

October 30th, 2024



Where Dignity Meets Justice

OCTOBER ADVOCACY TIPS

1 Legal Services of Long Island Public Benefits Unit Will Now Provide Advice and Counsel or Representation to Eligible Nassau County Residents

Jacob Mortensen, Esq. from Legal Services of Long Island Nassau Public Benefits Unit provides details on wage and hour violations in the video below. If you are a Nassau County resident and facing any of these issues, please contact Legal Services of Long Island at 516-292-8100.



Medicare Open Enrollment Is Now Happening. Be Aware of Changes in 2025.

2

Medicare Open Enrollment started October 15 and ends December 7. This is also the opportunity for Medicare enrollees to review and change their coverage. (Medicare coverage changes take effect January 1, 2025.) There are many changes happening in 2025 that low-income older adults should know about this year during open enrollment. (1) Changes to special enrollment periods for low-income medicare enrollees (2) Changes to Medicare Part D prescription drug costs starting January 2025 (\$2000 max for out-of-pocket costs) and (3) Potential loss of low-income subsidy or "extra-help" for some medicare enrollees receiving financial assistance for Medicare Part D prescription drug costs. Learn more at Justice In Aging's website dedicated to Medicare.

3

Housing Insecurity Prevention Assistance Programs Open

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, [please visit Long Island Housing Partnership's website.](#)

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, [please visit the Long Island Housing Partnership's website.](#)

Town of Brookhaven's Home ARP Rental Assistance Program opened on August 1, 2024. The Town of Brookhaven (the "Town") Rental Assistance Program (the "Program") provides rental assistance to foster housing stability to "Qualifying Populations". The Long Island Housing Partnership ("LIHP") is administering the Program. Funds are provided through the U.S. Department of Housing and Urban Development ("HUD"), pursuant to the American Rescue Plan. For more information and to apply, [please visit the Long Island Housing Partnership's website.](#)

Tip: After a Warrant of Eviction is entered against a tenant, a sheriff will serve a 14-day notice. If the tenant is unwilling to leave the premises, a sheriff will remove them from the property. It is very important to pay the amount due any time before this to avoid physical eviction.

Legal Services of Long Island, 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](#)

Check out our latest Know Your Rights Tenant fact sheets in English, Spanish, and Creole.

Know your rights: Tenants

LEGAL SERVICES OF LONG ISLAND

Legal Services of Long Island (LSI) is committed to helping people in need assert and secure their rights under the law. Established in 2011, LSI was one of the first Legal Services Corporation programs in New York State. We provide free legal services in thousands of civil/non-criminal cases each year, as well as legal support to community advocates to ensure that people with low incomes and disabilities have equal access to the civil justice system on Long Island.

Types of Landlord/Tenant Cases

- Non Payment:** This type of case is initiated by a landlord to collect unpaid rent.
- Holdover:** This case is seen when the tenant remains in the apartment after the expiration of the lease.
- Post Foreclosure Holdover:** This refers to a situation in which a tenant remains in a property after it has been foreclosed upon and transferred to a new owner.

Notices you may Receive Before a Case is Scheduled for Court

In a non-payment eviction case, the landlord must send a 14-day rent notice before taking the tenant to court. The first notice is a 14-day late rent notice. If the tenant doesn't pay rent after the first notice, they will receive a 3-day rent demand, after which the court case begins, and the notice of petition is served. The holdover eviction process is different as it depends on how long a tenant has lived in the home or the length of the lease. If a tenant has lived in the home less than a year OR leased for less than 1 year, the 30 days written notice is given. If a tenant has lived in the home between 1 and 2 years OR leased for 1 year, the 60 days written notice is given. If a tenant has lived in the home 2 or more years OR leased for 2 years, the 90 days written notice is given. In this case, after the tenant remains in the property after the end of the notice period, the notice of petition is served.

Documents to Bring to Court

- Notice of Petition/Petition
- Receipts of Rent Paid
- Pictures of Habitability Issues
- Lease

www.legalservices.org

The information contained in this material is not legal advice. Legal advice depends upon the specific facts of each situation. Also, this information may have been updated to reflect current information. This information is not intended to constitute an offer of legal services. Finally, this information is not guaranteed to be accurate and is subject to change without notice.

Conozca sus derechos: Arrendatario

LEGAL SERVICES OF LONG ISLAND

Tipo de Arrendador / Caso de Alquiler

- Falta de pago:** este tipo puede ser iniciado por un propietario que no recibe el alquiler pagado.
- Retenimiento:** este caso se ve cuando el inquilino se queda en la propiedad después de la expiración del contrato de arrendamiento.
- Post Surprise Holdover:** Esto se refiere a una situación en la que un inquilino vive en una propiedad después de que ha sido construido y transferido a un nuevo propietario.

Avisos que puede recibir antes de un caso programado para la corte

En un caso de desahucio por falta de pago, el propietario debe enviar 2 avisos tarde antes de que el inquilino sea llevado a la corte. El primer aviso es un aviso de alquiler que no se pagó. Si el inquilino no paga el alquiler después del primer aviso, se recibirá una solicitud de desahucio en un día después de que comience el caso judicial y se entregará el aviso de solicitud de la petición. El proceso de desahucio por retención es diferente, ya que depende de cuánto tiempo haya vivido el inquilino en la casa o de la duración del contrato de arrendamiento. Si un inquilino vive en la casa menos de un año o menos de 1 año, se notifica por escrito con 30 días de anticipación. Si un inquilino vive en la casa con 1 o más años de anticipación, el aviso de 30 días se emite por escrito. En este caso, después de que el inquilino permanezca en la propiedad después del final del periodo de notificación, se notifica la petición.

Documentos para llevar a la corte

- Aviso de Petición / Peticiones
- Recibos de alquiler pagados
- Problemas de imagen Hábitos
- Arrendamiento

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Konnen dwa ou yo: lokatè (moun ki lwe kay)

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Kalite Mèt kay / Ka Lokasyon

- Peman Pa-Pey:** Kalite ka sa innise pa yon mèt kay lokatè ki pa pèman bay la pèman.
- Holdover:** Ka sa sèlè lokatè a rete nan pwopriete a apre lè tan fini pou bay la pèman.
- Aprè Sezè Holdover:** Sa a refere a yon sityasyon kote yon lokatè rete nan yon pwopriete apre yo sezi li pou li transfere ak yon nouvo pwopriete.

Avi ou ka resevwa anvan yon ka pwogram pou Tribinal la

Nan yon ka mete lokatè deyò ki pa preye-perman (eviksyon), mèt kay la dwe voye 2 avi peman an reta anvan yo mennen lokatè a nan tribinal. Premye avi a se yon avi lweye peman. Si yon reta, se lokatè a pa pèman lweye a apre premye avi la. Si yo resevwa yon avi la, yo demann lòd tribinal pou desahucio. Apre yo resevwa lòd tribinal la, mèt kay la dwe voye lòd tribinal pou desahucio. Apre lòd tribinal la, mèt kay la dwe voye lòd tribinal pou desahucio. Apre lòd tribinal la, mèt kay la dwe voye lòd tribinal pou desahucio.

Dokiman pou pote nan Tribinal

- Avi Pètisyon / Pètisyon
- Resi peman lweye
- Foto ki montre pwoblèm
- Kontra lweye

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Fact Sheets on Illegal Evictions in Suffolk County in English, Spanish, and Creole

ILLEGAL EVICTIONS IN SUFFOLK COUNTY AND HOW TO STOP THEM

LEGAL SERVICES OF LONG ISLAND

Sometimes, Suffolk County landlords will try to make a tenant move by doing things that are illegal. For instance:

1. Throw furniture and belongings in the street
2. Remove the doors
3. Picklock the doors
4. Change the locks
5. Turn off the heat or electricity
6. Turn off the water
7. Keep your belongings
8. Threaten to sue, or actually sue you

WHAT TO DO

If the landlord tries to illegally evict you, you must immediately call or go to the police. Immediately, the police will intervene, as outlined in Suffolk County Police Order Number 82. As this order distinguishes between those who have written demands and those who do not, you will have to provide the police with a written demand from the landlord or go as soon as possible to the local police precinct. You must document the removal of the door, the lock change, and the "picklocking" of the door. You should also write up the chain of command there until someone does something.

Nan ka yo eseye eviksyon ilegal, ou dwe kòmanse avètisman imedyat pou yo voye lòd tribinal pou desahucio ilegal. Pou desahucio ilegal, ou dwe voye lòd tribinal pou desahucio ilegal.

In the case of a utility shutoff by the landlord, the tenant can also call the Suffolk County Department of Health Services (800-882-5900) or their local town building department and ask them to intervene.

AFTERSHARDS

If the landlord pulls off an illegal eviction, the tenant can file an Order to Show Cause in their local court and request to be restored to the property (SOPAC, §70(3)). The tenant can sue for three times the damages he/she suffers (SOPAC, §82). Besides the crisis hotline in the tenant should be aware of, there are several other resources available. Pictures of the destroyed property, receipts for additional expenses incurred, witness, police or health department reports, etc.

If the damages are less than \$5,000, the tenant can sue the former landlord in small claims court. If the damages are more than \$5,000, the tenant will have to get a private attorney to sue the landlord. The tenant should be aware that the attorney will require no court costs, but will take a percentage of the amount won for work performed with your Small Claims.

Furnishers, under the recently enacted Statewide Housing Security and Tenant Protection Act of 2019, can sue the landlord for damages up to \$10,000. The tenant should be aware that the attorney will require no court costs, but will take a percentage of the amount won for work performed with your Small Claims.

www.nassauservices.org

DESALOJOS ILEGALES EN CONDADO DE SUFFOLK Y CÓMO DETENERLOS

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A veces, los propietarios del condado de Suffolk intentarán hacer que un inquilino se mueva haciendo cosas que son ilegales. Por ejemplo:

1. Tirar muebles y pertenencias a la calle
2. Borrar las puertas
3. Cierre con candado de las puertas
4. Cambiar las cerraduras
5. Apagar la calefacción o la electricidad
6. Cerrar el agua
7. Guardar sus pertenencias
8. Amenazar con usar, o de hecho usar, la violencia

QUÉ HACER

Si el propietario intenta desalojarlo ilegalmente, debe llamar inmediatamente a la policía. Con su ayuda, la policía intervendrá, conforme se describe en el "Orden de Policía del Condado de Suffolk Número 82". Dado que este orden distingue entre aquellos que han escrito peticiones de desahucio y aquellos que no, tendrá que proporcionar a la policía una petición escrita de desahucio o ir tan pronto como sea posible al departamento de policía local. Debe documentar la remoción de la puerta, el cambio de cerradura y el "picklocking" de la puerta. Debe escribir una cadena de mando allí hasta que alguien haga algo.

Nan ka yo eseye desahucio ilegal, ou dwe kòmanse avètisman imedyat pou yo voye lòd tribinal pou desahucio ilegal. Pou desahucio ilegal, ou dwe voye lòd tribinal pou desahucio ilegal.

En el caso de un corte de servicios públicos por parte del propietario, el inquilino también debería llamar al Departamento de Servicios de Salud del Condado de Suffolk (800-882-5900) o al departamento de construcción de la ciudad que interviene.

DESPUÉS

Si el inquilino logra ir a cabo un desalojo ilegal, el inquilino puede presentar una Orden para mostrar causa en su tribunal local y solicitar que se le restituya la propiedad (SOPAC, §70(3)). El inquilino puede demandar por tres veces los daños y perjuicios que sufrió (SOPAC, §82). Además de la línea de ayuda en crisis, el inquilino debe estar consciente de varios recursos disponibles. Fotos de la propiedad dañada, recibos de gastos adicionales incurridos, testimonio, informes de la policía o del departamento de salud, etc.

If the damages are less than \$5,000, the tenant can sue the former landlord in small claims court. If the damages are more than \$5,000, the tenant will have to get a private attorney to sue the landlord. The tenant should be aware that the attorney will require no court costs, but will take a percentage of the amount won for work performed with your Small Claims.

Furnishers, under the recently enacted Statewide Housing Security and Tenant Protection Act of 2019, can sue the landlord for damages up to \$10,000. The tenant should be aware that the attorney will require no court costs, but will take a percentage of the amount won for work performed with your Small Claims.

www.legalservices.org

DEGÈVIKSYON ILEGAL NAN KONTE SUFFOLK AK KI JAN YO SIANNAN YO

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Statistikman, nan konte Suffolk county prapriete yo yo eseye fè bagay ki ilegal pou yo lakote deyò. Pou egzanp:

1. Mete mèt bay kafè nan lan
2. Borrar pou yo
3. Kachè pou yo
4. Chanje lakay pou yo
5. Remete chofe a owa elektirikite
6. Remete dlo
7. Kenbe zafè pou yo
8. Menase pou yo, owa aktyèlman fè yo menase

KISA POU WÈ

Si mèt kay la eseye mete yo deyò ilegalman, ou dwe kòmanse avètisman imedyat pou yo voye lòd tribinal pou desahucio ilegal. Pou desahucio ilegal, ou dwe voye lòd tribinal pou desahucio ilegal.

Nan ka yo eseye eviksyon ilegal, ou dwe kòmanse avètisman imedyat pou yo voye lòd tribinal pou desahucio ilegal. Pou desahucio ilegal, ou dwe voye lòd tribinal pou desahucio ilegal.

APRE SA

Si mèt kay la eseye lakote deyò ilegalman, lakote a ka kòmanse avètisman imedyat pou yo voye lòd tribinal pou desahucio ilegal. Pou desahucio ilegal, ou dwe voye lòd tribinal pou desahucio ilegal.

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In New York State, when a person turns 18 years old, they are assumed to be legally able to make decisions for themselves. This means that no other person is allowed to make personal, medical, or financial decisions for them. This may present a problem if the person is intellectually or developmentally disabled and has difficulty making decisions for themselves.

4

If you are concerned about the well-being of an intellectually or developmentally disabled person who is 18 or over (or about to turn 18), you may want to consider asking the court to appoint an Article 17-A guardian. An Article 17-A guardian is someone who is appointed by a Surrogate Court judge to help protect the interests of an intellectually or developmentally disabled adult and make decisions for them, when they are unable to do so for themselves.

[Learn more about the Suffolk County Pro Bono Project's Clinic for Advice, Counsel, and Information on 17A Guardianships for Parents/Caretakers.](#)

LEGAL SUPPORT CENTER FOR ADVOCATES



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TRAINING

October is Domestic Violence Awareness Month. Join Legal Services of Long Island's Legal Support Center for Advocates on October 30th at 1pm for "**Knowledge is Power: Legal Steps After a Domestic Violence Incident.**" Supervising Attorney Larry Tuthill will discuss orders of protection, child custody orders, and how to be evaluated for services by the Suffolk County Domestic Violence Project. [Please register for this Legal Support Center for Advocates training taking place on October 30th, 2024, from 1:00pm-2:00pm.](#)

Legal Services of Long Island's Legal Support Center for Advocates presents "**Know Your Rights: Contemporary Issues in Education**" on Tuesday, November 12th, from 1 pm to 2 pm. LSLI Education and Disability Rights Project Attorneys will discuss steps in the special education classification process, independent educational evaluations, and the declassification procedure of a student with an IEP. Further, we will discuss the school procedure for disenrolling a student, the rules regarding school attendance in New York, and what to do when your child is being bullied in school. [Please register for this training taking place on November 12th from 1 to 2 pm.](#)

Did you miss our past LSCA presentations? Check them out today!

On October 17th, 2024, Legal Services of Long Island presented "**Know Your Rights About Medical Debt.**" Supervising Attorney Sharon Campo provided medical debt updates and reviewed ways to prevent and combat medical debt. [Slides can be accessed on our website.](#) [Please register to view this training.](#)

On September 13th, 2024, The Legal Support Center for Advocates presented "**Understanding the Importance of Advanced Care Directives**". We discussed basic advanced care directives you or your clients may need while planning for their future. Also, learn how you or your clients may be eligible to attend our upcoming Advance Care Planning Clinic. [Slides can be accessed on our website.](#) [Please register to view this training.](#)

On August 28th, 2024, the Legal Support Center for Advocates presented "**Empowering Your Future: Managing Student Loan Debt.**" Nassau Suffolk Law Services' Legal Support Center for Advocates welcomed Nancy Nierman of the Education Debt Consumer Assistance Program (EDCAP). Ms. Nierman provided updates on the current student loan landscape including repayment options and other ways to discharge your student loans. EDCAP is a

program of the Community Service Society of New York. [Slides can be accessed on our website. Please register to view this training.](#)

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. [Please register to view this training.](#)

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.](#)

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

Did you miss any of our *Programs of Legal Services of Long Island* Presentations? Feel free to watch them on [our YouTube Channel!](#)

UPCOMING EVENTS

17-A Guardianship Clinic

In Suffolk County, our Suffolk County Pro Bono Project is teaming up with volunteer attorneys to provide eligible low-income Suffolk County residents with advice counsel and information on 17-A Guardianships to Parents/Caretakers. Spread the word by [downloading our flyer.](#)

Once a client is determined eligible, they can meet with a volunteer attorney to ask questions and receive advice and counsel on the 17-A Guardianship process.

Interested Suffolk County residents should call [\(631\) 232-2400](#) ext. 3331 by December 1st. Clients should leave their name and contact information and we will get back to them to set up an eligibility intake appointment.

After an intake appointment is completed and eligibility is determined, clients will be invited to the advance planning clinic in December which will be conducted in person at our Islandia office. If you or your clients have any questions, please email



FREE UPCOMING LEGAL CLINIC

Advice, Counsel and Information on

17A Guardianships for Parents/Caretakers

Legal Services of Long Island is hosting a FREE Advice and Counsel Clinic in December of 2024 for eligible low-income Suffolk County residents at our Islandia office.

Once a client is determined eligible, they can meet with an attorney to receive advice and counsel about the 17A Guardianship process. Clients can ask questions and get feedback about their specific situation on how to file a 17A Guardianship for their intellectually or developmentally disabled child. This clinic is appropriate for parents of disabled children aged 17 years old or older.

Interested Suffolk County residents should call [631-232-2400](#) ext. 3331 by December 1, 2024 to be screened for eligibility.



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Suffolkprobono@legalservicesli.org and include the words "Advance Planning Clinic" in the subject line.

Interested in volunteering? If you are an admitted attorney and are interested in volunteering for the clinic, please contact Sharon Campo at scampo@legalservicesli.org.



SUFFOLK COUNTY BAR ASSOCIATION'S
PRO BONO PROJECT IS HOSTING
A FREE LEGAL CLINIC FOR VETERANS

THURSDAY, NOVEMBER 7TH
10:00 A.M. - 2:00 P.M.

FREE LEGAL HELP WITH:

Veterans Rights	Divorce
General Disability	Child Support
Power of Attorney	Public Benefits
Health Care Proxy	Taxes
Guardianship	Bankruptcy
Taxation	...and more!

**SUFFOLK COUNTY
BAR ASSOCIATION
560 WHEELER ROAD
HAUPPAUGE, NY 11788**

**TO SCHEDULE AN APPOINTMENT WITH A LAWYER
ON NOVEMBER 7th: EMAIL VETS@SCBA.ORG**

Join Legal Services of Long Island's Veterans Rights Project and other Veteran's organizations at the Suffolk County Bar Association's Free Legal Clinic for Veterans on **Thursday, November 7th from 10 am to 2 pm**. The clinic will be held at the Suffolk County Bar Association, 560 Wheeler Road, Hauppauge, NY 11788. Email vets@scba.org to make an appointment with a lawyer at the clinic on November 7th.

Upcoming Community Legal Help Project locations, dates, and times for Nassau and Suffolk County can be found on our website.

Did you hear our exciting news? **Nassau Suffolk Law Services is now Legal Services of Long Island**, highlighting our role as the region's largest non-profit provider of free civil legal assistance, fighting for our most vulnerable neighbors in our local justice systems, and advocating where you need us most. While our name has evolved, our mission remains the same: to provide unwavering legal support.



[LEGALSERVICESLI.ORG](https://legalservicesli.org)

WHERE DIGNITY MEETS JUSTICE



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Join Nassau Suffolk Law Services as we continue to illuminate pathways to justice under our new name, **Legal Services of Long Island (LSLI)**. Help us guide our communities and neighbors in need towards accessible free legal services for all.

[Watch Us Evolve](#)



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Legal Services of Long Island is a 501(c)(3) and your donation is 100% tax-deductible. Join us in our mission to provide free, quality civil legal representation to Long Island's neediest residents.

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