## May 30th, 2024

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## LAW SERVICES

Doing what's legally possible to create a just world since 1966.

## ADVOCACY TIPS FOR MAY

## ONE

## New Protections for Older Homeowners with Home Equity Conversion Morgage (HECM) Reverse Mortgages

The U.S. Department of Housing and Urban Development (HUD) recently made significant improvements to the options available for reverse mortgage borrowers at risk of foreclosure due to property charge default. The agency enhanced the program by eliminating the ban on successive repayment plans for larger arrears and clarified that HOA and condominium fees may be included in a repayment plan, at the servicer's discretion.

HUD has also improved the "At-Risk Extension" option that allows a reverse mortgage servicer to delay foreclosing when the borrower in default on property charges is over age 80 and either they or another member of the household has a critical health circumstance. Under updated rules announced in a new version of the FHA Servicing Guide that takes effect April 29, 2024, the At-Risk Extension stays in place for as long as the borrower is residing in the home, removing any need for an annual renewal.

To read more and learn about other protection for reverse mortgage borrowers, please review the practice tip by the National Center of Law and Elder Rights.

Nassau Suffolk Law Services' Foreclosure Prevention Project provides free legal services to homeowners hoping to prevent foreclosure of their homes. Services provided include:

- Legal representation at the various stages of the foreclosure process, including at mandatory court settlement conferences, drafting pleadings, and drafting and opposing motions
- Assist borrowers pursuing loss mitigation options, including loan modifications
- Advice and Counsel

The Project is part of the HOPP network, a Statewide coalition that includes HUD-certified housing counseling agencies. As such, we will make referrals to and collaborate with HOPP-funded, non-profit housing counseling agencies. Clients must reside in the homes subject to foreclosure and have low to moderate income for Long Island as annually set by HUD. Nassau residents can call (516) 292-8100 and Suffolk residents can call (631) 232-2400 to be screened for eligibility.

## TWO

#### Three New Regulatory Changes Will Help Expand Access to SSI

The Social Security Administration (SSA) recently finalized three Supplemental Security Income (SSI) rules that will reduce barriers and expand access to SSI. These rules impact in-kind support and maintenance (ISM) determinations, in which an individual's SSI benefit can be reduced by up to one-third if SSA determines that they are getting in-kind help with food or shelter from others. These changes will help older adults and individuals with disabilities who live in low-income households to qualify for SSI and receive the full SSI benefit, reduce reporting burdens, and ensure that food received from friends and family is not counted as income that reduces an individual's SSI benefit. **These rules will go into effect on September 30, 2024.** 

(1) Expand definition of a "public assistance" household: Adds Supplemental Nutrition Assistance Program (SNAP) as a public assistance benefit and defines public assistance household as one where at least one other member of the household receives a public assistance benefit. <u>See SSA press release</u>.

(2) Food (for example from family and friends) will no longer be counted as income, no matter the source, and thus won't reduce an SSI recipient's benefits. <u>See SSA press</u> release.

(3) SSA will not reduce the SSI recipient's benefit if their landlord charges less rent than they charge someone else. Please note, New York already has this in place. <u>See SSA press release.</u>

To learn more, please review Justice in Aging's fact sheet.

The Disability Advocacy Project (DAP) assists disabled persons in appealing the initial denial of Supplemental Security Income (SSI) and Social Security Disability (SSD) applications. Eligibility for services is usually based on the receipt of Temporary Assistance (cash public assistance) from the Department of Social Services. Nassau residents can call (516) 292-8100 and Suffolk residents can call (631) 232-2400 to be screened for eligibility.

## THREE

#### Biden Administration Issues Final Rule Combatting Disability Discrimination

On May 1, 2024, the Office for Civil Rights at the U.S. Department of Health and Human Services (HHS) <u>finalized new regulations implementing Section 504 of the Rehabilitation</u> <u>Act of 1973</u>, which prohibits Medicare and Medicaid providers and other recipients of federal funding from discriminating against people with disabilities. HHS has updated the regulations to clarify obligations in several critical areas. Specifically, the rule:

- Ensures that medical treatment decisions are not based on negative biases or stereotypes about individuals with disabilities, judgments that an individual with a disability will be a burden on others, or dehumanizing beliefs that the life of an individual with a disability has less value than the life of a person without a disability.
- Prohibits the use of any measure, assessment, or tool that discounts the value of a life extension on the basis of disability to deny, limit, or otherwise condition access to an aid, benefit or service.
- Defines what accessibility means for websites and mobile applications and sets forth a specific technical standard to ensure that health care and human service activities delivered through these platforms are readily accessible to and usable by individuals with disabilities.
- Adopts the U.S. Access Board's standards for accessible medical diagnostic equipment, like exam tables and mammography machines.
- Details requirements to ensure nondiscrimination in the services provided by HHSfunded child welfare agencies, including, but not limited to, reasonable efforts to

prevent foster care placement, parent-child visitation, reunification services, child placement, parenting skills programs, and in- and out-of-home services.

• Clarifies obligations to provide services in the most integrated setting, like receiving services in one's own home, appropriate to the needs of individuals with disabilities.

Additionally, the Final Rule updates existing requirements to make them consistent with the American with Disabilities Act (ADA), as many HHS recipients are also covered by the ADA this consistency will improve and simplify compliance.

This rule takes effect 60 days after publication. The current rule remains in effect until that time. If you believe that you or another party has been discriminated against on the basis of race, color, national origin, sex, age, or disability, visit the OCR complaint portal to file a complaint online at: <u>https://www.hhs.gov/ocr/complaints/index.html</u>

## FOUR

Student Borrowers Now Have Until June 30, 2024 to Apply for Loan Consolidation to Get Credit for Progress Toward Loan Forgiveness Programs

<u>The Biden-Harris Administration announced on May 15, 2024</u>, an update on the timing of the payment count adjustment. This administrative fix ensures borrowers get proper credit for progress borrowers made toward income-driven repayment (IDR) forgiveness and Public Service Loan Forgiveness (PSLF). The payment count adjustment is now anticipated to be fully implemented in September 2024. At that time, borrowers with Direct Loans or Federal Family Education Loan (FFEL) Program loans held by the U.S. Department of Education (Department) will see a full and accurate count of their progress toward loan forgiveness. Because of this updated timeline, borrowers with non-federally held FFEL loans who apply to consolidate by June 30 can still benefit from the payment count adjustment. The prior consolidation deadline was April 30.

NSLS's Education Debt Consumer Assistance Program (EDCAP) provides legal assistance to people who are experiencing student debt problems, including unpaid tuition bills, collection actions, and managing federal and private student loans. Assistance is available to student borrowers, parents, and other family members regardless of income. Services may include student loan counseling, litigation defense and representation, and phone advice. Suffolk and Nassau residents please call: 516-292-8100.

## FIVE

Housing Insecurity Prevention Assistance Programs Open

**New Suffolk Department of Social Services Rental Supplement Program** is open for individuals or families experiencing homelessness - <u>Please see flyers</u> with eligibility guidelines for individuals or families with 5 or more.

**Town of Babylon**'s Tenant-Based Rental Assistance Program opened on December 18th, 2023. This program is for extremely low-income households who are in rental arrears to help residents regain housing stability and prevent homelessness. For more information and to apply, <u>please visit Long Island Housing Partnership's website</u>.

**Town of Babylon's** Mortgage Arrears Program opened on February 27th, 2024. The Town of Brookhaven (Town) is making CDBG-CV funds available for low to moderate-income Town of Babylon residents with mortgage arrears incurred due to a COVID-19-related loss of income. Funds will cover a maximum of 6 consecutive months of arrears, subject to a cap of \$50,000, and are paid directly to the lender. For more information and to apply, <u>please visit the Long Island Housing Partnership's website</u>.

Town of Brookhaven's CDBG-CV Covid-19 Rental Arrears Program is now closed.

Tip: Limiting Rent Increases for Manufactured and Mobile Homes- In most cases,

rent increases including the lot rent and any fees or utilities, are limited to 3%, but park owners can raise the rent by up to 6% if the increase is determined to be "justifiable." If the park owner asks for a rent increase that is more than 3%, renters can challenge the increase in court. The judge will determine whether the increase is justifiable. All manufactured home park leases must include a rider regarding tenant rights.

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. <u>Feel free to share our flyer in both English</u>, <u>Spanish, and Haitian-Creole</u>

## **NSLS PRESENTATIONS**

Did you miss any of our *Learn About Law Services* Presentations? Feel free to watch them on <u>our YouTube Channel!</u>

#### PREVIOUS Legal Support Center for Advocates TRAININGS

On March 7th, 2024, the Legal Support Center for Advocates presented "Insights Into Attaining Student Debt Relief." Nancy Nierman of the Community Service Society's Education Debt Consumer Assistance Program (EDCAP) provides expert guidance and essential insights on attaining student debt relief and navigating repayment. During the training, we review repayment options, with a focus on the new SAVE plan, and provide practical solutions and advice for struggling borrowers. We provided an overview of federal forgiveness and discharge options and the One-Time Payment Count Adjustment that grants additional credit toward some of those programs. Please register to view this training.

On March 5th, 2024, the Legal Support Center for Advocates presented "**The Role of An Advocate.**" The Legal Support Center for Advocates and Director of Community Relations, Cathy Lucidi, describes basic tips on how to help clients using a holistic approach. Additionally, we discuss our new CARES Membership and the trainings we plan on offering in person and virtually in 2024. <u>Please register to view this training.</u>

On November 13th, 2023, the Legal Support Center for Advocates presented "The Strategic Guide to Tackling Student Debt." NSLS hosted Nancy Nierman of the Community Service Society's Education Debt Consumer Assistance Program (EDCAP) to provide expert information on formulating a plan to eliminate your student loans. The training focused on repayment options, such as the new SAVE plan and time-limited relief, which may give you credit toward forgiveness programs. In addition, we offered tips on how to navigate the return to repayment. Don't miss this chance to learn how to take advantage of key opportunities available to you within the federal student loan system. Please register to view this training.

On September 8th, 2023, the Legal Support Center presented "Hero's Guide to Strategic Student Loan Repayment." NSLS hosted Nancy Nierman of the Community Service Society's Education Debt Consumer Assistance Program (EDCAP) which provided borrowers with the knowledge and tools needed to conquer their student loans with confidence. We delved into various student loan repayment options, exploring federal forgiveness programs and other relief initiatives available to federal student loan borrowers. Whether you're just starting to repay your loans or seeking ways to optimize your current repayment plan, this webinar is your ultimate guide. <u>Please register to view this training.</u>

On July 13th, 2023, the Legal Support Center for Advocates presented "A Fresh Start: Getting out of Default on your Student Loans." Michelle Kimpson, Consumer Debt Unit Law Graduate, discussed how eligible borrowers who failed to make payments on their federal student loans and now are in default can find multiple options to get out of default.

Please register to view this training.

On June 8th, 2023, the Legal Support Center for Advocates presented "Getting Ready to Unpause: Student Loan Updates and Repayment Options." Consumer Debt Law Project Law Graduate, Michelle Kimpson, discussed the different student loan updates and repayment options that persons with higher education debt can access prior to or once the student loan payments resume this year. <u>Please register to view training</u>.

On May 25th, 2023, the Legal Support Center for Advocates presented **"An Overview of Mental Health Housing on Long Island."** Supervising Attorney, Paola Arango, discussed 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. <u>Please register to view the training.</u>

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. <u>Please register to view the training.</u> <u>The slides can</u> <u>be viewed on our website as well.</u>

Links to all of our prior trainings can be found on our website.

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

### Come Say Hi To Us At These Upcoming May/June Events!



Suffolk County Veterans Resource and Stand Down Event 100 Veterans Memorial Hwy. Hauppauge, NY 11788 Friday May 31, 2024



Long Island Pride Festival and Parade Huntington, NY Sunday June 9th, 2024 12pm to 5pm



We are proud to provide our <u>Winter 2024 Newsletter</u> which features not only our popular "advocacy tips" but also Stories of Justice highlighting the successes of our talented staff.

Learn about our engagement in the community and read client testimonials thanking us for our work. Additionally, check out our special Pro Bono Attorney page, our "Profiles in Commitment," pictures from the 2023 Gala, and NSLS staff and Advisory Council News. Lastly, find out the details for our 2024 Gala. Thank you to everyone who contributed to the newsletter and thanks for reading!





#### Upcoming Community Legal Help Project Dates

During the month of June, our Suffolk Community Legal Help Project will be at the Brentwood Public Library, the Middle Country Public Library (Centereach), the Half Hollow Hills Public Library (Dix Hills), and the Patchogue Library. 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.

**NEW! The Community Legal Help Project has expanded into Nassau County!** We will be at the Nassau County District Court Resource Center in Hempstead, Hicksville Library, Farmingdale Library, Franklin Square Library, and the Long Beach Library in June. To make an appointment or for other legal issues not listed,

please call the Nassau hotline at (516) 281-7422.

Our Community Legal Help Project Flyers are in English and Spanish and can be found on <u>our website</u>.

The Community Legal Help Project seeks volunteer attorneys with experience in matrimonial, family, and immigration law to give half-hour consultations during our library hours. If you are interested, please <u>email us</u> today!

#### Education Debt Clinic

This month our EDCAP (Education Debt Consumer Assistance Program) Staff Attorney will be joining CLHP to provide consultations to Long Islanders with education debt questions. Please see the dates and locations <u>on our flyer</u>.



#### **NSLS Sealing Clinic**

NSLS staff are available to access, review, and verify your RAP sheet (also known as your criminal history record) to see if you are eligible for your criminal records to be sealed and any other re-entry services that will make it easier for you to be employed, find housing and obtain credit. Available for Nassau County residents every 3rd and 4th Tuesday of the month from 10am to 12pm or every 3rd and 4th Thursday of the month from 2pm to 4pm. Please call (516) 292-8100. Feel free to **download and share the flyer.** 





If you or a client is being contacted over the phone by a debt collector, request that they send you whatever they have in writing. It is important to never give personal information, like your social security number, over the phone. Once you receive the letter, you can do more investigation on whether or not you owe the debt alleged. One way of doing this is to request verification of the debt. The debt collector must verify the debt in writing. Whether you agree that you owe the debt or not, you can write what is called a "ceasedunning" letter to the debt collector. This essentially states that you wish for the debt



collector to stop contacting you by phone or in writing. For sample verification and ceasedunning letters, <u>please visit our website</u>.



State ZIP Code

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Sincerely, (Your name and signature)

CERTIFICATE OF MAILING Collection Agency's Name Collection Agency's Address City, State ZIP Code

If income *is* exempt from collection, Long Island residents can use this letter to tell a debt collector to stop contacting you. You can send this letter any time. Sending this letter does not cancel your debt.

> fy the above-referenced debt as required by the Collection Practices Act. Further, my only acome is \_\_\_\_\_\_, which is exempt from ander the Federal and New York Exempt

ide from verification of the debt, do not contact me out this debt. The Fair Debt Collection Practices Act, 15 SC Section 1692c requires that you honor this request. our cooperation will be appreciated.

Consumer Financial Protection Bureau

• Make sure to mail your letter with a certificate of mailing and keep the proof of mailing for your records.

Fill in the name of the company the collection agency says you ove money, and the account number. If you do not know this information, give the collection agency some other information so that it knows what debt you are talking about.

You might want to write a few lines here explaining your situation. For example, you may want to explain the circumstances that led to your falling behind on your bills. You might want to state that you want to pay the bills you we, but cannot afford to pay them at this time. You are not required to give any reason why you cannot or will not pay the alleged debt, but it could be to your benefit.

Send the original letter to the collection agency. You should make at least one copy of the letter. Send one to the company to which you originally word the money. Keep the second copy of the letter for yourself, along with your proof of mailing You may also want to send a copy to these agencies.

Consumer Financial Protection Bureau P.O. Box 4503 Iowa City, Iowa 52244

w is an electronic form of the cease letter, which you may fill out and print. Please complete the letter according to above instructions.

## **VOLUNTEER OPPORTUNITIES**



## LAW SERVICES

# VOLUNTEER LAWYERS make a difference

Thank you for joining us at the Suffolk Pro Bono Project Attorney Recognition Luncheon! Congratulations to all our Pro Bono champions! Your efforts, dedication, and hard work are greatly appreciated. Thank you for all that you do for our community!



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

#### **Nassau County**

#### **Volunteer Lawyers Project**

The Volunteer Lawyers Project is an innovative pro bono program to expand the availability of legal services to Nassau County residents in need. The Project provides an opportunity for attorneys to represent clients and volunteer their time and expertise by providing free legal services. The Volunteer Lawyers Project needs pro bono assistance in the areas of Chapter 7 Bankruptcy, Divorce, Article 17A Guardianships, Health Care Proxies, Name Changes, Power of Attorney, and Wills. Contact: Reisa Brafman, Esq., 516-292-8100 ext. 3380, rbrafman@nsls.legal

#### Bankruptcy Clinics through the Volunteer Lawyers Project

Currently, clinic appointments are one-on-one with attorneys consulting with clients in person, by phone, or virtually. Volunteer attorneys guide those considering bankruptcy, screening for referral to pro bono attorneys for filing of Chapter 7 petitions. This is a limited engagement, though participating attorneys may also be referred cases.

Contact: Reisa Brafman, Esq., 516-292-8100 ext. 3380, rbrafman@nsls.legal

#### Community Legal Help Project

The Community Legal Help Project recently expanded into Nassau County. We are looking for attorneys to provide pro bono half-hour consultations with Nassau County Residents. The areas of law most in need are immigration, family, matrimonial, elder, and bankruptcy. Contact: Roberta Scoll, Esq., 516-292-8100 ext. 3115, rscoll@nsls.legal

#### **Suffolk County**

#### **Pro Bono Project**

The Pro Bono Project is an innovative pro bono program to expand the availability of legal services to Suffolk County residents in need. The Project provides an opportunity for attorneys to represent clients and volunteer their time and expertise by providing free legal services. The Pro Bono Project needs pro bono assistance in the areas of Chapter 7 Bankruptcy, Divorce, Article 17A Guardianships, Health Care Proxies, Name Changes, Power of Attorneys, and Wills.

Contact: Kiersten Bartolotta, Esq., 631-232-2400 ext. 3311, kbartolotta@nsls.legal

#### The Suffolk County Pro Bono Project is now on Paladin!Please take a look at our current volunteer attorney opportunities and connect with us!

#### **Community Legal Help Project**

The Community Legal Help Project (CLHP) is a partnership of legal providers created by the NYS Permanent Commission on Access to Justice and the Suffolk County Access to Justice Committee. The CLHP's network of non-profit partners and pro bono volunteers currently provides legal information and referrals, and limited-scope representation through a phone line and brief in-person consultations at public libraries. Attorneys with a background in immigration, family, elder and/or matrimonial law are needed to assist the community. Volunteer attorneys can dedicate their time monthly, bi-monthly, quarterly, or at their leisure.

Contact: Rashika Hettiarachchi, Esq., 631-232-2400 ext. 3391, rhettiarachchi@nsls.legal

## **2024 Spring Commitment to Justice Reception**

On May 22nd, 2024, we held our Spring Commitment to Justice Reception. Nassau Suffolk Law Services would like to thank all our amazing sponsors, donors, honorees, staff, and supporters for making our 2024 Commitment to Justice Reception a success. Your generosity and support and the presence of all those who attended made for a truly memorable evening. Thank you for helping us bring Compassion and Justice to all!

THANK YOU TO ALL OUR SPONSORS, DONORS AND SUPPORTERS FOR HELPIMOUR BRING

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COMPASS"

#### GIVE AND MAKE A REAL DIFFERENCE TO LONG ISLANDERS 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

Was this email forwarded to you? Stay up to date all year round by <u>signing up for our</u> <u>Legal Lessons.</u>



Nassau/Suffolk Law Services Committee | 1757 Veterans Highway Suite 50 | Islandia, NY 11749 US

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