Pre-law undergraduate internships
- Assist Law Services Staff with intake, case analysis, case referral,

- Provide half-hour legal consultations with our Suffolk County library project in immigration, matrimonial, family, landlord/tenant, elder, consumer, and more
- and recruitment of volunteer attorneys
- Nassau County Volunteer Landlord/Tenant Attorney for a Day

## GIVE AND MAKE A REAL DIFFERENCE FOR LONGISLANDERS IN NEED

This year we reach out to all of our supporters in hopes that you will continue to support Law Services, the largest provider of free civil legal assistance to Long Islanders in need. The past few years have shown us when we help, respect, and support each other, together we can accomplish anything, and our Long Island communities will once again thrive. For many Long Islanders, having a stable income, permanent housing, access to healthcare, and, most importantly, access to equal justice under law, gives them the support they need to begin to rebuild their lives. Your continued support can really make a difference to your neighbors in need by assisting Nassau Suffolk Law Services in "Doing What's Legally Possible to Create a Just World." We are Long Islanders helping Long Islanders.

[Support Law Services' Programs](#)

NASSAU SUFFOLK LAW SERVICES  
631 232-2400 | 516 292-8100 | 631 369-1112  
[www.nslawservices.org](http://www.nslawservices.org)

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